The Evolution of the Presidency

Inquire: How has the Role and the Power of the President Changed from the Framers’ Original Intent?

Overview

A chief executive who could direct the government, yet one who would not have the power to assume too much authority and become abusive; a chief executive who was clearly subordinate to the legislative branch; a chief executive who could be trusted because his authority would be so limited...

This was the goal of the framers as they discussed what powers to give the president as compared to the powers given to the Congress.

Unfortunately for the framers — but maybe fortunately for the United States — over time, the men who have been elected president have shaped, reshaped, and redefined the role of the president so it is at least the equal of Congress. How did this transformation come about?

Big Question: What is the “imperial presidency?”

Watch: Men Who Strengthened the Presidency

Strengthening the Presidency

The framers of the Constitution knew the country needed a chief executive.

However, these men had long memories of abuses of power by strong governments. So, they focused on giving legislative and oversight power to a bicameral legislature and limited the power they put in the hands of the president. In fact, the Constitution gave the president such limited power, Congress dominated the executive branch until the 1930s. However, there were exceptions — Andrew Jackson, Abraham Lincoln, Theodore Roosevelt, and Woodrow Wilson — exceptional men with exceptional skills and often exceptional charisma. These men provided the basis for the turning point that came with the presidency of Franklin Roosevelt in the 1930s.

Andrew Jackson, greatly loved by the masses, used his image and personal power to strengthen the developing party system by rewarding loyal followers with presidential appointments. Jackson also made extensive use of the veto and asserted national power by facing down South Carolina’s nullification of a federal tariff law. Jackson vetoed more bills than the six previous presidents combined.
**Abraham Lincoln** assumed powers that no president before him had claimed, partly because of the emergency created by the Civil War (1861-1865). He suspended habeas corpus (the right to an appearance in court) and jailed people suspected of disloyalty. He ignored Congress by expanding the size of the army and ordering blockades of southern ports without the consent of Congress.

**Theodore Roosevelt** certainly expanded the powers of the presidency. Roosevelt possessed a strength of will that was impossible to ignore. Incredibly popular with the people and having an amazing vision for a belief in America, Roosevelt expanded the power and reputation of America throughout the world and worked closely with Congress to reform America with his Progressive Agenda.

**Woodrow Wilson** also drove a Progressive Agenda. He helped formulate bills that Congress used to revamp the banking system in America, to protect the public from large trusts, and to change labor and working conditions. World War I afforded Wilson the opportunity to take a leading role in international affairs as he worked to keep America out of the war until it became impossible to stay neutral.

The powers of the modern presidency have been shaped by a combination of constitutional and evolutionary powers. The forceful personalities of strong presidents expanded the role far beyond the greatest fears of the antifederalists of the late 1700s.

Read: The Evolving Executive Branch

**Overview**

No sooner had the presidency been established than had the occupants of the office, starting with George Washington, began acting in ways that expanded both the presidency’s formal and informal powers. For example, Washington established a **cabinet**, or group of advisors, to help him administer his duties. These advisors were the most senior appointed officers of the executive branch. Today, the heads of the 15 executive departments serve as the president’s advisers.

In 1793, it became important for the United States to take a stand in the evolving European conflicts between France and other European powers, especially Great Britain. As a result, Washington issued a neutrality proclamation that extended his rights as diplomat-in-chief far more broadly than had at first been conceived.

**Building on Washington’s Pattern**

Later presidents built on the foundation of these powers established by Washington. Some waged undeclared wars, as John Adams did, against the French in the Quasi-War (1798–1800). Others agreed to negotiate for significant territorial gains, as Thomas Jefferson did, when he oversaw the purchase of the Louisiana territory from France. James Monroe used his annual message in 1823 to declare that the United States would consider it an intolerable act of aggression for European powers to intervene in the affairs of the nations of the Western Hemisphere. Later dubbed the Monroe Doctrine, this declaration of principles laid the foundation for the growth of American power in the 20th century. Andrew Jackson employed the veto as a measure of policy to block legislative initiatives with which he did not agree, and he acted unilaterally when it came to depositing federal funds in several local banks around the country rather than in the Bank of the United States. This move changed the way vetoes would be used in the future. Jackson’s 12 vetoes were more than those of all prior presidents combined, and he issued them because of policy disagreements (their basis today) rather than as a legal tool to protect against encroachments by Congress on the president’s powers.
The Growth of War Powers

Of the many ways in which the chief executive’s power grew over the first several decades, the most significant was the expansion of presidential war powers. While Washington, Adams, and Jefferson led the way in waging undeclared wars, it was President James K. Polk who truly set the stage for the broad growth of this authority. In 1846, as the United States and Mexico were bickering over the messy issue of where Texas’s southern border lay, Polk purposely raised anxieties and ruffled feathers through his envoy in Mexico. He then responded to the newly heightened state of affairs by sending U.S. troops to the Rio Grande, the border Texan expansionists claimed for Texas. Mexico sent troops in response, and the Mexican-American War began soon afterward.

