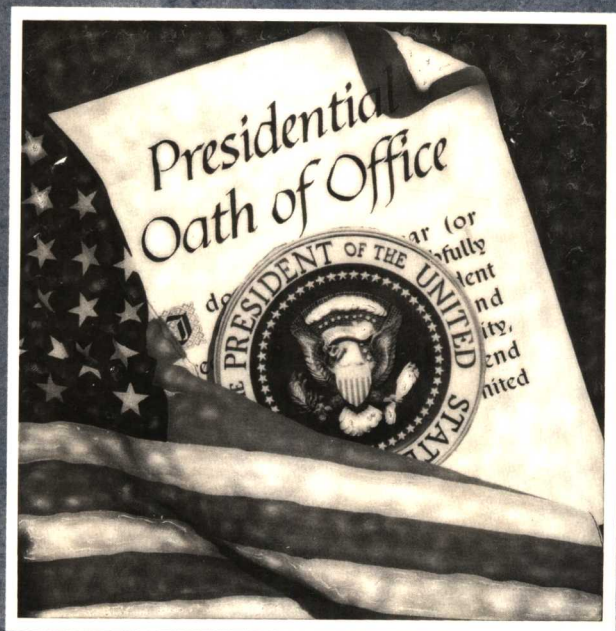

The MODERN PRESIDENCY



JAMES P. PFIFFNER

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Preface

In 1933, Franklin Roosevelt had only a few aides to help him draft and shepherd into law his famous “100 Days” legislative agenda. In 1992 there were more than 500 people in the White House Office, 1,800 in the Executive Office of the President (which includes the White House Office), and a total of more than 3,500 serving the president and the White House more broadly. In the 1930s, there were fewer than 150 presidential appointees to manage the executive branch. In 1992 there were more than 600, and many more if part-timers were included. In the 1930s and 1940s, the aides to the president were most often generalists. In the 1980s, the presidency comprised a congeries of complex bureaucracies filled with specialists.

This book was written to try to explain how we got here from there. As an introduction to the presidency, it does not attempt to describe or explain all aspects of the office. Rather, its purpose is to focus on the transformation of the presidency from a small group of advisers to a large collection of bureaucracies supporting the president. Thus, the emphasis is not so much on the president as a person but on all of the supporting people and institutions; what some have called the “presidential branch,” to distinguish it from the rest of the executive branch over which the president presides.

The intended audience of this book is those who want a concise overview of the modern presidency, with special attention to how we got from the small staff of Franklin Roosevelt to the many bureaucracies of the contemporary White House.

In analyzing the transformation of the modern presidency, the book considers the changes in the nomination/election process as the citizenry has become more involved through primary elections. The president’s relationship to the public has also been transformed through sophisticated presidential use of modern communications technology. The techniques and institutions of White House communications are analyzed.

The book is based on the premise that advisers, organization, and institutions make a difference. If the presidency is well-organized, the president is more likely to be successful. Poor administration can lead to blunders or disaster. Separate chapters are devoted to organizing the White House staff

and choosing whether to appoint a chief of staff or operate on a more collegial basis. The institutionalization of White House functions in the Executive Office of the President is traced, and the gradual replacement of cabinet secretaries by White House staffers as the primary advisers to the president is explained.

The president still must deal with Congress, which has sufficient power to frustrate presidential intentions, particularly during periods of divided government (when the two branches are controlled by different political parties). Two chapters deal with presidential relations with Congress and examine more and less effective ways to promote the president's agenda in the domestic and national security arenas.

Finally, the problems of abuse of power and presidential reputation are considered. The modern presidency has seen disturbing instances of overreaching by presidents and striking examples of changing presidential reputation.

This book has benefited from the generosity of others. I would like to thank Don Reisman of St. Martin's Press, who originally proposed the idea to me, for his enthusiasm and encouragement, and Rich Wright of Omega Publishing Services, who demonstrated a high level of professionalism in his editing and production management. Thanks also to Ron Geisler, executive clerk to the president since 1981, and his staff for helping me to understand the operation of the presidency, particularly the appointments process. My colleagues Paul Baker and Jane Long were generous in their research support. Louise White, chair of the Department of Public and International Affairs at George Mason University, helped me considerably with my teaching schedule. I would also like to thank several reviewers whose comments led directly to improvements in the manuscript as it developed: Thomas J. Baldino, Juniata College; Cary R. Covington, The University of Iowa; William W. Lammers, University of Southern California; Harold W. Stanley, University of Rochester; Mary E. Stuckey, The University of Mississippi; and David Welborn, The University of Tennessee—Knoxville. Finally, I would like to express my appreciation for the love and support from my wife, Deb, throughout the writing of this book and for the past fifteen years. I am also grateful for the careful attention of our children, Megan Cyr, Katherine Courtney, and Morgan Meehan, who made sure that I did not become too lonely when I was writing in my office.

