THIRD EDITION

PRESIDENTS AND THE AMERICAN PRESIDENCY

LORI COX HAN | DIANE J. HEITH

OXFORD

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To the memory of our advisors and mentors on the American presidency,
William W. Lammers, University of Southern California,
and
Elmer E. Cornwell Jr., Brown University

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PREFACE

Perhaps the most common debate among presidency scholars considers how best to study both the presidency as a political institution and those who have held the office. In developing this textbook, we wanted to provide a comprehensive text that combined both approaches by including contemporary issues surrounding presidents as individual leaders as well as the institutional perspectives and evolution of the office. Our goal is to focus on the "real" presidency, that is, to provide a unique perspective and analysis that explains exactly what a president does on a day-to-day basis and how the political and institutional environment affects the daily governing outcome. We also wanted to incorporate what we consider an underutilized resource on the presidency for undergraduate students, which are the millions of archival documents available at presidential libraries. We have both conducted extensive research at presidential libraries across the country (to date, all 13 libraries from Herbert Hoover through George W. Bush) and know firsthand the significance and richness of the many memos, letters, and oral histories available to scholars and journalists alike. These documents add a personal knowledge and perspective of what happened behind the scenes in the White House and help to explain the strategic and decision-making processes of presidents during the past century. As a result, we believe that these documents add an important pedagogical tool for an instructor's use at the undergraduate level.

We have also incorporated our own experiences in teaching the presidency into the presentation of the topics throughout the text. We are both faculty members at universities (Chapman University and St. John's University, respectively) that value classroom instruction as much as faculty scholarship. The presidency is, for both of us, not only our major field of expertise, but also a favorite course that we both teach regularly. We have learned over the years what works when attempting to engage students beyond a cursory and fleeting knowledge of the material when preparing for an exam. We share a pedagogical approach to teaching this course that provides students with a deeper understanding of the presidency as an institution and its importance within the constitutional framework

of the American government. Specifically, we consider the leadership qualities of those who have held the office and why that matters for their ultimate success or failure, and, from a broader perspective, why it is important to develop critical thinking and analytical skills when studying American government. The former two issues serve to pique many students' interest in the subject, whereas the latter helps students to become more informed citizens.

The plan of the book is straightforward; we cover all the important subjects necessary to gain a comprehensive understanding of the topic within a semester/quarter-long course on presidents and the presidency. Chapter 1 provides an introductory discussion on the historical context, theories and methodologies, and sources that are all part of the study of presidents and the presidency. Chapter 2 analyzes the presidency within the framework of the U.S. Constitution and how the various interpretations of presidential powers since the founding era have shaped the office and the decisions made by its occupants. Chapters 3, 4, and 5 consider the public connection of presidents and the presidency to the American electorate—presidential campaigns and elections, presidential communication strategies, the president's relationship with the news media, and public opinion. Chapters 6, 7, and 8 consider the institutional aspects of the office in how presidents interact and manage their relationships with Congress, the federal courts, and the executive branch. Finally, Chapters 9 and 10 cover the important topics of domestic, economic, and foreign policymaking and the role that presidents play in the development and implementation of policy outcomes.

Along the way, we also incorporate numerous archival documents to highlight key issues; some show the seriousness and gravity of the decisions that presidents face while in office, while others provide an interesting and sometimes light-hearted view of the real governing process in the White House and how partisan concerns can also play a role. In each chapter, we also provide several features: "Then and Now," "In Their Own Words," "Researching the Presidency," and "Diversifying the Presidency." "Then and Now" takes a specific issue and compares a more historical approach to a more contemporary view to analyze how presidents have dealt with certain challenges while in office. For example, "Then and Now" in Chapter 2 considers the political implications of the presidential power to pardon. "In Their Own Words" highlights one archival document that helps to illustrate a specific topic of each chapter. For example, in Chapter 10, we highlight a letter from General Lauris Norstad to President John F. Kennedy about the global political implications following the Cuban Missile Crisis. "Researching the Presidency" provides a brief look at recent and innovative empirical research on the topic. For example, in Chapter 7 we look at research that considers how presidents talk publicly about Supreme Court decisions. New to the third edition is "Diversifying the Presidency," which looks at the predominantly white and male institution of the presidency to consider both recent progress and future challenges in bringing more diverse representation to this branch of government. For example, in Chapter 3, we discuss the diversity among the 2020 field of presidential candidates for the Democratic nomination, which made history as the most diverse ever.

We have many people to thank for their contributions to this edition, as well as the two that came before it. First, we are grateful for the guidance of our editor at Oxford University Press, Jennifer Carpenter, for her continued commitment to making this textbook that best it can be. The entire editorial team at Oxford University Press remains amazingly helpful. We are indebted to the many reviewers who took time out of their busy schedules to give helpful feedback on individual chapters as well as the manuscript as a whole. Your insight, critiques, and expertise were truly appreciated. We also appreciate all the help from archivists at each presidential library in the National Archives and Records Administration system; your wealth of knowledge has been invaluable over the years. We are also grateful for the many colleagues we have had the pleasure to work with throughout our careers who share our passion for researching and teaching the presidency. Our involvement in the Presidents and Executive Politics section of the American Political Science Association has enriched our professional lives on many levels. We also consider ourselves blessed to have studied with some of the best researchers of the American presidency, who helped to set us on our own paths as presidency scholars. At the undergraduate level, we took courses with Larry Berman at the University of California, Davis, and Theodore Lowi at Cornell University, respectively. And it is to our graduate advisors, the late Bill Lammers at the University of Southern California, and the late Elmer Cornwell at Brown University, respectively, that we dedicate this book.