Abraham Lincoln, a member of Congress at the time, was critical of Polk’s actions. Later, however, as president himself, Lincoln used presidential war powers and the concepts of military necessity and national security to undermine the Confederate effort to seek independence for the Southern states. In suspending the privilege of the writ of habeas corpus, Lincoln blurred the boundaries between acceptable dissent and unacceptable disloyalty. He also famously used a unilateral proclamation to issue the Emancipation Proclamation, which cited the military necessity of declaring millions of slaves in Confederate-controlled territory to be free.

The Growth of Executive Powers and Executive Privilege

Over the course of the 20th century, presidents expanded and elaborated upon these powers. The rather vague wording in Article II of the Constitution states that the “executive power shall be vested” in the president. This language has been subject to broad and sweeping interpretation in order to justify actions beyond those specifically enumerated in the document.

As the federal bureaucracy expanded, so too did the president’s power to create agencies like the Secret Service and the Federal Bureau of Investigation. Presidents also further developed the concept of executive privilege, the right to withhold information from Congress, the judiciary, or the public. This right, not enumerated in the Constitution, was first asserted by George Washington to curtail inquiry into the actions of the executive branch.

The more general defense of executive privilege by White House officials and attorneys ensures that the president can secure candid advice from his or her advisors and staff members.

The Growth of Executive Orders

Over time, presidents have increasingly made more use of their unilateral powers, including executive orders, rules that bypass Congress but still have the force of law if the courts do not overturn them. More recently, presidents have offered their own interpretation of legislation as they sign it via signing statements (discussed later in this chapter) directed to the bureaucratic entity charged with implementation. In the realm of foreign policy, Congress permitted the widespread use of executive agreements to formalize international relations, so long as important matters still came through the Senate in the form of treaties.

The Growth of Budgetary Controls

Changes in the budget process also increased the president's power. Developing a budget 130 years ago was chaotic at best. Federal agencies went through various committees, and the whole thing was done in a fragmented and splintered process. Because of the relatively small size of the operation in the early years, it was a workable method, though not efficient. After World War I, the country and the government
had grown considerably. To centralize the budget process, it was decided that the executive branch would be the starting point. Congress would have the control to amend, analyze, revise, and rework the budget before approving it, but it did give the executive branch "first-mover advantage" in the budget process via the first "executive budget." The Budget and Accounting Act of 1921 created the first-ever budget staff at the disposal of a president, now named the Office of Management and Budget. With this act, Congress willingly delegated significant authority to the executive and made the president the chief budget agenda setter.

The Growth of Executive Responsibilities

The growth of presidential power is also attributable to the growth of the United States and the power of the national government. As the nation has grown and developed, so has the office. Whereas most important decisions were once made at the state and local levels, the increasing complexity and size of the domestic economy has led people in the United States to look to the federal government more often for solutions. At the same time, the rising profile of the United States on the international stage has meant that the president is a far more important figure as leader of the nation, as diplomat-in-chief, and as commander in chief. Finally, with the rise of electronic mass media, a president who once depended on newspapers and official documents to distribute information beyond an immediate audience can now bring that message directly to the people via radio, television, and social media. Major events and crises such as the Great Depression, two world wars, the Cold War, and the war on terrorism have further contributed to presidential stature.

Reflect: Which of the Powers and/or Characteristics Has Been Most Important?

Poll

Which of the four powers and/or characteristics described in the Expand section do you think has been most important in the growth of the power of the American presidency?

- the unity of the presidency
- the growth of executive powers and responsibilities
- the unique ability to use mass media and social media
- the ability to take military action

Expand: The President vs. Congress Equals the Imperial Presidency

Overview

The framers intended that Congress would be a driving force and set the agenda for the U.S. government. However, based on the four unique powers and/or characteristics of the presidency, the executive branch has far surpassed what the framers intended, bringing them to at least an equal status with Congress.

Unity of the Presidency

The first characteristic that has made the presidency unique and led to a growth in power is the idea of the unity of the presidency. There is only one president who speaks with one voice. Further, the president can move quickly, make decisions, and react decisively to events.
There are 535 members of Congress, and even if the leadership is in agreement, it is still a cacophony of sound coming from the 535 members and the two parties. Unlike the president, Congress is normally incapable of decisive and quick action.