James P. Pfiffner

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One

THE PRESIDENCY: ORIGINS AND POWERS

The American presidency has undergone an amazing transformation in the last half of the twentieth century. Presidency scholars distinguish between the “traditional presidency,” from 1788 to 1933, and the “modern presidency,” from 1933 to the present.¹ The metamorphosis began with the presidency of Franklin Roosevelt and his presiding over major historical developments in the United States and the rest of the world through four elections.² The Roosevelt era marked the transformation of the presidency from a small, personalized office to a collection of specialized bureaucracies with hundreds of professional staffers. This book will examine the major elements of the modern presidency with special attention to the causes and consequences of the transformation from the traditional to the modern presidency.

Three broad themes will be explored. Chapters One and Two will examine the changing relationship between the president and the American people. The presidency is now much more closely linked to the people through their right to vote in primary elections. But even more striking is the familiarity people feel with the chief executive because they see the president on television virtually every day of the year. Chapters Three, Four, and Five will trace the growth of the presidency, its institutionalization, and its increasing control of the executive branch. Finally, Chapters Six, Seven, and Eight will explore the limits on presidential power inherent in the separation of

¹ See Fred I. Greenstein, “Nine Presidents In Search of a Modern Presidency,” in Greenstein, ed., *Leadership in the Modern Presidency* (Cambridge: Harvard University Press, 1988), pp. 296–352. See also John Hart, *The Presidential Branch* (New York: Pergamon Press, 1987); Malcolm Shaw, ed., *The Modern Presidency: From Roosevelt to Reagan* (New York: Harper & Row, 1987). Some scholars have also argued that we have entered an era of the “postmodern presidency.” See, for example, Richard Rose, *The Postmodern President*, 2d ed. (Chatham, NJ: Chatham House, 1991); and Ryan Barrileaux, *The Post-Modern Presidency: The Office After Ronald Reagan* (New York: Praeger, 1988).

² Fred I. Greenstein, “Change and Continuity in the Modern Presidency,” *The New American Political System* (Washington: American Enterprise Institute, 1978), pp. 451–481.

powers system and how the balance between the two branches of government has shifted over the course of the modern presidency.

Franklin Roosevelt's twelve years in office saw the Great Depression challenge the newly industrialized nation and threaten the viability of a capitalist economy that had become one of the most powerful in the world. After weathering the depression, the U.S. economy was jolted into high production by the demands to mobilize for World War II. When the war ended the United States assumed world economic leadership, helped design Japan's postwar recovery and, with the Marshall Plan, invested huge amounts of capital to rebuild Europe. The United States came out of the war as leader of the victorious allies and the sole possessor of the awful power of the atomic bomb.

The experience of the Great Depression led the U.S. public to demand a more positive governmental approach to the economy, and the Employment Act of 1946 embodied those expectations. The country modified the laissez-faire doctrine of minimal entanglement of government policy with the economy and determined to smooth out the economic cycles of boom and bust. The National Security Act of 1947 created a unified Department of Defense, a Joint Chiefs of Staff, and the Central Intelligence Agency. The national security policy institutions that would deal with the coming Cold War, as well as several hot wars, were in place by 1950. The domination of the world by the two super powers and the aspirations of the emerging lesser developed nations transformed international relations. At the same time, communications technology made possible instantaneous world-wide communication and provided the ability to reach mass audiences through radio and television.

These historic changes in international relations and technology were reflected in the office of the presidency. Just as the world would never be the same after the Great Depression, World War II, and the advent of modern communications, neither would the presidency. As the office adapted to the new realities of the mid-twentieth century, the capacity of the presidency to lead a much larger national government had to be enhanced. But the changes of the 1930s and 1940s merely laid the groundwork for the full development of the modern presidency. Since then the institutional capacity of the office has been transformed beyond the dreams of Franklin Roosevelt.