Lori Cox Han also thanks her husband, Tom Han; children, Taylor NyBlom and Davis Han; and mom and sisters, Nancy Cox, Cathy Spooner, and Cynthia Fleischer, for their continued support, inspiration, and unconditional love. She also thanks those who have provided support at Chapman University, including Talisa Flores and the entire staff in Wilkinson College who do so much for faculty; and Jennifer Keene, dean of Wilkinson College, Glenn Pfeiffer, provost, and Daniele Struppa, president of Chapman University, for providing support, financial and otherwise, for this book and many other research endeavors.

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Finally, the many students over the years who have taken our respective presidency courses at Chapman, Austin College, and St. John's (and even the very first courses at the University of California, Los Angeles, and Brown University) deserve thanks for their contributions to this final product.

TABLES AND FIGURES

CHAPTER 1

Studying Presidents and the Presidency

On January 20, 2021, Joseph Robinette Biden Jr. took the oath of office as the 46th president of the United States. With a long political career that included 36 years as a U.S. senator from Delaware, followed by eight years as President Barack Obama's vice president (2009–2017), Biden was the consummate Washington insider. At 78, he became the oldest person ever to hold the office, and he was expected to govern with a leadership style exemplifying both his experience and his status within the Democratic Party as an elder statesman. Many political observers saw a Biden presidency as a chance to return to "business as usual" in Washington after the Donald J. Trump presidency, which had been anything but normal. In the 2016 presidential election, Trump shocked the political world with his upset victory over Hillary Clinton. As the first president ever elected with no prior political or military experience, Trump was labeled by many as a "disruptor" as he regularly broke political norms, both as a candidate and then as president. Trump's populist economic views and politically incorrect rhetoric resonated with the anti-establishment mood of many American voters, who agreed with Trump's promises to "Make America Great Again" and to "Drain the Swamp." Trump's unprecedented campaign style of attacking and demonizing his enemies, often through numerous daily tweets, continued into his presidency. Many argued that Trump was diminishing the prestige of the office; for example, he had a particularly hostile relationship with the press and constantly railed against "fake news," and his language about race and ethnicity was often seen as giving license to hate groups.[1]

In keeping with the unprecedented and at times chaotic tenor of the Trump years, the 78 days between Election Day 2020 and Biden's inaugural festivities saw tremendous public upheaval in an already hyper-partisan and volatile political environment driven by deep partisan division. At times, the tradition of a peaceful transition of power seemed in doubt. Since the election, Trump had been insisting publicly that he had won in a landslide, alleging massive voter fraud, and that the election had been "stolen" from him. While the election

results were too close to call on Election Night, with Trump both leading and trailing by razor-thin margins in several swing states, media outlets would eventually call the race for Biden four days later as the final votes were counted. Biden won the Electoral College by 306 to 232 (a simple majority of 270 out of 538 is needed), and the popular vote by approximately 81 million to Trump's 74 million. Yet, Trump refused to concede. The Trump campaign's legal team brought more than 60 lawsuits in both state and federal courts, claiming voter fraud and various other irregularities. All cases were ultimately dismissed. On December 14, 2020, the electors met in each of the 50 states and the District of Columbia to cast their ballots, which confirmed Biden's 306–232 victory. Trump still refused to concede, continuing to argue that the election had been "rigged" in Biden's favor and arguing against certification of the state results.

Congress met on January 6, 2021, just three days into the 117th congressional session, to count and certify the Electoral College vote as required by the U.S. Constitution. Normally, this is a pro forma, ceremonial event, but Republicans in both the House of Representatives and the Senate signaled they would raise objections to the vote count in several states, which is allowed by the Constitution. Trump was also pressuring Vice President Mike Pence, both publicly and privately, to overturn the results of the election in his capacity as the presiding officer of the Senate, suggesting that the vice president could refuse to accept the results in certain states, therefore giving the victory to Trump. While Pence had stated publicly, through his staff, that he welcomed the challenge brought by Republican members of Congress, on the morning of January 6th he defied Trump on the matter by saying, "It is my considered judgement that my oath to support and defend the Constitution constrains me from claiming unilateral authority to determine which electoral votes should be counted and which should not."