It's one clear voice versus the muddled masses of Congress. It is easy to see why the president has become the people's representative. It is no longer “the” president, but “my” president.

Growth of Executive Powers and Responsibilities

When George Washington took office in 1789, there were no laws to “execute,” as Congress had yet to pass any laws.

As the government grew, so did the executive powers and responsibilities of the president. By 1875, the number of laws to be executed filled 18 volumes. This huge increase in legislation between 1789 and 1875 meant the executive powers and responsibilities of President Ulysses S. Grant were significantly greater than President Washington’s executive powers and responsibilities.

Today, there are 54 titles in the U.S. Code, each with its own volume, some with more than one volume. This represents an increase of at least 200%. Further, there are significant areas of government involvement that did not even exist in 1789 — transportation, labor, health care, civil rights, and social security — just to name a few. All of this growth has exponentially expanded the president’s executive powers and responsibilities.

Unique Ability to Use Mass Media and Social Media

When the president has an announcement to make or wants to communicate his plans to the American people, he calls a press conference. Major television networks cancel even their prime time shows, the radio stations interrupt their programming, and Internet news sources stop everything to carry the president's statements live.

In more recent times, presidents have also taken to social media, such as Twitter and other instant communication apps. Anything the president communicates instantly gets reported in the mass media. All of this gives the president an incredible ability to communicate with his one voice to the people of America.

With so many members, routinely with differing points of view, Congress can only rarely speak with one voice. For this reason, Congress does not have the same pull or newsworthiness as the president.

The Ability to Take Military Action

From the beginning, presidents used their power as commander in chief to protect and expand American interests all over the world. Sending troops overseas without concern for congressional approval began when Jefferson sent the Marines after the Barbary Pirates in North Africa. Such power continues to be exercised by presidents — even in massive arenas like Vietnam and the war on terror in the 2000s.

The Coming of the Imperial Presidency

The use of the term imperial presidency is most normally associated with Richard Nixon, but it refers to presidents using the powers of the presidency with a belief that they can govern without congressional involvement. Nixon was the epitome of this, even believing the president was above the law. In a
television interview, Nixon stated, "If the president does it (takes any action), it is NOT illegal." (Definition and emphasis added)

While not going as far as Nixon, other presidents have certainly exhibited this "imperial" tendency. For example, George W. Bush’s war on terror and Barack Obama’s executive order for immigration reforms that Congress would not pass demonstrate each president’s efforts to act beyond the reach of Congress.

Conclusion

Presidents feel empowered to govern based on their alleged mandates from their elections. The people hear the president’s plans, goals, and positions in one powerful voice connected to an exponentially increasing executive power. They see the president as able to make instant decisions and take action to protect the people and the country — and even Congress tends to acquiesce to the president’s leadership.

From the secondary role the framers intended, to the lead role in the federal government today, the growth and change of the office has been significant.

Lesson Toolbox

Additional Resources and Readings

Evolution of the Presidency
- A video discussing how the presidency has changed over time
- https://www.youtube.com/watch?v=jWltKYSE1U

U.S. Presidential Elections 1789-2012
- A video discussing the presidential elections and providing brief facts and details about each election
- https://www.youtube.com/watch?v=KYlHICfl_6s

George Washington and the Evolution of the American Commander in Chief
- An article discussing the presidency of George Washington and how the presidency has changed over time
- http://www.history.org/foundation/journal/summer12/george.cfm

Lesson Glossary

cabinet: a group of advisors to the president, consisting of the most senior appointed officers of the executive branch who head the 15 executive departments

executive privilege: the president’s right to withhold information from Congress, the judiciary, or the public

executive orders: a rule or order issued by the president without the cooperation of Congress and having the force of law

executive agreements: an international agreement between the president and another country made by the executive branch and without formal consent by the Senate

habeas corpus: a recourse in law through which a person can report an unlawful detention or imprisonment to a court and request that the court order the custodian of the person, usually a prison official, to bring the prisoner to court, to determine whether the detention is lawful

mandates: the authority granted by a constituency to act as its representative
Check Your Knowledge

1. Imperial presidency refers to presidents using the powers of the presidency with a belief that they can govern without Congressional involvement.
   A. True
   B. False

2. George Washington was the first person to assert executive privilege.
   A. True
   B. False

3. Although the president has the ability to communicate his one voice to the people by using social media, Congress does not have the same kind of newsworthiness or pull as the president.
   A. True
   B. False

Answer Key:
1. A  2. A  3. A

Citations

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