The Framers' deliberations over the nature of the presidency demonstrated their desire not only to avoid the dangers of executive tyranny (such as King George III) but also to moderate the potential for legislative extremism (such as inflating the money supply). They created an executive office that balanced legislative power but that was, because of the electoral college, removed from the people. One of the primary dynamics of American history over two centuries has been the creation of more direct links between the president and the public, beginning with the transformation of the presidential selection process.

The nominating system has been changed from a process dominated by political parties to one driven by primary elections. The proliferation of primaries led to the development of candidate-centered election organizations that raise their own money and conduct their own campaigns. Political parties, which used to dominate presidential politics, are now clearly subordinate to presidents and presidential candidates. But the rise of the candidate-centered organization and the relative decline of political parties has made the process of governing much more difficult. Presidents must knit together their own governing coalitions rather than depend on traditional party coalitions.³ Presidential elections have been democratized over the last two centuries, with a much larger definition of citizenship than the Framers envisioned. But presidential election outcomes are still subject to the constitutional constraints of the electoral college. Modern presidents have also made deliberate use of modern communications technology to appeal directly to voters and to circumvent the traditional intervening filters of reporters and opinion leaders. The democratization of the presidency and the development of White House capacity to exploit the new communications technologies will be explored in Chapter Two.

As the size and complexity of the government grew, so did the dependence of the president on a more professional White House staff. The White House staff has done more than grow in size from a few informal, generalist aides to FDR to the highly specialized and bureaucratized White House Office of more than 500 staffers of the 1990s. The White House staff now has the capacity, in terms of expertise and power, to initiate policy in all areas of presidential concern. It even has the capacity to carry out presidential priorities, which has been valuable at times but also can lead to trouble for the president.

The transformation of the White House can be illustrated by comparing the contemporary White House bureaucracy with FDR's White House. According to Joseph Alsop:

There literally was no White House staff of the modern type, with policy-making functions. Two extremely pleasant, unassuming, and efficient men, Steve Early and Marvin McIntyre, handled the president's day-to-day schedule and routine, the donkey-work of his press relations, and such like. There was a secretarial camarilla of highly competent and dedicated ladies who were led by "Missy" LeHand. . . . There were also lesser figures to handle travel arrangements, the enormous flow of correspondence, and the like. But that was that; and national policy was strictly a problem for the president, his advisors of the moment (who had constant access to the president's office but no office

³ See Lester G. Seligman and Cary R. Covington, *The Coalitional Presidency* (Chicago: Dorsey Press, 1989).

of their own in the White House), and his chosen chiefs of departments and agencies.⁴

The growth in White House staff since FDR has been both a boon and a bane to presidents. Presidents now have the ability to do things in the White House that used to be done in other agencies in the executive branch (e.g., foreign policy, trade policy, legal advice) or by political parties (e.g., personnel recruitment or public liaison).

The White House staff is now so large that it needs a formal, hierarchical organization. The argument of Chapter Three is that ever since the growth of the White House staff under Richard Nixon, the president has needed a chief of staff to organize the White House. But the corollary to that lesson is that a chief of staff who attempts to control too much (i.e., Sherman Adams, H. R. Haldeman, Donald Regan, or John Sununu) will lead to major problems, if not disaster.

While the large White House staff gives presidents a depth of policy and political advice that was not available before, it does not guarantee the quality of that advice. A large staff also creates the danger that White House aides will go off on their own, doing what they imagine is in the president's best interest. Without careful monitoring, this extended White House staff can lead to disaster as it did in the Watergate and Iran-Contra affairs.

The increase in governmental programs and the large number of agencies created during the New Deal resulted in a fragmented system that FDR tried to rein in through the proposals of the Brownlow Committee for more presidential power. The long-term result of the Brownlow proposals was an increasingly centralized capacity to control the executive branch from the White House; a trend that increased in momentum after 1960.

The offices and procedures that presidents created in the 1950s and 1960s soon became institutionalized. Elements of this include an elaborate and more centralized national security apparatus, an enhanced office of communications, a large legal counsel's office, a professionalized Office of Presidential Personnel, a legislative liaison capacity, and others. This growth in capacity has occurred because presidents do not want to depend on the rest of the executive branch for advice. They want immediate response from people they trust implicitly, and they want the capacity available in the White House, not in cabinet departments.