For weeks prior, Trump had been calling for his supporters to stage a massive protest outside of the U.S. Capitol during the congressional vote count and certification. In one tweet, Trump wrote "Big protest in D.C. on January 6th. Be there, will be wild!" Due to the violence that had already occurred at several pro-Trump rallies after the election, both law enforcement officials and the National Guard were on alert. On the morning of the 6th, tens of thousands of protesters gathered on the Ellipse (which is between the White House and the Mall) for a "Save America" rally. Trump spoke to the crowd for nearly an hour, repeatedly telling them that the election had been stolen from him, and that they needed to "fight like hell" and "take back our country."

When the rally concluded, the mob marched down Pennsylvania Avenue and proceeded to storm the U.S. Capitol; the mob quickly turned violent as law enforcement perimeters were overrun. The rioters occupied the building for several hours as lawmakers and journalists were evacuated and forced to shelter in place. Several offices within the Capitol, including the office of Speaker of the House Nancy Pelosi (D-CA), were vandalized and looted. The violent mob smashed windows, destroyed signs and other property, and stole items from both the House and Senate chambers. In addition, many of the rioters chanted "Hang Mike Pence," and a gallows was erected outside the building.

Others attempted to locate specific lawmakers to harm and take hostage. Improvised explosive devices were found on the Capitol grounds, as well as outside the Democratic and Republican national committee offices in Washington, DC. During the violent attack, a Capitol Police officer, Brian D. Sicknick, died from injuries sustained while being physically assaulted by the rioters. Four other people died, including one rioter who was shot by police. More than 100 police officers were injured.

During the next two weeks, Trump would be impeached by the House of Representatives for incitement of insurrection, though he was acquitted in the Senate. Biden took office as planned on January 20th, though the inaugural festivities were far from normal, marked by COVID-19 protocols (including social distancing, face mask requirements, and limited capacity at all events), as well as intense security provided by law enforcement and the National Guard throughout the nation's capital. Trump, whose presidency ended in contentious, controversial, and violent circumstances, became the first outgoing president to refuse to attend his successor's inauguration since Andrew Johnson in 1869.

As events since that time have shown, the individual (marked by personality, life experience, temperament, and communication style) who holds the office of president matters in the day-to-day functioning of the White House. But just as important, so too do the constitutional responsibilities and the institutional environment in which a president governs, which can contribute to long-term political stability and continuity even during a period of short-term chaos (as witnessed during the Trump–Biden transition). No matter who sits in the Oval Office, the complexities of the contemporary presidency and the challenge of governing are immense during each day of an administration. The president must serve as both the head of state and head of government; their public and political activities, as well as their duties as commander in chief of the armed forces, represent only a few of the many responsibilities that go along with the job title "President of the United States." On any given day, a president may order military actions, oversee and direct major policy initiatives implemented by the executive branch, hold a press conference or give interviews to members of the press, hold a state dinner at the White House for a visiting dignitary, veto a congressional bill, nominate a federal judge or ambassador, or make a political appearance on behalf of other members of their party or for their own reelection. Presidents must also contend with political distractions in the media-driven, hyper-partisan environment that is Washington. Whereas members of Congress may have opportunities to develop policy expertise by serving on or chairing committees and whereas Supreme Court justices are experts of U.S. constitutional law, the president must be all things to all Americans—politically, constitutionally, and symbolically. As such, presidents and their staffs must be able to multitask while juggling the variety of demands placed on the nation's chief executive. As Obama stated in a 2011 *60 Minutes* interview, "The presidency requires you to do more than one thing at a time."[2]

The American presidency is a unique political position, both from the institutional nature of the job and from the many ways that an individual president

can shape the office itself. This book considers both American presidents and the presidency, that is, those who have held the position and the institutional structure of the office within the executive branch of government. We examine the strengths and weaknesses of both the presidency as a political institution and recent presidents and their leadership skills. However, we seek to examine the "real" presidency, that is, not just the theoretical analysis of the institution or assessments of the individuals who have served as president, but also the day-to-day responsibilities and challenges that go with the job. In the following chapters, we showcase the real aspects of the presidency, as well as the differences between individual and institutional perspectives on decision making. Toward that goal, we incorporate archival documents from multiple administrations to reveal the inner workings of the White House. The documents and oral histories at presidential libraries and other archives around the country represent a virtual treasure trove of detailed analysis and stories of what happened, not only publicly but also behind the scenes, in each administration. It is through inter- and intra-office memos among a president and their closest advisors that governing strategies are developed and policy decisions are made, and it is through oral histories of administration officials that candid assessments are offered regarding the successes and failures of each presidency. We rely on these documents to allow a president and/or members of the administration, through their own words, to animate the discussions in each chapter from the perspective of political actors who were present to understand and appreciate the depth and breadth of presidential power and leadership.

