

# MANAGING THE PRESIDENCY



SHIRLEY ANNE WARSHAW

# The Keys to Power

## *Managing the Presidency*

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# Preface

The concept for *The Keys to Power: Managing the Presidency* emerged from several students who wanted to know why we skipped around during class from one textbook to another. My course on presidential decision-making utilized a number of different textbooks, in addition to the standard literature on the presidency, in order to ensure that we covered the wide range of material that I wanted to cover in class. I was particularly interested in analyzing the institutional resources available to the president for policy-making and policy implementation. These institutional resources included the vice president, the cabinet and the departments, the White House staff, and the Executive Office of the President. Few textbooks examine the role of these significant institutional resources in presidential decision-making.

The modern presidency is quite different, as this textbook makes eminently clear, from the presidencies of past generations. The modern presidency has enormous institutional resources available to it for national problem solving. At no point in American history has the presidency been as powerful as it is today, largely due to the breadth of financial, informational, and staffing resources available within the executive branch. The president guides the nation's policy agenda, serves as the nation's chief diplomat and commander in chief, and oversees a workforce of three million people and a budget that exceeds \$1.7 trillion. The success of presidential leadership in each of these endeavors is largely due to the resources within the executive branch.

Another important aspect of presidential leadership presented in this textbook is the politics of personal relations. The media constantly refers to the politics of "the beltway," referring to the small group of people within the Washington, D.C., political community, and the politics "outside the beltway." I suggest that the media is quite right with this analysis, in that presidents must deal with two sets of variables in their political interactions. The first set of variables involves beltway politics. Legislative leaders within both parties must be courted to ensure that presidential initiatives are moved swiftly through the labyrinth of the legislative process. Presidents must astutely build adequate support on Capitol Hill and throughout the special interest groups to ensure such legislative success. Building personal relationships among the party leaders in Congress, for example, is critical to successful legislative agendas for the president.

The second set of variables involves a strategy to build support outside of the beltway. This strategy focuses on building public opinion in favor of presidential goals and objectives, which ultimately puts pressure on beltway politics. Presidents again must use the personal touch in developing the levels of public support they need for their policies and will employ such tactics as fireside chats on national television, a series of speeches across the country to reinforce the importance of a particular policy, and a constant process of goodwill activities, such as hosting the World Series champions or the Women's World Cup team at the White House. At no point does the president stop using the resources of the presidency to build public support for presidential policies, including determining what vacation site would present the best image of the president. In

the summer of 1996, for example, President Clinton's political advisers recommended that the Clinton family vacation in the scenic mountains of Wyoming. The logic behind this recommendation was that most Americans identified with vacationing in outdoor settings, particularly in such beautiful, often rustic, areas. Political research had shown that many Americans felt little in common with a president who retreated to his own estate on the ocean, such as President Bush had in Kennebunkport, Maine, or as President Clinton had in visiting an estate on Martha's Vineyard.

The conclusion that this textbook reaches is that presidents can be successful if they effectively utilize the vast resources of the institutional presidency and effectively create a personal political strategy that reaches both within the beltway and outside of the beltway. It is a complex intersection of personal relations, agenda-setting, political strategy, and management expertise. Presidential leadership is in reality the effective management of the personal and institutional resources, the "keys to power," upon which the president can draw.

## Acknowledgments

In preparing this book I am indebted to many people who worked tirelessly to help me complete the research, writing, and editing. I spent approximately three years writing this book, the first two years devoted to assembling the mountains of information that were needed and the last year devoted to crafting the final document. Research and editing assistance was provided by a number of outstanding Gettysburg College students, including Tim Peltier, Paul Redfern, Geoff Gosselin, Rachel Hanson, John Dunlap, John Nastasi, Dave Wiseman, Chris Warshaw, and Cammie Grant. In addition, Kim Tracy, who is currently studying at Tulane Law School, was instrumental in helping me with some of the earlier research for this book. I have to single out Chrissy Shott, however, who spent two years on the research and editing, plus oversaw creating the index. Jamee Conover and Karen Goldberg, who manage our Department of Political Science office, provided constant support in technical assistance. At Addison Wesley Longman, I am indebted to my editor, Eric Stano, who has been a dynamic influence on this work and who has constantly supported every phase of its development, and to Susan Free of York Production Services, who oversaw the many details in the production stages. I also appreciate the feedback I received on the manuscript from reviewers: Kevin Corder of Western Michigan University, Cary R. Covington of the University of Iowa, John R. Greene of Cazenovia College, and Robert Spitzer of SUNY-Cortland. Needless to say, the development of this book was a team effort, and I am deeply grateful to each and every one who worked so hard putting this manuscript together.

