

## Explain why a President can be powerful at one time and weak at another.

It might seem rather unusual to the casual observer to suggest that the President of the United States could be anything other than powerful at all times. He is after all the head of state in the world's only economic superpower, Commander-in-Chief of the world's most powerful armed forces, and a figure glorified in countless Hollywood movies. However, a deeper analysis shows the fundamental fragility of this seemingly powerful office, allowing individual Presidents to go from a position of great power to one of emasculated weakness.

It is essential in such an analysis to present a clear definition of presidential power. Neustadt claims in his book *Presidential Power* that in the traditional view the president is seen in terms of his roles: chief legislator, chief administrator and chief of his party. This view, says Neustadt, is unhelpful as it does not view the job from the president's perspective. In the 'inside' view, what is done in one role is done in all, and the president's concern is in making the office work for him. Such a view suggests that the 'strength' of presidents such as Johnson and Nixon was illusory, with Vietnam and Watergate as symbols not of their strength but of their own destruction. These issues damaged or demolished their own policy priorities: Johnson's 'Great Society' and Nixon's hopes for an international balance-of-power. Nixon's impounding of Congress funds, for example, was to lead directly to a statute depriving the presidency of the right to impound again.

In the past strength was measured by large policy initiatives in economic, diplomatic or legislative spheres. This measure was more suited to an era in which presidential power fell within narrower constitutional bounds. Now it is almost expected of the president that he will be the 'Great Initiator'. However, acceptance of this role does not guarantee by any means that the rest of government will be at his feet. The strength or weakness of a president cannot be determined by the outcome of an action alone, but by his personal influence on the outcome. Strength or weakness, in Neustadt's view, depends on a personal capacity to influence the conduct of the men who make up government. Power is equated here with influence; presidential power is seen as merely 'the power to persuade'. It seems that there are three main determinants of this influence: the authority of formal powers vested in the president by the Constitution, laws or customs and his own status; the individual president's professional reputation amongst the Washington elite; and the president's prestige among the general public. These will all be examined below. The relationship between the president and the institution of the Presidency

will also be examined; it can be seen that while the Presidency has grown, the powers of the individual president within this institution have actually declined.

The formal powers of the president are partly set out in the Constitution, and partly defined by custom. The Constitution defines the President as the head of the executive branch of government, with a number of different powers arising from that position. Firstly the president has wide-ranging powers of appointment, picking many thousands of staff for executive posts. Limits on this power are established mainly by imaginative accommodations between the executive and legislative branches of government, not by court decisions, and the Senate are often hesitant in challenging or rejecting names submitted by the president. Recess and temporary appointments are largely uncharted territory in constitutional terms, but are policed by Congress with no major conflicts arising. This power of appointment is one of the president's great formal strengths. However this is tempered by limits on the power of removal. The president does in theory have the power to remove staff, but does so at his own risk; the clearest recent example of this is Clinton's sacking of seven Travel Office employees in the 'Travelgate' affair, which prompted a lengthy and politically damaging investigation by Congress. The President's power to remove is replicated in Congress, who can abolish offices through reorganisation and program cutbacks, or apply pressure through its investigative power.

The president also has certain powers in the sphere of legislation. Much of the original power vested in Congress is now exercised by executive agencies, independent committees and the courts. Congress has in defence developed a complex system of procedural guidelines for agency action, judicial review, committee and subcommittee oversight and a constantly evolving structure of non-statutory, informal controls. The president also has the power to veto legislation, returning it to the chamber in which it originated. This can only be overturned by a two-thirds majority of both chambers of Congress. Another tactic is the pocket veto, used occasionally when Congress is adjourned. The threat of this has largely been overcome now by keeping a point of contact even during adjournment periods. Finally the president may be able to strike down a particular provision of a bill even if the rest of the bill is signed; this tactic, used to impound funds in the past, is not set out in the Constitution and is something of a legal grey area.

The president has to share power in foreign relations as well. Presidents can make treaties and appoint ambassadors only with the agreement of two-thirds of the Senate. Termination and reinterpretation of such treaties are not covered by the Constitution; the same applies to informal 'executive agreements' between the Presidency and foreign governments. In case of war, the

president commands troops which only Congress (who hold all the financial power) can provide; Congress in turn can declare war but relies on the president to wage it.

Finally, there is the issue of power over knowledge, which became a major public issue during the Watergate affair. The Constitution does not resolve the conflict between the investigatory power of Congress and the president's right to withhold information. The president's attitude to this has in some cases been nothing short of dictatorial; Nixon remarked in an interview with David Frost that "*when the president does it, that means it is not illegal*".

Taking an historical view as Fisher does in *Constitutional Conflicts*, there has been a general drift in authority over the past two centuries towards the president. Some presidential action, such as that of Nixon during Watergate, Reagan during Iran-Contra or Clinton in Haiti, is no longer tethered by law. The Supreme Court determines to what extent the president may dominate, sometimes taking a doctrinaire approach, sometimes a more functional and pragmatic one. Some Supreme Court statements are out of touch with reality; government is no longer characterised by the separation of powers, but the sharing of powers.