HISTORICAL CONTEXT

The president of the United States is easily the most recognizable political figure to any American citizen and, globally, one of the most powerful leaders in the world. As a political institution, the American presidency has long been a fascinating case study of the powers and intricacies of the office because it defies comparison to anything before or since. To date, 45 individuals have held the office of the presidency, and although each served their country with varying degrees of success, the presidency as an institution remains a focal point of political power, both nationally and internationally. Yet, only minor changes related to the presidency have been adopted in the U.S. Constitution since its ratification in 1789. The essential characteristics of the American presidency are as recognizable today as they were more than 230 years ago. However, the presidency of the eighteenth century outlined by the framers seems weak compared to the powers that emerged by the twenty-first century. The American presidency is one of the most resilient political institutions ever developed, enduring numerous wars (not the least of which was the Civil War from 1861 to 1865), scandals (such as Watergate, which led to Richard Nixon's resignation from office in 1974), economic turbulence (such as the Great Depression following the stock market crash in 1929), impeachments (Andrew Johnson in 1868,

Bill Clinton in 1998, and Trump in 2019 and 2021), and even assassinations (four presidents have been killed by an assassin's bullet: Abraham Lincoln in 1865, James Garfield in 1881, William McKinley in 1901, and John F. Kennedy in 1963). Still, the powers of the office, along with the governing strategies of each individual president, have varied at different times because of different circumstances (political and otherwise). In general, the history of the presidency can be divided into three principal eras: the traditional presidency, the modern presidency, and the postmodern/contemporary presidency.[3]

The Traditional Presidency

This era includes presidents from the late eighteenth century until the turn of the twentieth century, and with a few notable exceptions, most of these individuals were not particularly memorable. During this era, the presidency was not the grand political prize that it is considered today, and many early politicians did not aspire to hold the office. The presidency offered modest prestige, narrow authority, and meager resources; in fact, governors of prominent states, such as New York, Massachusetts, and Virginia, wielded more political power. Although presidents during the early years of the republic were honored and respected for their public service and political contributions prior to 1789, they occupied an office that was unassuming and limited with respect to national defense and foreign policy. This is what the framers of the Constitution had intended, which left presidents for the most part passive participants in the policymaking process. As a result, throughout the nineteenth century, most presidents merely carried out the laws passed by Congress, which assumed the role of the dominant policymaking branch.

The four most memorable administrations during the traditional era include George Washington (1789–1797), Thomas Jefferson (1801–1809), Andrew Jackson (1829–1837), and Abraham Lincoln (1861–1865), all of whom are "towering exceptions" during an era when presidential powers remained modest and limited.[4] Washington, as the first to hold the office, set many precedents and shaped the model of presidential leadership for generations to come. Jefferson, as the author of the Declaration of Independence and one of the most prominent among the founding fathers, is remembered for articulating his beliefs in republicanism and a limited national government. Yet, he pushed the constitutional boundaries of presidential powers with his decision to use military force against the Barbary Pirates in 1801 and with his purchase of the Louisiana Territory in 1803 (he did not consult Congress on either decision). Jackson became the first "common man" to hold the presidency and rose to power as both grass-roots politics and political parties became prominent electoral fixtures as voting rights were expanded beyond land-owning elites. Lincoln, considered by some scholars and many Americans the greatest president, held the nation together during the Civil War, yet is also known for expanding presidential powers by relying on extraconstitutional and/or unconstitutional measures in doing so (including the suspension of habeas corpus).

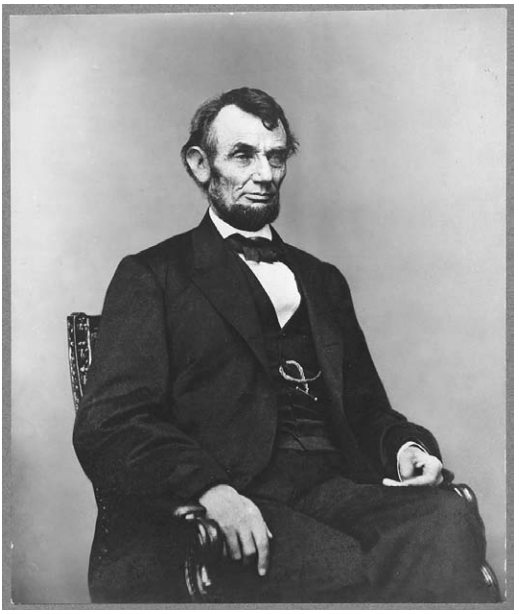

Photo 1.1 Abraham Lincoln is often considered the greatest U.S. president because of his leadership during the Civil War.

The Modern Presidency

The expansion of presidential powers, particularly in regard to shaping the national agenda, waging wars, and connecting with the American public, did not become a regular and expected feature of the presidency until the twentieth century. The development of the modern presidency, including the powers of the office and the large bureaucracy of the executive branch, reshaped the office. Of the three branches, the executive branch has moved farthest from its origins and least resembles the intent of its framers. According to presidential scholar Louis Koenig, Theodore Roosevelt (1901–1909) and Woodrow Wilson (1913–1921) were the modern presidency's "architects, as asserters of bold undertakings in domestic and foreign affairs, as gifted mobilizers of public opinion, as inducers of congressional concurrence."[5] Then, with the election of Franklin D. Roosevelt (FDR) in 1932, a new political era began that included a dramatic expansion of the federal government in both size and power. FDR (1933–1945) brought several important changes that solidified the modern presidency: enhanced presidential staff resources, a greater presidential role in policymaking, a stronger relationship with the mass public, and a greater presence in the realm of international relationships. FDR's presidency yielded new understandings of the modern presidency, focusing on increased expectations for presidential action and the increased capacity to pursue presidential leadership.[6]

