

## 13.3 The Growth of Presidential Power

The U.S. president today is often viewed as the most powerful national leader in the world. At one time, however, the U.S. president held far less power. During the 1800s, with a few exceptions, presidents acted mainly as “chief clerks.” Other than carrying out the will of Congress, they assumed little authority other than those powers explicitly granted them by the Constitution.

### Powers Granted the President Under the Constitution

The Constitution spells out the president’s formal powers, which are listed in the diagram below. One of the most important powers is that of commander in chief of the armed forces. The president, a civilian official, maintains control over the military and has ultimate responsibility for military decisions.

The president also has the power to grant **reprieves** and **pardons**. A reprieve is a postponement of punishment, whereas a pardon is a release from punishment. Presidents may also grant **amnesty**, or a blanket pardon, to people facing prosecution. President Jimmy Carter, for example, granted amnesty to young men who had fled the country to avoid the military draft during the Vietnam War.

The president’s greatest formal power stems from Article II, Section 3 of the Constitution. This section directs the president to “take Care that the Laws be faithfully executed.” Much as the Elastic Clause gives broad powers to Congress, this “Take Care” Clause grants the president flexible powers to enforce the law and fulfill other executive duties. Not surprisingly, the first president to define how the powers of the office would be used was George Washington.

### George Washington (1789–1797): Establishing Precedents

As the nation’s first president, Washington knew that his every action would help shape the office for future generations. “I walk on untrodden ground,” he observed. “There is scarcely any part of my conduct which may not hereafter be drawn into precedent.”

One precedent involved his formal title. Washington insisted on being addressed simply as “Mr. President,” rather than “Your Highness” or some other majestic title. Rather than ruling like an aloof monarch, Washington traveled the country to maintain contact with citizens. He also declined to seek reelection after serving two terms in office, setting a precedent that would last until 1940.

Washington established the model for how the executive branch should be run. He appointed the

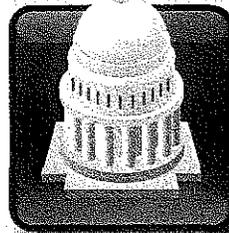
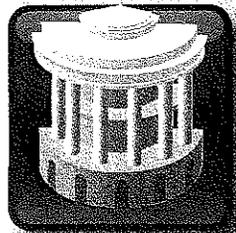
## Presidential Powers

The Constitution lists various presidential powers, either exercised by the president alone or shared with Congress. The president also has many other powers that have evolved over time through custom and practice.

### Powers of the President

#### Sole Powers

- Act as commander in chief of the armed forces
- Commission military officers
- Grant reprieves and pardons for most federal offenses
- Call Congress into special session
- Receive foreign ambassadors
- Ensure that laws of Congress are faithfully executed
- Exercise executive power
- Appoint officials to executive office