Neustadt claims that there is far more to the president's power than just these formal powers, defined by constitution and custom, and that the real power of the president is based on the personal influence he wields in order to achieve his own policy aims. Neustadt outlines two methods of researching this power. One is to focus on the tactics of influencing certain men in given situations, such as getting a bill through Congress, settling strikes, quietening Cabinet feuds or preventing international crises. The other, which Neustadt prefers, is to focus on strategy, determining the nature and sources of influence, and discovering how the president can improve the prospect that he will have influence when he wants it.

The president receives demands on his time and services from many sources. These can be summarised as Executive officialdom, Congress, his partisans, citizens at large and 'constituents' abroad. He is not assured of everyone's support as the obligations of all other men are different from his own; no one else has access to his point of view. Neustadt says that the same conditions that promote his leadership in form preclude a guarantee of leadership in fact. President Truman showed this sense of isolation in his comment below:

*"I sit here all day trying to persuade people to do the things they ought to have sense enough to do without my persuading them...that's all the powers of the President amount to."*

Neustadt outlines three different cases where the apparent strength of the president hides some fundamental weaknesses. These are Truman's sacking of General MacArthur, Truman's seizure of the steel mills and Eisenhower's dispatch of troops to Little Rock. These share the characteristic that the president's words seemed tantamount to action. This can be explained by a number of common features: the president's involvement was unambiguous, as were his words, the order was widely publicised, the men who received it could easily carry it out, and furthermore had no doubt of his authority to issue the order. When one of these are lacking, the president's 'power to persuade' looks much weaker.

MacArthur's foreign or military policy statements were forbidden without clearance from the Departments of State or Defence. However, the president's involvement was initially ambiguous, and MacArthur may have seen the rule as just another everyday command which he could safely ignore. When the president's words are ambiguous this also creates problems. When Faubus, Governor of Arkansas during the Little Rock crisis, met in private with Eisenhower a week before the deployment of troops, the terms of conversation may have left room for misunderstanding. The *Arkansas Gazette* suggested that Faubus still believed that he could "put off the dread day" until after his gubernatorial campaign. The president also looks weak if the orders are not widely publicised. The actions of Sawyer (Secretary of Commerce) following the seizure of the steel mills are a case in point; he did not act on Truman's plans for a scheme of wage adjustments until the plan was made public. Publicity helps a president by spurring execution of an order, but risks turning private reluctance into public defiance. The president's orders must also be easy to carry out; in the pre-seizure stage of the steel crisis, Wilson (Mobilization Director) was unable to solve the problem without a strike occurring. Finally a sense of legitimacy helps the president. In Truman's final talk with MacArthur it was unambiguous that Truman, as Commander-in-Chief of the Armed Forces, could sack the general. This can be compared to Eisenhower's talk with Faubus, where the constitutional authority of the president in such a situation was uncertain. In all of these cases, it seems that the final, decisive order was a painful last resort - suggestive less of mastery than of failure.

The reasoning behind this weakness is that American government is no longer about 'separated powers' but about 'separate institutions sharing powers'. This prescribes the terms on which a president persuades - when one man shares authority with another, his willingness to act upon the urging of the other turns on whether he considers the action right for him. There is a mutual dependency; at some time or another, most people in government will find that the furthering of their ambitions depends upon the president, while the president in turn depends on those he has to persuade. Each side has a large array of vantage points at their disposal from which to confer

help. Presidential power is, according to Neustadt, “*more like collective bargaining than like a reasoned argument among philosopher-kings.*” This is even true of the Executive, often thought of as a single, homogeneous structure. Disagreements go beyond the realm of policy objectives; there are also disputes about the sponsorship, form and conduct of policy, and especially about who takes the credit for it. The means can matter more than the ends. This analysis paints a picture of a government with a weak president, constantly battling for influence.

The individual president does have some control over how much influence he exerts; this is through establishing a strong professional reputation and a high level of public prestige. On the first, Friedrich’s ‘law of anticipated reactions’ is important. This suggests that the men who govern do what they think they must, and a president’s effect on them is changed by their perception of what his reaction to their actions would be. These expectations are based on what they can see of the president. For example, MacArthur probably believed that Truman would not dare to sack him, so continued in his dissent. The question that those dealing with the president must ask is not “what would an abstract president do in theory?” (defined by the Constitution) but “what might this individual president do in fact?”. They must anticipate his ability and his will to make use of those bargaining advantages which he possesses.

