

31 – RICHARD NEUSTADT – PRESIDENTIAL POWER AND THE MODERN PRESIDENTS

THESIS: Despite the President's many formal powers, he can't demand things to happen and expect them to happen. Rather, he uses his prestige to convince others in power (legislators) to do what he wants. This makes our government, as opposed to many European governments, mad wishy washy.

STUFF: "The President still feels,' an Eisenhower aid remarked to me in 1958, 'that when he's decided something, that ought to be the end of it...and when it bounces back undone or done wrong, he tends to react with shocked surprise'"

"Powers' are no guarantee of power; clerkship is no guarantee of leadership"

"Despite his status he does not get action without argument. Presidential power is the power to persuade."

Douglass Carter says press is "the fourth branch of government". Just note that cause we've been talking about bureaucracy as the fourth branch.

"When one man shares authority with another, but does not gain or lose authority on the other's whim, his willingness to act upon the urging of the other turns on whether he conceives the action right for him. The essence of a President's power is to convince such men that what the White House wants of them is what they ought to do for their own sake and on their authority"

"Persuasive power...amounts to more than charm or reasoned argument."

"Presidential powers may be inconclusive when a president commands, but they always remain relevant as he persuades"

"The White House now controls the most encompassing array of vantage points in the American political system."

"Those who share in governing this country are aware that some time, in some degree, the doing of their jobs, the furthering of their ambitions, may depend on the President of the United States...Their need or fear is his advantage."

The people the President persuades may not be as powerful as him, but they still have power, "their power tempers his."

The people whom the President turn to for advice also have a lot of power, especially if he takes them at their word and doesn't press for details, etc.

"[Europeans'] are ordered governments, ours a rat race" because of separated institutions sharing powers

"President's may look back at the Cold War as an era of stability, authority, and glamour."

Neustadt ends talking about presidential power and nuclear weapons, that the interconnected

world could cause problems for our fragmented government.

32 – ARTHUR SCHLESINGER – THE IMPERIAL PRESIDENCY

THESIS: The President's power has vastly expanded. This is a result of expanded power internationally leading to a despotic attitude at home.

STUFF: "The constitutional presidency...has become the imperial presidency and threatens to become the revolutionary presidency"

Sites Indochina War and Vietnam War (proxy wars, exclusion of the people and other branches in the decision making), and Watergate Scandal ("a symptom not a cause") as evidence.

- Stems from "the capture by the President of the most vital of national decisions, the decision to go to war."

- "A combination of doctrines and emotions—belief in permanent and universal crisis, fear of communism, faith in the duty and the right of the United States to intervene swiftly in every part of the world..."

- FDR expands power domestically in Great Depression, but didn't lead him to seek more power abroad. However, late FDR and Truman had power abroad, and tried to transfer it domestically (like seizing the steel mills).

- In the cold war, "Time was short" and "Secrecy was imperative." "There was no legislative consultation" ~~Kennedy in Cuban Missile Crisis. Makes this sort of action the norm.

- Gulf of Tonkin Resolution is the executive branch's "blank check" to expand the conflict.

"Shift in constitutional balance" President has gained some of congress' power

"Increasingly perilous world as well as...an increasingly interconnected economy...compel[s] a larger concentration of authority in the Presidency.

"It was as much a matter of congressional abdication as Presidential usurpation"

1970s, split ticketing becomes common, "decay of the traditional party system," that "ultimate vehicle of political expression." "Presidency [stands] out in solitary majesty as the central focus of political emotion." ~~the head of his political party, and also the idea of the bully-pulpit.

1940s and 50s to "save the outer world from perdition," begins in "1960s and 70s to find nurture at home."

"Foreign policy had given the President the command of peace and war"

- "Decay of parties left him in command of political scene"

- "Keynesian revelation placed him in command of the economy"

Nixon personally had some mad monarchial yearnings, longed for more pomp, circumstance, and power. “shield[ed] himself as far as humanly possible from direct questions or challenge—i.e. reality.”

“Secrecy seemed to promise the Presidency three inestimable advantages: the power to withhold, the power to leak and the power to lie.”

33 – THOMAS CRONIN/MICHAEL GENOVESE – THE PARADOXES OF THE AMERICAN PRESIDENCY

THESIS: The American people have so many different and simultaneous conflicting ideas on the presidency that it seems the president is “*always too strong* and *always too weak*.” An effective president needs to be able to use this to his advantage.

STUFF: “We are uncomfortable with contradictions so we reduce reality to understandable simplifications. And yet contradictions and clashing expectations are part of life.”

“We admire presidential power, yet fear it. We yearn for the heroic, yet we are also inherently suspicious of it. We demand dynamic leadership, yet grant only limited powers to the president. We want presidents to be dispassionate analysts and listeners, yet they must also be decisive. We are impressed with presidents who have great self confidence, yet we dislike arrogance and respect those who express reasonable self-doubt. How then are we to make sense of the presidency?”

“Some are cases of confused expectations. Some are cases of wanting one kind of presidential behavior at one time, and another kind later. Still others stem from the contradiction inherent in the concept of democratic leadership”

“Rather than seeking one unifying theory of presidential politics that answers all our questions, we believe that the American presidency might be better understood as a series of paradoxes, clashing expectations and contradictions.”

“Presidents, more than most people, learn to take advantage of contrary or divergent forces.”