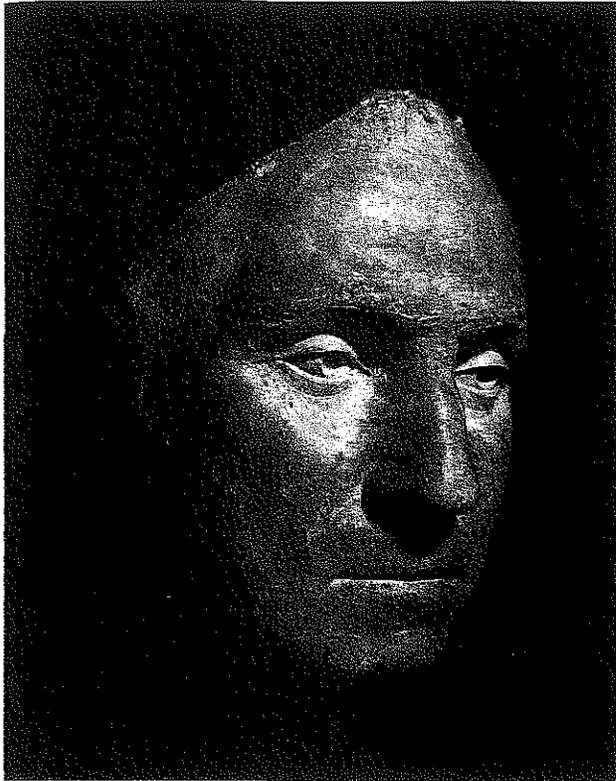


#### Powers Shared with the Senate

- Make treaties
- Appoint ambassadors, judges, and high officials

#### Powers Shared with Congress as a Whole

- Approve legislation

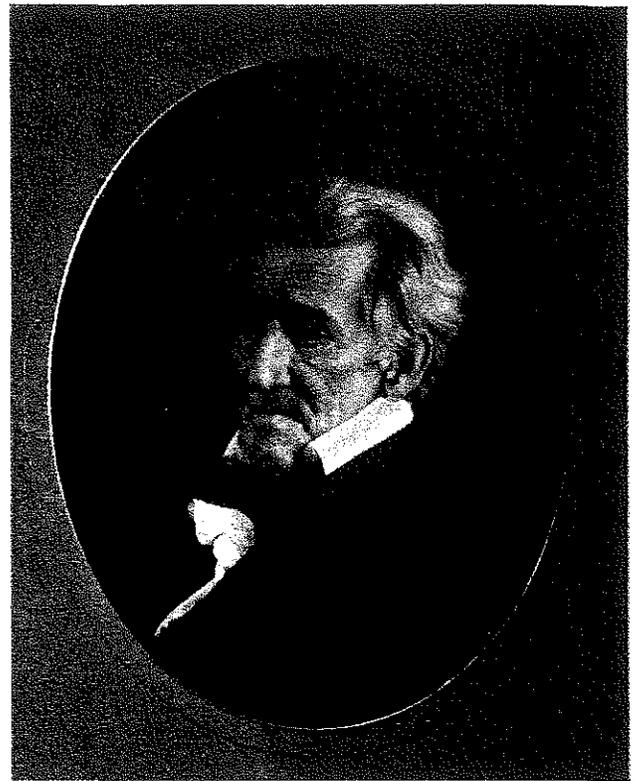


George Washington's great dignity and sense of authority lent power to the office of president. He was immortalized in numerous statues and sculptures, including this plaster cast made in 1785, not long after the Revolutionary War.

first department heads and brought them together to create the first **cabinet**. He negotiated the new government's first treaty. He appointed its first judges. He received its first ambassadors. He signed its first laws. And he issued the first veto.

Perhaps most important, Washington made sure that the president would be respected as a figure of authority. He did this by projecting an air of great dignity and strength. In addition, he took tough action when necessary to ensure that acts of Congress were "faithfully executed."

Washington's determination to enforce the law was tested by the Whiskey Rebellion. In 1791, Congress passed a law that taxed sales of whiskey. Farmers in western Pennsylvania who made whiskey refused to pay the tax and even attacked federal tax collectors. Washington personally led 13,000 militia troops into western Pennsylvania to put down the rebellion. In this way, he affirmed the power of the president as the nation's chief law enforcer and commander in chief.



Andrew Jackson was a powerful president who often battled with Congress and used his veto power to block legislation. Critics called him "King Andrew." But his use of the veto to shape public policy set a precedent for future presidents.

### **Andrew Jackson (1829–1837): Champion of "The People"**

Like Washington, Andrew Jackson believed in using the powers given the president to the fullest. Jackson was elected president at a time when many states had eliminated property requirements for voting. As a result, he was the first occupant of the White House who could claim to have been elected by "the people."

Once in office, Jackson saw his role as the champion of the common people. As such, he often clashed with Congress. In these power struggles, he turned to a tool seldom used by earlier presidents: the veto. Previous presidents had vetoed acts of Congress only when they viewed them as unconstitutional. Jackson vetoed legislation simply because he disagreed with it or thought it ran counter to the people's interests.