FDR's New Deal, as well as America's involvement in World War II, began what would be an era of expansive growth in domestic and foreign powers of

both the presidency and the executive branch. During this time, the presidency eclipsed Congress and even political parties as the "leading instrument of popular rule."[7] Harry Truman (1945–1953) and Dwight Eisenhower (1953–1961) would also preside over the continued influence of the presidency as the lead actor in domestic and international affairs, in part because of the growth of the U.S. economy and the continuing Cold War. Similarly, the public aspects of the office, along with the public's expectation for strong leadership, continued to expand, particularly with the presidency of John F. Kennedy (1961–1963) and his administration's successful use of television. This era is also marked by the strength and dominance of the United States as a global and economic superpower, which allowed presidents to pursue extensive policy agendas both at home (such as Lyndon Johnson's Great Society and the War on Poverty during the 1960s) and abroad (containing the spread of communism as part of America's Cold War strategy). Yet, the failure of U.S. containment policy during the protracted Vietnam War would call into question the powers of the modern presidency; both Johnson (1963–1969) and Richard Nixon (1969–1974) would be labeled "imperial" presidents for their actions in Vietnam and for Nixon's involvement in and eventual resignation resulting from Watergate.[8]

The Postmodern/Contemporary Presidency

Following the Vietnam War and Watergate, the powers of the modern presidency were diminished as resources necessary for a president to wield power fell "well short of the tasks he is expected to perform and the challenges to be faced."[9] According to some scholars, the American presidency had entered a new, "postmodern" phase.[10] Although differences exist in the exact definition of postmodern as applied to the American presidency, most acknowledge that changes had occurred to create what can be called a more "contemporary" presidency. For example, by the 1980s, presidents were no longer able to pursue big domestic political agendas; divided government became more common (with the White House controlled by one political party and at least one house of Congress controlled by the other), and with a spiraling national debt and increasing budget deficits, the president had much less room to shape the domestic agenda through the creation of new federal programs like those during the New Deal and Great Society. Instead, Ronald Reagan's (1981–1989) electoral success and popularity were based in part on his promise to reduce the size of the federal government. In addition, with the end of the Cold War by the end of the 1980s, presidents had lost power in the international arena. Cooperation in what George H. W. Bush (1989–1993) called "the new world order" became more important than protecting the United States from the spread of communism and the imminent threat of a nuclear war with the Soviet Union. Yet, George W. Bush (2001–2009) reasserted power with military actions in both Afghanistan and Iraq based on the belief that the United States must preempt and prevent potential threats to national security (known as the Bush Doctrine).

Other trends have contributed to this postmodern/contemporary presidency, including the way in which Americans select their presidents; the political

skills necessary for a candidate to succeed on the campaign trail are different from those needed to handle the complex domestic, economic, and global demands of the job.[11] The challenges faced by Bill Clinton (1993–2001), George W. Bush, and Barack Obama (2009–2017) represent both the increased powers and the diminished capacities of governing that have evolved in recent decades. In the post–9/11 era, the War on Terror may have helped to expand presidential powers in some areas, yet the Bush and Obama administrations also faced trying economic circumstances that severely limited presidential powers over the policymaking agenda. In addition, presidents must now contend with a political environment dominated by hyper-partisanship and fueled by unyielding yet fragmented news media coverage. It is that hyper-partisan political environment that helped Donald Trump win the presidency in 2016 and shaped his governing agenda; his theme of "Make America Great Again" highlighted issues such as illegal immigration, bringing jobs back to the United States, and the fight against terrorism. Despite strong economic indicators during the Trump years, the COVID-19 pandemic dominated the 2020 presidential campaign as well as the first year of the Joe Biden administration. Although the president may still be the "focal point of public life," the reality is that "presidents are seldom in command and usually must negotiate with others to achieve their goals."[12] In addition, their actions are often beholden to the many domestic and foreign circumstances that are outside of their control.

THEORIES AND METHODOLOGIES

Although presidential studies itself is considered a subfield within the discipline of political science, specific areas within presidential studies have also emerged as part of the growing literature on both presidents and the presidency. One way to categorize different theories or methodologies associated with the study of the presidency is to simply ask whether the approach is "president centered" (aspects of the individual holding office at a particular time) or "presidency centered" (the institutional aspects of the office and/or the executive branch). More specifically, the president-centered approach can include exploring the informal power structure within the White House and its impact on presidential leadership, considering the behaviors of presidents through a psychoanalytic approach, or analyzing a president's leadership style through the public aspects of the office. The presidency-centered approach can include studies focusing on the formal powers of the executive office, presidential/congressional relations, or the executive branch as a political institution. In the presidency-centered approach, scholars attempt to better understand (and sometimes predict the actions of) the president, their staff, and other relevant political actors within the executive branch. In addition, interdisciplinary research on the presidency has merged the growing literature in political science with that of psychology, history, communication, economics, and sociology, among others. As a result, both the quality and quantity of research devoted to the presidency continue to grow and evolve.