But this capacity has set the presidency apart from the rest of the executive branch, over which the president presides as chief executive officer. Scholar Nelson Polsby argues that the single most important development during the modern presidency has been "the transformation of the American presidency from a position of leadership of the executive branch

⁴Joseph Alsop, *FDR: 1882-1945, a Centenary Remembrance* (New York: Washington Square Press, 1982), pp. 92-93.

to the centerpiece of what can now sensibly be called a separate and distinct branch of government—the presidential branch.”⁵ In this new manifestation of the presidency it “sits *across* the table from the executive branch at budgetary hearings, and . . . imperfectly attempts to coordinate both the executive and legislative branches in its own behalf.”⁶

This “presidential branch” includes the White House Office and the Executive Office of the President (EOP). Chapter Four examines these units in general and traces the development of several subunits in the EOP. The original purpose of these offices in the presidency was to coordinate executive branch policy and provide expert advice to the president. But as the offices became institutionalized, presidents came to depend on them as tools to control the expanding executive branch. Once an office was created to perform certain important functions, the performance of those functions persisted across presidential administrations. Regardless of changes in name, the offices have grown in staff resources and importance, and it is argued that contemporary presidents are not free *not* to have these functions performed. They are essential to the operation of the contemporary presidency. This increased EOP capacity has given presidents the opportunity to shape the national agenda and initiate policies as never before, but it has also created a large bureaucracy that must be policed so that it is doing what the president wants and no more.

The cabinet, from Washington’s time on, has traditionally been the primary advisory body to the president. Chapter Five analyses the president’s cabinet and how its influence has declined in recent decades. While different presidents have used their cabinets to a greater or lesser extent, all presidents have called cabinet meetings to ask advice and to communicate with their top appointees. Cabinet secretaries, being the top line officers of the government, are legally in charge of their departments and have broad leeway in carrying out the priorities of their presidents’ administrations. But in the 1960s and 1970s, presidents began to centralize policy control in the White House and relegated cabinet secretaries to a distinctly subordinate role, compared with the previous 150 years of the Republic. While the relationship of some cabinet secretaries to their presidents has enabled them to maintain their traditional relative independence, most cabinet secretaries now must accept the fact that they will enjoy little access to the president and that White House staffers will probably have more influence over policy in their areas of jurisdiction than they have.

The cabinet as a deliberative body has lost its role as primary adviser to the president, but cabinet secretaries still play important roles in the pres-

⁵ Polsby, “Congress, National Security, and the Rise of the Presidential Branch,” in Howard Shuman and Walter Thomas, eds., *The Constitution and National Security* (Washington: NDU Press, 1990), p. 202.

⁶ Nelson Polsby, “Some Landmarks in Modern Presidential-Congressional Relations,” in Anthony King, *Both Ends of the Avenue* (Washington: AEI Press, 1983), p. 20.

idency. Each administration also depends on the quality of the hundreds of presidential appointees in the subcabinet. Chapter Five examines the recruitment of these appointees and their often uneasy relationship with the career civil servants who implement the laws and carry out the president's directives.

To deal with the economic crisis of the Great Depression, Franklin Roosevelt used his first 100 days in office to push through Congress a series of laws that began the New Deal. This presidential leadership and congressional cooperation in major policy changes was unprecedented in scope and volume. The president would henceforth be the country's chief legislator. In contrast to the traditional presidency, each president now has an annual legislative agenda and a professional legislative liaison team in the White House. Chapter Six examines how this operation grew from a one-person specialty in the late 1940s to a fully professionalized office in recent decades, and more generally examines the relationship between the president and Congress. While the president can take some actions independently, most of the major policy initiatives of any administration require congressional action. After examining the constitutional and political fundamentals of this relationship, the chapter looks at what presidents can do to maximize their chances of winning congressional approval of their legislative proposals. Most of the time during the second half of the twentieth century inter-branch relations endured the frustrations of divided government; that is, when one political party holds the presidency and the other controls one or both houses of Congress. The conclusion of the chapter is that, despite presidential domination of the executive branch, and often of the national agenda, Congress still plays a major balancing constitutional role.

The constitutional designation of the president as commander in chief of the armed forces has made the president the primary national leader in national security policy throughout the history of the Republic. The president's national security role was enhanced by the Cold War and the National Security Council (NSC) staff in the White House. The role of Congress, never preeminent in foreign policy, was further reduced by the president's new capacity. The president's power, however, was balanced by the congressional authority to declare war.