During his two terms in office, Jackson vetoed 12 bills, more than were struck down by all of his predecessors combined. His most famous veto involved a bill renewing the charter of the National Bank of the

United States. Supporters of the bank argued it was needed to stabilize the nation's economy. Jackson believed that the bank was designed to benefit the wealthy at the expense of the people. In a message explaining his veto, Jackson wrote,

*It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes. Distinctions in society will always exist under every just government . . . But when the laws undertake to . . . make the rich richer and the potent more powerful, the humble members of society—the farmers, mechanics, and laborers—who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their Government.*

—Andrew Jackson, 1832

Critics of Jackson's use of this presidential power dubbed him "King Andrew." Nevertheless, since Jackson's day, the idea that presidents can and will use their veto power to shape public policy has become an accepted feature of American politics.

### **Abraham Lincoln (1861–1865): Savior of the Union**

Abraham Lincoln became one of the most powerful presidents in U.S. history, in large part because his election triggered a national crisis. By the time he took office in 1861, seven southern states had seceded from the United States. In his inaugural speech, Lincoln argued that no state "can lawfully get out of the Union." He went on to say,

*I therefore consider that . . . the Union is unbroken; and to the extent of my ability, I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union be faithfully executed in all the States. Doing this I deem to be only a simple duty on my part; and I shall perform it, so far as practicable, unless my rightful masters, the American people, shall . . . direct the contrary.*

—Abraham Lincoln,

First Inaugural Address, 1861

Lincoln used all of his powers to carry out this duty. Once in office, he spent money. He raised an army. He ordered the navy to blockade southern ports. He declared **martial law** in Maryland and

other states, placing the people there under military rule. He shut down newspapers that advocated secession. He suspended habeas corpus so that people suspected of treason could be arrested and jailed by the military without worrying about due process.

All of these actions were taken by the new president without prior approval of Congress. Moreover, when a federal court ruled in *Ex parte Merryman* (1861) that suspension of habeas corpus was unconstitutional, Lincoln ignored the ruling.

Likewise, Lincoln issued his Emancipation Proclamation without approval from Congress or even his full cabinet. When the president showed a draft of the proclamation to his cabinet members, their response was mixed. Some members supported it, while others were strongly opposed. Nevertheless, Lincoln went ahead with the plan. On January 1, 1863, he released the proclamation as an **executive order**, a rule issued by the president that has the force of law. With the order, Lincoln transformed the war for the Union into an antislavery crusade.

Lincoln's many critics argued that he had far exceeded his constitutional powers. Lincoln, however, believed that extreme measures were justified to preserve the Union and the Constitution. By his actions, he demonstrated that during a national emergency, a president might exercise almost unlimited powers.



Abraham Lincoln expanded the power of the presidency during the Civil War. Here, he meets with officers at Antietam in 1862.



Theodore Roosevelt was a powerful president who used the office as a “bully pulpit” to advance his reform agenda.

### Theodore Roosevelt (1901–1909): The “Bully Pulpit”

The presidents who followed Lincoln acted more as clerks than executive officers. Then, in the early 1900s, Theodore Roosevelt breathed new life into the office. Roosevelt used the presidency as a platform from which to speak out on important public issues. “I suppose my critics will call that preaching,” he said, “but I have got such a bully pulpit!”

Roosevelt was a stirring speaker who loved being seen and heard. He also knew how to work the media. He held daily press briefings. He let photographers take pictures of him at work and play. As a result, his name and smiling image were everywhere.

Roosevelt believed the president should act as a “steward of the public welfare.” To fulfill that role, he took a broad view of his powers. He later wrote,

*I did and caused to be done many things not previously done by the President . . . I did not usurp [seize] power, but I did greatly broaden the use of executive power. In other words, I acted for the public welfare, I acted for the common well-being of all our people, whenever and in whatever manner was necessary, unless prevented by direct constitutional or legislative prohibition.*

—Theodore Roosevelt: *An Autobiography*, 1913

As the public’s steward, Roosevelt created government agencies to ensure safer food and drugs. He promoted conservation of the nation’s resources. He pursued an active foreign policy in the belief that the

United States was destined to be a great power. The public was so impressed by his energetic leadership that he was reelected in 1904 by the greatest margin of votes in U.S. history up to that time.