Classics in Presidential Studies

The first study of the presidency as a social and political institution was the 1825 publication of *The Presidency of the United States* by Augustus B. Woodward, whose work included five categories of study: the man, public politics, Washington politics, executive politics, and didactic reviews (attempts to synthesize the other categories and draw lessons from the presidency).[13] During the twentieth century, as the discipline of political science expanded, so, too, did the study of the presidency. During the 1940s and 1950s, prominent works on the presidency focused mostly on the constitutional powers of the office and other interpretive works that provided descriptive analysis of the White House and its occupants. For example, Edward S. Corwin, in *The President: Office and Powers* (first published in 1940), analyzed the framers' intent regarding presidential powers as an "invitation to struggle" between the presidency and Congress, particularly regarding matters of foreign policy. Perhaps the most quoted line of Corwin's work suggests that the powers of the presidency can be defined by who holds the office: "Taken by and large, the history of the presidency is a history of aggrandizement, but the story is a highly discontinuous one. . . . That is to say, what the presidency is at any particular moment depends in important measure on who is President."[14]

Similarly, Clinton Rossiter's *The American Presidency*, first published in 1956, explores the evolution of presidential powers and the president's many roles as chief of state, chief executive, commander in chief, and chief diplomat, among others. Through his interpretive and historical analysis, Rossiter concluded, "The President is not one kind of official during one part of the day, another kind during another part—administrator in the morning, legislator at lunch, king in the afternoon, commander before dinner, and politician at odd moments that come his weary way. He is all these things all the time, and any one of his functions feeds upon and into all the others."[15]

In 1960, one of the most quoted books of all time on the presidency was published—*Presidential Power* by Richard Neustadt. A former advisor to Harry Truman, Neustadt was one of the first political scientists to recognize that personality, character, and political skill were important in the development of presidential leadership. According to Neustadt, power is found in the president's ability to bargain and persuade. Neustadt defined power as personal influence on governmental action, which is separate from the formal powers outlined by the Constitution. He argued that there is great weakness in the presidency, mainly present in the gap between public expectations and the actual capabilities for leadership. Neustadt sought to better understand "personal power and its politics: what it is, how to get it, how to keep it, how to use it." Neustadt had a pessimistic view of the presidency, in that the president must stand alone and rely on their own political skills to get things done. Others within the system have competing agendas, and only the president can wield influence to achieve goals. As such, the theme of Neustadt's work is presidential weakness since the president needs more than formal

constitutional powers to achieve policy results. The president shares powers so must bargain with others within government out of need. Despite formal powers, real presidential power is the power to persuade, making the president a clerk with five constituencies: executive officials who need guidance, Congress who needs an outside agenda, partisans who need a record to run on in the next election, citizens who need a symbol to complain to or seek aid from, and foreign countries where U.S. policies play a role. In the end, a successful president is one who knows how to harness power and use it wisely, especially when juggling the responsibilities from these five constituencies. A fine balance must be struck between someone who is hungry enough to seek power, yet not abuse it. In Neustadt's view, FDR represented presidential leadership at its finest.[16]

IN THEIR OWN WORDS

LEADERSHIP

Presidents, like presidency scholars, have long been interested in the notion of "leadership." The following unsigned memorandum from 1928, an attempt to define leadership, is among the personal papers of Franklin D. Roosevelt at his presidential library:

MEMORANDUM

There is no magic in Democracy that does away with the need of leadership.

The danger in our Democracy lies in our tendency to select leaders who are similar to the rank and file of us, whereas the hope of Democracy seems to lie in our selecting leaders who are superior to the rank and file of us.

Should we hunt for leaders who will lead us, or for leaders who will follow us?

Should we look for leaders who will always think like us, or for leaders who will sometimes think for us?

Should we elect men to office because they promise to vote for certain measures, or because we can trust their minds and their morals to guide them alright on measures in general once all the facts are before them?

Shall leaders be human substitutes for their constituents or phonograph records of the fluctuating moods of their constituents?

No man of authentic greatness of mind and character will purchase political position at the price of adjourning his own intelligence and becoming the errand boy of either Main Street or of Wall Street.

We have today side by side an old political order fashioned by a pastoral civilization and a new social order fashioned by a technical civilization. The two are maladjusted. Their creative inter-relation is one of the big tasks ahead of American leadership.[17]