I also want to thank my wonderful family, who provide unlimited and unending support. This is my fifth book, so my family has been through the pain of my writing books several times before. But they have never complained and always cheerfully supported everything that I have done. I love them dearly and dedicate this to my very special husband, Allen, and three terrific children, Chris (19), Andy (16), and Bobby (10). I hope that now I can get to more soccer games and visit Chris in college in Massachusetts more often.

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August 1999

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# INTRODUCTION

During the summer of 1787 when the framers of the Constitution were debating how to structure the national government, the primary debates focused on whether to reform the Articles of Confederation and Perpetual Union or to abandon the Articles of Confederation altogether and create a new national government. Once that debate had been resolved in favor of creating a new national government, the framers focused their attention on how to structure the legislative branch to ensure that both the small states and the large states were adequately represented. Only after these two key issues had been resolved did the framers turn to the issue of the executive branch. They concluded that the primary task of the president should be executing the laws and that the president should have relatively little power. In order to ensure that the president's power was indeed weak, one group at the constitutional convention argued for a plural executive rather than a singular executive. Under this plan, a group of people would oversee the executive branch rather than any one individual.

After a good deal of discussion on the merits of a plural executive, Alexander Hamilton convinced the members that the executive function must be held by a single individual rather than by a group of individuals. His argument rested on the necessity for quick and decisive action in time of war, which a process of collective decision making in a plural executive would render impossible. Once the key issue of plural versus singular executive had been resolved in favor of a singular executive, the debates moved to the issue of the powers of the president. Having only eleven years earlier shed the bonds of tyranny, the framers were not eager to create any form of government that gave significant power to the chief executive. Their intent in creating the presidency was to forge an office that was a combination of ceremonial head of state and manager of the executive branch. At no point in the deliberations on creating the new tripartite government did the framers intend for the president to operate independently of the Congress. Such independence in decision-making reminded many in 1787 of the abuses of King George III that had been so carefully chronicled by Thomas Jefferson in the Declaration of Independence. The framers intended for the president's powers to be muted in order to ensure that the president could not become a king or a tyrant.

The effect of this decision by the framers to mute presidential power was evidenced by the lengthy list of powers granted to Congress in Article I of the Constitution and the rather slim list of powers granted to the President in Article II. Throughout most of American history presidents have viewed this limited delineation of powers in Article II as an absence of power within the institution of the presidency. Most presidents in the 1700s and 1800s were unwilling to challenge Congress for power because they viewed Article II as providing little authority or opportunity. These presidents are referred to as strict constructionists, for they viewed the construction of the Constitution as limiting presidential authority. The authority to

pass the laws and essentially run the country, constructionists would argue, laid with Congress not with the presidency.

Several presidents challenged this interpretation of the Constitution and expanded their power based on their own interpretations of Article II. Abraham Lincoln, Theodore Roosevelt, and Woodrow Wilson were among this genre of presidents, who challenged the conventional wisdom of Article II. But it was not until Franklin Delano Roosevelt that the president aggressively pushed to reinterpret Article II and sought to move the presidency into the forefront of the nation's agenda setting and national leadership. Roosevelt began asserting new powers of the presidency, often only vaguely addressed in Article II, and built an administrative apparatus called the Executive Office of the President to assist him in managing the new roles that the executive branch was addressing. Since Roosevelt's administration, the power of the presidency has constantly expanded as presidents have interpreted Article II to create new powers and as Congress has become increasingly hesitant to curb presidential powers. During the few times when Congress has sought to curb presidential power, they have been largely defeated. The Supreme Court often views congressional opposition to presidential power as politically motivated rather than constitutionally motivated and renders decisions that support presidential actions. Such was the case when President Carter in 1979 sought to terminate the mutual defense treaty with Taiwan. When Senator Barry Goldwater asked the Supreme Court to stop the President, the Court ruled that Goldwater did not represent the entire Congress but merely a small, politically motivated faction.<sup>1</sup>

We are now in an era of strong presidential leadership, an era in which the president, not the Congress, is viewed by the American people as the nation's chief agenda setter and as the nation's leader. The president is the dominant force today in the American political system, guiding the country through policy debates and forging coalitions of support for a presidential agenda. There is no equal to the power of the presidency in our current system of government.