### Franklin D. Roosevelt (1933–1945): Maker of the Modern Presidency

Theodore Roosevelt planted the seeds that would flower during the presidency of his distant cousin, Franklin Delano Roosevelt, commonly known as FDR. More than any president before him, FDR transformed the role of chief executive from chief clerk to what we think of as the modern presidency.

Like Lincoln, FDR came into office during a time of crisis: the Great Depression. During his first 100 days in office, Roosevelt called Congress into special session and presented it with 15 major bills. Congress passed them all. Later, he won passage of such groundbreaking programs as Social Security and unemployment insurance. In promoting his New Deal reforms, he dramatically expanded the role of the president. As political scientists have put it,

*The president’s constitutional obligation to see “that the laws be faithfully executed” became, during Roosevelt’s presidency, virtually a responsibility to shape the laws before executing them.*



Franklin Roosevelt’s great personal charm helped win public support for expanded government power. Here, he gives one of his famous fireside chats.

Part of FDR's power lay in his style as president. Whereas previous presidents had used formal speeches to get their ideas across, FDR addressed the American people directly, in their own homes, through a series of radio broadcasts known as "fireside chats." In these chats, Roosevelt spoke to listeners in a warm, engaging manner, explaining his ideas and asking for their support. In this way, many Americans came to see the president not as a distant leader, but as a friend who understood their concerns.

During World War II, FDR expanded his powers still further. But rather than objecting to this growth of presidential power, most Americans applauded Roosevelt as a "savior." As one political scientist observed, "The argument was simple: The more power the executive had, the more good he could do."

Since the end of World War II, the presidency has been powerful, no matter who is in the White House. By the 1970s, some critics of presidential power voiced concerns about the rise of an "imperial presidency," meaning presidents acted more like emperors than constitutional leaders. Nonetheless, the president today is still limited in his powers to those set down in the Constitution more than two centuries ago.

## ■ 13.4 The Modern President's Job

President John F. Kennedy once said, "No easy problem ever comes to the President of the United States. If they are easy to solve, somebody else has solved them." Lyndon Johnson, who assumed the presidency after Kennedy's assassination, called the job an "awesome burden." After looking at the modern president's many duties, one scholar noted, "All that is missing is Mover of Mountains and Raiser of the Dead."

### The Many Roles of the President

Given the complexities of the modern world, the job of president has grown more challenging. To carry out their duties as chief executive, presidents must assume many different roles. The diagram on the facing page shows the various roles the president plays on any given day.

**Chief executive.** As the country's chief executive, the president acts much like the head of a large

corporation. In this role, the president presides over the federal **bureaucracy**, or the various agencies and organizations that carry on the daily business of government. To keep that bureaucracy running, the president is responsible for appointing close to 2,000 federal officials. These officials, in turn, oversee the work of nearly 2 million civilian employees of the federal government.

As chief executive, the president has the power to issue executive orders. A president is most likely to use this power during an emergency or when Congress fails to take action on an important issue. For example, in 1948, Congress was divided over a bill to desegregate the armed forces. Rather than waiting for Congress to act, President Harry Truman issued an executive order abolishing segregation in the military.

**Chief of state.** The president also acts as chief of state, the ceremonial leader of the government. In many countries, different individuals hold the positions of chief executive and chief of state. In Great Britain, for example, the prime minister is the chief executive, while the monarch is the chief of state. In the United States, however, the president wears both hats.

As chief of state, the president represents the United States at official functions, both at home and abroad. For example, the president greets foreign leaders and hosts state dinners at the White House. Chief of state duties also include acts to promote national spirit, as when the president lights the national Christmas tree or throws out the first pitch of the major league baseball season.

**Commander in chief.** The job of commander in chief is one of the president's most challenging roles. As head of the armed forces, the president is responsible for the operations of the U.S. military and the overall security of the nation.

The framers believed it was important for the nation's top civilian leader to have control over the armed forces. But they also set limits on the president's control by giving Congress the power to declare war. Since World War II, however, the president has often committed troops to action without a formal declaration of war. In 1973, Congress passed the War Powers Act, which requires the president to get congressional approval to wage war.