Newer Methodologies Evolve

Political scientists would not significantly expand methodological perspectives in presidency research for another two decades. The shift to bring the subfield more in line with the disciplinary rigor of political science got its start in 1977 when political scientist Hugh Heclo published a report on the state of research devoted to the presidency. Heclo concluded that although the topic itself was "probably already overwritten," there existed "immense gaps and deficiencies" stemming from a lack of empirical research and too much attention paid to topics such as presidential power, personalities, and decision making during a crisis.[18] At the time, many studies were devoted to the more recent presidencies of Eisenhower, Kennedy, Johnson, and Nixon, along with more contemporary political topics such as the Cold War, the Cuban Missile Crisis, the Vietnam War, and Watergate. As a result, Heclo argued that the field of presidential studies needed more reliance on primary documents, a better understanding of how the presidency works day to day (to help it perform better), and a broader, more interdisciplinary approach.[19] Despite several "well-intentioned publications" on the presidency, Heclo concluded, "considering the amount of such writing in relation to the base of original empirical research behind it, the field is as shallow as it is luxuriant. To a great extent, presidential studies have coasted on the reputations of a few rightfully respected classics on the Presidency and on secondary literature and anecdotes produced by former participants. We still have remarkably little substantiated information on how the modern office of the President actually works."[20]

By the early 1980s, presidency scholars began reassessing the trends of their research, and as a result, many began to bemoan the state of their "underdeveloped subfield."[21] Along with the classics on presidential power and personalities, presidential research until that point also tended to focus on a "political-actor perspective" that centered on the question of determining "how presidents differed in their decisions." This president-centered approach often relied on descriptive analyses or anecdotal comparisons between presidents and suffered from what many referred to as the infamous "$n = 1$" syndrome, meaning that presidents provided small data sets from which to conduct studies befitting the methodologically rigorous standards of social science research practices.[22]

In 1983, George C. Edwards III and Stephen J. Wayne published *Studying the Presidency*, in which they argued that more "theoretically sophisticated and empirically relevant" work was necessary to expand the presidency literature to keep pace with the "phenomenal growth of the presidency: the expansion of its powers, the enlargement of its staff, the evolution of its processes."[23] Problems in studying the presidency had traditionally stemmed from the general unavailability of data, the lack of measurable (particularly quantitative) indicators, and the absence of theory, all of which "impede the collection and analysis of data, thereby discouraging empirical research." Specific problems included the fact that operational and institutional aspects of the presidency were usually shrouded in secrecy, presidential documents can remain closed for years if not decades,

primary source material is not always readily available, interviews with administration officials can be biased and incomplete, and high-profile journalists are more likely to gain access than most scholars. Given that, little about the presidency had lent itself to quantitative and comparative study, other than public opinion, voting studies, and legislative scorecards.[24] The authors also suggested that presidency scholars should develop newer methodologies more in line with scientific approaches found within social science generally and political science specifically, including legal perspectives (sources and uses of presidential powers); institutional perspectives (analysis of the workings of government); roles and responsibilities (understanding presidential actions within the institutional setting); structure and process (how the president/presidency function, operate, and interact with other political actors/institutions); political perspectives (power orientation and decision making); and psychological perspectives (analyzing personalities of individual presidents).[25]

The President-Centered Approach

Many presidency scholars have maintained an emphasis on presidential leadership and its importance in understanding the role of the president in both policymaking and governing, yet at the same time began to change the direction of research by relying on a broader theoretical perspective and including extensive data for comparative analysis. Many still rely on Neustadt's *Presidential Power* for at least a starting point, while also recognizing the limitations that an individual president can face in effecting political change.[26] Leadership, particularly in the political context, has a variety of definitions and is considered a malleable term, but in general it is defined as a process involving influence that occurs in groups and includes attention to goals; attention is also paid to the individual traits of the leader, their behavior, patterns of interacting, and relationships with others.[27] Although no clear standard has yet to emerge, many scholars have provided useful insights as to what makes a president successful as a leader, as well as which presidents have failed and why. As Bert Rockman states, the study of presidential leadership is both fascinating and complex in that presidents may vary in temperaments, but all are confronted with similar pressures while in office—"it is the manipulable factor in a sea of largely nonmanipulable forces."[28]

One of the most widely recognized theories of leadership is the work of James MacGregor Burns, who introduced the idea of transformational leadership in the late 1970s.[29] For Burns, leadership is more than just the act of wielding power; it involves the relationship between leaders and followers. Transactional leadership refers to what most leaders can accomplish—the day-to-day exchanges between leaders and followers that have come to be expected. Transformational leadership, in contrast, provides more than just a simple change in the political process. A transformational leader provides broader changes to the entire political system that raise the level of motivation and morality in both the leader and the follower. As Burns states, "transforming leaders define public values that embrace the supreme and enduring principles of a people."[30] Similarly, Bruce Miroff defines five presidents as "icons of democracy" (John Adams, Abraham Lincoln,

Theodore Roosevelt, FDR, and John F. Kennedy) as American leaders who fostered the American democratic ideal.[31] Miroff argues that successful democratic leaders respect their followers, are committed to the notion of self-government, and nurture the possibilities of civic engagement through a public dialogue, all of which are necessary for true political leadership.[32]

Although many studies of presidential leadership can still be traced back to Neustadt's view that modern presidential power equates the ability to bargain and persuade,[33] other important works have redefined, modified, and/or expanded the notion of presidential leadership to encompass various views of presidents and the presidency, including the president as a transformational leader as well as the state of the postmodern/contemporary presidency.[34] Other topics contributing to the growing literature on presidential leadership consider changes in the political environment,[35] the institutionalization of and leadership within the executive branch,[36] policymaking and the president's relationship with Congress,[37] the public presidency and changes in White House communication strategies,[38] as well as the challenges and dilemmas that now exist because presidential governance and leadership have strayed from the original intent of the framers.[39]