This power in the presidency is the product of an electoral system that demands political compromises and produces leaders with agendas acceptable to the majority of citizens. *Moderation* has become the watchword of political leaders. In order to survive the demands of the election process, candidates must fashion platforms acceptable to the majority of voters. They cannot move too far to the political left or the political right and survive the rigors of the campaign. Once in office, presidents must continue to fashion agendas acceptable to the majority and to capture broad-based public support. The task of developing agendas acceptable to the political majority is strengthened by the institutional resources available to the president. The task of building broad-based public support for those agendas is enhanced by the public leadership role that the president plays as head of state, party leader, commander in chief, and legislative leader. At the heart of managing the presidency is the ability to use the keys of power that are available to the president.

Any discussion of presidential dominance of the national agenda or discussion of presidential management of the executive branch is reflective of contemporary times. This discussion would not have occurred a century ago and barely occurred half a century ago. Presidential government as we know it today is quite a change from congressional government in which Congress was the dominant

player in our political and governmental structure. During the constitutional convention of 1787 the intent of the framers was to have Congress at the heart of the national government, with the president focused on executing the laws of the land and serving as the diplomatic head of state. The change in roles from congressional to presidential government has necessitated a change in management structures for the president, with more people involved and more management structures involved. These changes include the addition of numerous political advisers who now comprise the White House staff and include the expanded management structures housed within the Executive Office of the President and the executive departments.

The focus of this book, *The Keys to Power: Managing the Presidency*, is to examine the current advantages and constraints that presidents face in exercising leadership. The keys to power for the president lie in four essential areas: managing the presidential branch, leading Congress effectively, using prerogative powers within the parameters established by the Supreme Court, and using personal persuasion.

Perhaps the most important key to unlocking presidential power is the power of persuasion. Personality has long been the most important key to success for any president. How well presidents persuade the American people and persuade the members of Congress that the administration's policies are in everyone's best interest is a fundamental task of presidential leadership.<sup>2</sup> President Reagan, for example, was particularly adept at moving his policies forward through personal persuasion. Commentators during the Reagan era referred to President Reagan as the Great Communicator. Communicating the administration's goals and objectives in a clear and direct manner is essential for presidents to build public support for their programs. Presidents who fail to communicate well with the public often fail with their legislative agendas and often fail to gain a second term in office.

Yet the success of any presidency is not the product just of an effective communicator, but also of a president who understands the institutional apparatus that supports the presidency. Without a detailed understanding of the power of the executive branch in general and of the presidential apparatus in particular, presidents lose one of their keys to power. Effective management of the institutional apparatus of the presidency affords the president a significant edge in moving goals and objectives forward. A strong presidency is premised on presidents using the keys to open the door of the institutional parts of the presidency and using those institutional parts to the best advantage of the administration.

As the presidency has expanded its control over the decision-making and institutional apparatus of government in the post-Roosevelt era, it has reached a number of critical junctions. One of the first critical junctions came in the Eisenhower administration when President Eisenhower was faced with an expanding federal bureaucracy and little prospect of adequately managing that bureaucracy from the White House. The increased demands of an expanding federal government, the increased demands of Congress as new legislation built on the programs of the New Deal, and the increased demands of the television age forced President Eisenhower to expand the size of the White House staff and to create staff positions with specific functions. Without this larger, specialized staff, management of the expanded roles of the presidency would have been impossible.

The second critical junction occurred during the Johnson administration, when the White House staff, which had grown significantly in recent years, appeared to be shielding the president from information that was contradictory to his own views. White House press secretary George Reedy described this movement by the White House staff as leading to the “twilight of the presidency,” for presidents were deprived of broader discussions of policy issues that might be at odds with the president’s own viewpoints.<sup>3</sup> White House staff, according to Reedy, were too protective of the president and kept discussions of policy issues focused within very narrow parameters that met the test of presidential acceptance. Reedy argued that presidents would be unable to adequately gauge policy options without true assessments from White House staff. The future of the presidency, Reedy argued, was in jeopardy unless the president broadened his advisory structure and ensured that White House staff did not close the options available for decision making. Successive presidents heeded Reedy’s advice by enlarging the decision structure through larger White House staffs and through increased reliance on the staffs in the Executive Office of the President and to some extent through increased reliance on the cabinet.