“Our expectations of, and demands on, the president are frequently so contradictory as to invite two faced behavior by our presidents.”

“Presidential powers are often not as great as many of us believe, and the president gets unjustly condemned as ineffective.”

“The framers purposely left the presidency imprecisely defined. This was due in part to their fears of both the monarchy and the masses, and in part to their hopes that future presidents

would create a more powerful office than the framers were able to do at the time.”

“Today the informal and symbolic powers of the presidency account for as much as the formal, stated ones.” “In some ways the modern presidency has virtually unlimited authority for almost anything its occupant chooses to do with it.

Elaborates on 9 paradoxes, from pages 215 to 222.

34– CRAIG RIMMERMAN – THE RISE OF THE PLEBISCITARY PRESIDENCY

THESIS: The modern president governs through direct support of the people, but this is bad, because it is both hard to pin down what the people want, and hard for the president, with his decided lack of formal powers, to actually fulfill the people’s wishes. Rimmerman thinks that the increase in presidential power is bad because it allows for unilateral decision making without any tangible checks.

STUFF: Unlike how Cronin/Genovese said that the framers wanted presidential power to expand over time, Rimmerman says that they “would undoubtedly be disturbed by the shift to the presidentially centered government that characterizes the modern era.”

“Support is grounded in the development of the rhetorical presidency and the exalted role of the presidency in the American political culture.”

“The refocusing of mass expectations on the Presidency” –Theodore Lowi says this is a key problem

“Presidential power and legitimacy emanates from citizen support as measured through public opinion polls; in the absence of political parties, presidents form a direct link to the masses through television; and structural barriers associated with the Madisonian governmental framework make it difficult for the presidents to deliver on their policy promises to the citizenry.”

“The framers...had no intention of establishing a popularly elected monarch.”

It used to be that presidents had respect for separation of powers, and passive policy making was desirable. But since FDR, there has become a “cult of the presidency.” Says that Neustadt’s book contributed to this. Says Neustadt “failed to recognize the consequences of imposing a new interpretation of the political order on a governmental framework rooted in Madisonian principles.”

· “as presidents attempt to meet the heightened expectations associated with the modern presidency, they are sometimes driven to assert presidential prerogative powers in ways that threaten both constitutional and democratic principles.” ~Johnson and Nixon presidencies

- Says Schlesinger's "Imperial Presidency" is "the presidency as satan model." Rimmerman likes this model.

"The Presidency is an office of overwhelming symbolic importance" because it "play[s] a unifying roll of the kind played by monarchs in [various European countries]" as well as "occupy the central political and cultural role as the chief spokesperson for the American way of life."

Rimmerman says that in other countries these roles are usually played by two different people, says "equat[ing] the presidency with the nation" is a bad thing, but I personally don't agree.

- This kid is dropping the Iran-Contra affair and Persian Gulf War as evidence that the president has too much unilateral power.

"If citizens fail to question a president's decision making, then they are giving the president virtually unchecked power to do what he wants with their lives."

"Alexis de Tocqueville spoke of a blind and unreflective patriotism that characterized the American citizenry during the nineteenth century" and that is certainly around today as well.

"For many students, the presidency is the personification of democratic politics and, as a result, monopolizes 'the public space.'"

35—KENNETH MAYER—WITH THE STROKE OF A PEN

THESIS: "Presidents have great influence besides what is specifically mentioned in the constitution or gained from a personal ability to persuade." The Executive Order.

STUFF: "Among political scientists the conventional authority is that the President is weak, hobbled by the separation of powers and the short reach of his legal authority."

"presidents have relied on their executive authority to make unilateral policy without interference from Congress or the courts"

- "have used executive orders to make momentous policy choices, creating and abolishing executive branch agencies, reorganizing administrative and regulatory processes, determining how legislation is implemented, and taking whatever action is permitted within the boundries of their constitutional or statutory authority."

- "the President's lawmaking roll is substantial, persistent, and in many cases disturbing." —E. Donald Elliot

- Can declare national emergency (which would let them, in theory, restrict travel, impose martial law, and seize property).

- Louisiana Purchase was an executive order. Clinton Admin, while House was under Rep. control, used many executive orders during his impeachment to show he was still capable of governing. Reagan and Bush, with their Democratic congresses, also used many executive orders. Kennedy said he would end housing discrimination by executive order, something Eisenhower wouldn't do. *Youngstown*, *Korematsu v US*, *Schechter Corp v US*, *Cole v Young*, and *Ex Parte Merryman* were all executive order cases.

“Executive orders are...presidential directives that require or authorize some action within the executive branch (though they often extend far beyond the government)”

- “directing the executive branch in fulfillment of a particular program.” ~~is an informal power (that being that the president has to be able to somehow enforce the laws that congress passes—must ‘faithfully execute’)

- “executive order is an example of unaccountable power and a way of evading both public opinion and constitutional constraints.”

“Supreme court has held that executive orders, when based upon legitimate constitutional or statutory grants of power, are equivalent to laws” ~~when is president most powerful

- Executive orders lacking the C/S force are not valid, and when congress/executive laws conflict, congressional laws override executive ones

“Because of inherent ambiguities of the constitutional vestments of executive authority, presidents have expanded their powers outward as a function of precedent, public expectations, and deference from the legislative and judicial branches. Executive orders have played a central role in this expansion.”