Chapter Seven examines the war power in the modern presidency and the shift of power toward the president, to the point where President Bush argued that he did not need congressional approval to initiate war in the Persian Gulf. In addition to increasing claims to constitutional powers, the presidency has had, beginning in the 1960s, the capacity in the White House NSC staff to coordinate and dominate national security policy-making, sometimes to the partial exclusion of the State and Defense Departments. The domination of the war power by the president, however, has not precluded active congressional intervention in other areas of defense and foreign policy.

In Chapter Eight, the book turns to the potential for corruption and abuse of power in the White House. The Framers were acutely aware of the dangers of the corrupting temptations of power; they believed Lord Acton's axiom that power corrupts. Since those holding governmental power are not angels, the Framers designed a government in which each branch would have the motive and necessary means to resist any undue concentration of power in another branch. There have been instances of corruption at high levels in the U.S. government, but this chapter examines the two most dangerous scandals: the Watergate incidents that led to President Nixon's resignation and the Iran-Contra affair of the Reagan Administration. The results of each of these scandals were mitigated by the countervailing actions of the Congress in its investigations of the executive branch.

The negative consequences of these incidents on the reputations of the two presidents involved leads into a discussion of the public approval and historical reputations of the modern presidents. In some cases, contemporary public approval and historical reputation are in general agreement. In other cases, presidential reputations undergo reevaluation several decades after their terms in office. The historical reputations of Presidents Truman and Eisenhower have each improved markedly in recent decades. The reasons for these vagaries of presidential reputation are explored.

The book ends with the observation that, encouraged by the overpromising of presidential candidates, voters have come to hold high expectations of how effective presidents can be in solving very complex social and economic problems facing the country. When these high expectations are not met, as they seldom are, citizens can easily become cynical. If citizens would have more realistic expectations and presidential candidates would moderate their promises, we might have a better appreciation of the possibilities of presidential leadership in a limited government of separated powers.

ORIGINS OF THE PRESIDENCY

The Framers' ideas about executive power were heavily influenced by the colonial experience and their familiarity with European history. The lessons they drew from this experience led them to distrust executive power, at least when it was unchecked. They suspected that any chief executive, if unfettered, would likely degenerate into tyranny.

The experience under King George III and his colonial governors was not a happy one for the colonists, who finally revolted against British control. Many of the royal governors abused their powers and gave short shrift to the colonial assemblies who represented the new settlers. The British monarch did not endear himself to the colonists when he imposed oppressive taxes, one of which led to the Boston Tea Party. The Declaration of Independence declared: "The history of the present King of Great Britain is

a history of repeated injuries and usurpations, all having indirect object the establishment of an absolute tyranny over these states.”

This experience might have led the Framers to create a Constitution that severely restrained executive power and gave most governmental powers to a legislative body. The reason that this did not happen was their experience during the Articles of Confederation period. Neither the performance of the Continental Congress nor of the state assemblies was entirely satisfactory in the judgment of the Framers.

Because of the fear of tyranny, most states had dominant legislatures and weak executives who were chosen by the legislatures for one-year terms and who were often constrained by an executive council. This led to inefficient state governments that occasionally abused their powers and threatened property rights or inflated the money supply.

But perhaps more important in the Framers' minds was the immediate experience with the weak central government under the Articles of Confederation. The national government was run by the Continental Congress but had no independent executive. Each state had between three and five delegates to the one-house legislature who could exercise one vote per state. The powers of the central government were restricted to those that were clearly national, including the authority to conduct war, make foreign policy, negotiate treaties, create a postal service, and regulate money. But the ability to make foreign policy was put at risk when Great Britain threatened to negotiate the end of the Revolutionary War with each state, independently, rather than with the central government.

The power to regulate money was limited by the central government's inability to impose taxes on the states; it could merely assess charges against the states but could not force payment. The national debt was increasing and the economy was doing poorly, but the states often refused to recognize each other's currency and imposed tariffs over goods coming into the states from the others. These were serious problems that the central government did not have the authority or power to solve. Contributing to all of these difficulties was the lack of an independent executive to take vigorous action to address any of the problems.

Thus, when delegates from five states met in Annapolis to deal with the problem of trade among the states they decided to propose a broader convention, and the Continental Congress decided to call a convention in May of 1787 in Philadelphia. When the Framers met in the Constitutional Convention in May of 1787 they brought with them a shared ambivalence about executive power, but most were convinced that the governing structure of the states had to have a stronger executive than either the separate states or the central government had up to that point. Some Framers were suspicious of an executive with too much power and all were leery of popular opinion in the states, which was still very hostile to executive power because of the