In each of these first two critical junctions, presidents were faced with decisions that required them to unlock a door that controlled power. In Eisenhower’s case, the key that unlocked the door to power involved expanding the White House staff. Eisenhower used the key to open the door and add another tool to the repertoire of presidential power. For Johnson, the choice was more complex. The keys to power had opened the door to an authoritative and often commanding White House staff. Clearly the president needed a powerful White House staff, but he did not need a staff who closed the door to options in decision making. Although Johnson kept the door open, future presidents were forced to consider the shield that White House staff can drape around the Oval Office. The lesson learned is that informed decision-making requires presidents to consider multiple options from multiple sources. Although the political staff of the president are fundamental to the keys to power, they must be used judiciously.

The keys to power include managing not only the political appointees within the administration but also the career staff. Most federal employees are career staff, hired through the civil service process. They account for approximately ninety-nine percent of federal employees. For presidents to manage the executive branch successfully, the career staff must be included in the overall management design. Managing the federal bureaucracy has become somewhat of an art in recent administrations, as presidents have tried to increase the number of political employees, revamp the senior career structure, prioritize programs, revise legislative intent, and use executive orders and executive agreements to circumvent Congress. Throughout all of these machinations, presidents have had to convince the career staff and their allies within constituent groups that the primary purpose of the executive agencies is to move forward presidential goals and objectives.

President Nixon became particularly adept at transforming the departments into tools of presidential objective. Nixon moved his own staff into positions formerly held by career staff to ensure that policies were being addressed in accordance with White House goals. When Congress passed appropriations for programs that Nixon did not approve of, he ordered his departments to ignore the appropriations by im-

pounding them. The money was not to be spent, Nixon ordered. With the federal government firmly under his control, Nixon began to view himself in somewhat monarchical terms. One of the more vivid indications of this monarchical tendency was when Nixon directed that the White House staff military aides be dressed in uniforms with bright red tops, black pants, and black pompadour hats and that they should raise their bugles when heads of state arrived. Nixon ignored Reedy's admonition against a closed White House staff and surrounded himself with a small, tightly knit group referred to as "the Prussian guards."

Many scholars think that Nixon dramatically misused the keys to power. Not only had his presidency misused power but it had also taken on imperial trappings. Arthur Schlesinger, Jr., accused Nixon of having an "imperial presidency."<sup>4</sup> The failings of the Nixon administration led Gerald Ford, Nixon's successor, to reassess the keys to power. For Ford, the keys had to be slowly and carefully turned to reestablish the power of the presidency. The doors within the executive branch, both within the White House and the executive departments, had to be opened to ensure honesty in decision-making. Nixon's Prussian guards had tightly closed the decision structure. The doors to Congress also needed to be opened to foster collaboration in the legislative process. Collaboration in the legislative process would allow presidential initiatives to move forward in Congress and would minimize roadblocks in implementation put up by the departments.

Unfortunately, neither Gerald Ford nor Jimmy Carter was able to use the keys to power to unlock all of the doors necessary to reestablish a strong presidency. Both failed to use the keys to open the doors to the institutional resources of the presidency. Reedy's admonition against a strong White House staff and Nixon's Prussian guards led both Ford and Carter to reduce the size of the White House staff and their role in managing policy development and oversight. The absence of a strong White House staff resulted in departments that often operated in their own spheres, without coordination with presidential goals and objectives. In some instances, cabinet officers during the Carter administration lobbied against presidential programs on the floor of Congress—reminiscent of Secretary of State Thomas Jefferson opposing George Washington's legislation for a federally chartered bank. Carter was also unable to use the keys to power to open the doors to Congress; he failed to coordinate legislation and failed to nurture the personal relationships necessary for a successful legislative agenda. Scholars often refer to this period of the Ford and Carter years as the "imperial presidency," in which presidents watched their power slide away. The imperial presidency had become the imperilled presidency in only a few short years.