Public prestige is also crucial to the bargaining power of a president, purely for the reason that Washington insiders believe it to be so. What he is liked *for* is just as important as how many people like him. The weaker his support for a particular policy, the more his cause in Congress may depend on negative tactics such as the veto and impounding of funds. Prestige is seen as giving the president ‘leeway’ in the opportunities he has or the risks he may take. Of course, public prestige can change very quickly. This is because while *impressions* form early and last long, *interpretations* change rapidly. Decisiveness can be seen as irascibility, cleverness as deceitfulness, open-mindedness as soft-headedness and courage as rashness. These interpretations tend to change during major national events, varying according to the president’s handling of a situation.

Rose, in *The Postmodern President*, extends this analysis by showing how voters see presidents who wish to expand or limit governmental power. Those who believe in expanding it may, if popular, be seen as great leaders; F. D. Roosevelt’s supporters tended to view him this way. If the president is unpopular, he may be seen as imperialist; this was the view of Nixon’s detractors. Those who believe in limiting government may, as in the case of Eisenhower, be seen as a ‘careful guardian’. They may also however be seen, like Ford, as an ‘imperilled’ president. Johnson is a useful example of a president who was seen as a ‘leader’ at first, his social legislation drawing comparisons with F. D. Roosevelt. Goldwater, promising more limited government,

lost by a landslide. However, unpopularity over Vietnam soon turned him into an 'imperial' president in the public eye, and those who disapproved of him then believed the president had become too powerful. This shows that a president's own prospects for effective influence are regulated by his choice of objectives, timing, and policy instruments, and by his choice of issues to avoid.

Ragsdale and Theis in their article *The Institutionalization of the American Presidency* argue that other views of presidential power concentrate too heavily on the individual, and fail to consider that the office may create systematic similarities between presidents. They prefer an institutional view of the presidency, including the Executive Office of the President, Office for the Management of the Budget and the White House Office. They suggest that it has become a stronger institution over time. Institutionalisation is defined by Huntington as the process by which an organisation 'acquires value and stability' as an end in itself. Stability means that the institution is no longer easily altered or eliminated, and that it achieves self-maintenance, while value is the prizing of the organisation for its own sake, which in political terms relates to power.

Stability has increased over time through increased financial autonomy (shown by larger budgets), policy-making autonomy (shown by increasing preponderance of policy orders), adaptability (shown by duration of constituent units) and complexity (shown by division of labour and by staff size). Ragsdale and Theis estimate that the presidency had become fully institutionalised in all four ways across all three units by the 1970s.

This has an important impact on the president himself. The presidency, they claim, 'cannot be judged solely by the occupants of the office, their big decisions or the plans of key staff.' Charges of an imperial office, which surfaced with Vietnam, Watergate and increased internal surveillance activities, encouraged a limitation on the power of the individual president. When novel decisions of presidents collide with the boundaries of the institution, it is now the president, not the institution, who suffers. This can be seen in Carter and Reagan's aborted attempts to return to Cabinet government, or in Clinton's *ad hoc* planning on healthcare reform. As Ragsdale and Theis claim,

*"Presidents' actions in office and their ability to get what they want done depend on this institution with a life of its own...The presidency has entered a period in which the institution makes presidents as much if not more than presidents make the institution."*

Rose also talks about how the postmodern president has become less capable of performing what is expected of him. Quoting Neustadt, he says that the president is constrained by 'the law of first-things-first':

*"His time remains the prisoner of first-things-first. And almost always, something else comes first."*

The president must therefore delegate, but unlike in a parliamentary system there is no impartial, loyal, expert civil service he can rely on. One view has it that the president should trust nobody, and should engineer a culture of distrust in order to keep all his subordinates in check. In reality, decision-making power tends to be delegated to staff bound by personal loyalties forged on the campaign trail. Both the president and his staff are novices on arrival in the White House; he must appoint thousands of officials, manage the staff and set an agenda without any impartial help. Kennedy's mistake over the Bay of Pigs was a classic example of the problems of early days in office, but by no means the only one; Neustadt believes every new president is likely to be responsible for at least a 'piglet'.

Rose claims that 'Chief Executive' is a misnomer for the postmodern president; he is a chief but not an executive. He is in Rose's view apart from, not a part of, the executive branch; more like the leader of a small band of people trying to take over government. No one is in charge of the whole executive; while some institutions are controlled by the presidency (such as the National Security Council), others are controlled by Congress (such as the Army Corps of Engineers) while others, especially the FBI, have at times been a law unto themselves. While a president has greater individual eminence than a prime minister, he is not so central to government. The gulf is not between the legislative and executive branches but *within* the executive branch itself.

It is easy to see from all of this that the president is not permanently strong, as the casual observer might suspect. The powers of the White House are limited, not just by Constitutional constraints, but by external constraints which prevent the president from fulfilling all of his international responsibilities. Even within his own Executive Office, the president is dominated by the institution around him. Faced with such obstacles, the president's only chance of success in his own policy objectives is to use his power to persuade, and this fluctuates wildly in line with fickle public opinion and his own professional reputation. It therefore comes as no surprise that a president who seems strong at one time can seem weak at another; constantly battling from a position of weakness, it may be an anomaly if a postmodern president is ever strong at all.