When Ronald Reagan moved into the Oval Office he faced a strong, Democratically controlled Congress. With recent presidents reluctant to use the institutional power of the presidency and unable to rally public support for presidential initiatives, the conventional wisdom of the time predicted that President Reagan would become a secondary player in the political system. Many thought that Congress would move to again reassert their dominance of the policy process. Reagan, however, was not to be so easily moved into the backwaters of decision-making and began to use the keys to power that had never moved from the president's desk.

The keys to power were aggressively and effectively used by President Reagan and have continued to be used by each successive president. Presidents Reagan,

Bush, and Clinton have been extremely proficient at using the keys to open the doors necessary to both manage the executive branch and move legislation through Congress. In an era dominated by divided government, in which the House and the Senate often were comprised of different parties and in which the Congress and the presidency were often comprised of different parties, successful presidential leadership has been dependent on building bridges to individual members of Congress. Presidents Reagan and Bush were perhaps more successful at building these bridges than President Clinton, who became the first president impeached since 1868. President Clinton, as had President Carter before him, often relied too heavily on the power of public persuasion and not enough on the power of personal relations.

Finally, it is important to discuss the importance of prerogative power. The absence of a long list of powers in Article II of the Constitution has not constrained strong presidents but rather has opened the door to endless powers. Strong presidents have viewed the absence of delineated powers as implied consent for all powers not constrained by the Constitution. Thus, while Article II requires the Senate to confirm cabinet appointees, it does not require the Senate to approve dismissals of cabinet appointees. Similarly, presidents have viewed the power to appoint ambassadors as the power to recognize or derecognize governments. President Kennedy chose no longer to recognize the government of Cuba after the missile crisis of 1962. In a similar interpretation of Article II, President Reagan chose to recognize the Vatican as an independent nation, to establish diplomatic relations, and to send an ambassador and complete staff to the newly recognized nation. Neither President Kennedy nor President Reagan discussed their decisions with Congress and neither sought congressional approval for their actions. They based their authority on inherent powers provided in Article II and reinforced by the Supreme Court.

How presidents use the keys to power determines the success of their administrations. If they wisely use the keys and carefully open the doors, presidents can successfully move their agendas forward. The institutional resources of the executive branch, the prerogative powers inherent in Article II, the ability of the president to capture national attention, and the fractured nature of Congress provide enormous opportunities for a president to be the nation's policy leader. The keys to power reside in how presidents open these doors.

## Notes

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3. George E. Reedy. *The Twilight of the Presidency*. New York: World Publishing, 1970.
4. Arthur M. Schlesinger, Jr. *The Imperial Presidency*. Boston: Houghton Mifflin, 1973, revised 1989.



# Chapter 1



## POWERS AND PERQUISITES OF THE PRESIDENCY

Of the three branches of government in the United States, the executive branch is the most complicated and holds the most power. Neither the Congress nor the Supreme Court has the power to lead the country that the president, who heads the executive branch, has. The president has numerous advantages for exerting power within the national government, such as the power that ensues from having a national constituency and the power that ensues from having millions of people within the domain of the executive branch. Congress is limited by the constant confrontations within its membership of 535 individuals and by the often fractious relationship between the parties and between the houses, not to mention the comparatively small number of employees—30,000. The Supreme Court is limited by its mandate and by the overwhelming workload by which its nine members are annually besieged. The result is that Congress and the Supreme Court are both powerful institutions and essential within the structure of setting the course of public policy. Yet it is the president who plays the leadership role in the nation today of charting the course for the nation's public policy agenda and of moving that course toward fruition through the executive departments.

When we talk about the powers of the modern presidency, we are talking about both the constitutional powers bestowed on the president and the institutional advantages that the office of president has. The power of the presidency is a combination of the constitutional and institutional powers plus the enormous political power that the president has in the age of television and mass media. Only the president can command the attention of the media day in and day out. No member of Congress and no member of the Supreme Court holds the interest of the American people in the same way that the president does. Hardly a day goes by that the president is not on the front page of daily newspapers or in a lead story on the network evening news shows. Although Congress and the Supreme Court are essential to our system of balance of power and divided government, the president remains the dominant player in our structure of government. As the dominant player in this system of divided government, presidents must use the tools available to them in order to manage the