Seeking to better understand the effect of a president's personality on an administration's successes and failures, along with the notion of "presidential greatness," represents another line of inquiry among those scholars interested in the president-centered approach. Americans expect their presidents to be the epitome of political leadership, and several presidents come to mind when thinking about presidential greatness, including George Washington, Thomas Jefferson, Abraham Lincoln, Theodore Roosevelt, FDR, or Ronald Reagan.[40] However, although some presidents have moments of great leadership, few have been great leaders. According to Thomas E. Cronin, Michael A. Genovese, and Meena Bose, three important aspects of presidential leadership must be understood: political time (different types of leadership are necessary for different circumstances); political vision (a strong presidential vision can energize the nation and achieve political power); and political skill (personality can make a difference in presidential leadership, and under certain circumstances the right individual can make a difference, but not all presidents can succeed in a given situation).[41]

Leadership style and presidential personality can also be determining factors in the success or failure of a president's tenure in office. According to Fred Greenstein, the presidential "difference," that is, determining the effect that a president can have on the many facets of an administration and of the presidency itself, can be best understood by considering the following factors: public communication skills, organizational capacity, political skill, policy vision, cognitive style, and emotional intelligence.[42] James David Barber's work on presidential character is best known for its categorization based on psychology and personality types: levels of activity as either active or passive and affect (or feelings) toward activity as either positive or negative, which point to a president's deeper layers of personality and how that will determine success or failure.[43] Although other presidency scholars have criticized Barber's approach as being too narrow to

offer a consistent analysis across presidencies, given that reducing "personality to a handful of types ignores the complexity of human motivation," the fact that the first edition of Barber's work was published during the Nixon administration gave the work high prominence because Nixon provided a fascinating case study of presidential leadership through a psychological/political lens.[44]

Public leadership—that is, the art and skill of communication on the public stage—has gained increasing significance in terms of understanding the more general notion of presidential leadership. The importance of public leadership to effective governance is perhaps most pronounced when viewing that of a president. In its political context, public leadership can be defined simply as the ability of a public official to use the public component of a political office to accomplish a specific task, goal, or agenda item. As such, the end result of public leadership can be something as specific and tangible as the passage of a new law or the start of a government initiative or something as broad based and intangible as rhetoric that motivates, inspires, or comforts the masses. However, at either extreme, public leadership skills matter and play a large role in allowing a public official to accomplish their political goals.[45]

As such, the public presidency and presidential communications have also emerged as important fields of inquiry. According to Jeffrey Tulis, the framers were suspicious of a popular leader and/or demagogue in the office of the presidency, since such a person might rely on tyrannical means of governing.[46] However, the presidency experienced a fundamental transformation by becoming a "rhetorical presidency" during the early part of the twentieth century, causing an institutional dilemma. By fulfilling popular functions and serving the nation through mass appeal, the presidency has now greatly deviated from the original constitutional intentions of the framers, removing the buffer that the framers established between citizens and their representatives.[47] Roderick Hart also argues that the rhetorical presidency is a twentieth-century creation and a constitutional aberration. The president not only is a popular leader vested with unconstitutional powers, but also uses rhetoric as a "tool of barter rather than a means of informing or challenging a citizenry."[48]

According to Samuel Kernell, presidents of the modern era have utilized public support by "going public," a style of presidential leadership where the president sells programs directly to the American people. Going public is contradictory to some views of democratic theory, but is now practiced by presidents as a result of a weakened party system, split-ticket voting, divided government, increased power of interest groups, and the growth of mass communication systems.[49] More recent scholarship has expanded on and even questioned Kernell's theory of going public. George C. Edwards III argues that presidents are not always successful in changing public opinion on certain issues by simply giving a major speech or engaging in other public activities.[50] And, according to Jeffrey Cohen, the polarization of political parties and the growth and fragmentation of media sources have forced presidents to develop innovative public strategies to target key constituencies, which is a dramatic shift from the more simplified view of going public to a national constituency as first argued by Kernell in the 1980s.[51]

The Presidency-Centered Approach

On the other end of the methodological spectrum are those scholars who support the institutional approach to studying the presidency, arguing that it is the institution itself that shapes both presidential behavior and political outcomes. According to this view, the presidency became greatly institutionalized and politicized during the twentieth century, leaving the president out of the loop, so to speak, and mostly irrelevant as an individual in much of the decision-making processes. As a result, scholars should not waste time on understanding the role of presidential leadership, but should instead rely on a rational choice model of presidential theory building.[52] For example, Terry Moe explains that presidents have considerable resources and strategies at their disposal to meet expectations for leadership. The ambiguity of the Constitution in relation to presidential power offers presidents important structural advantages over Congress and other political actors. Congress, for example, cannot match the resources of the executive branch in terms of expertise, experience, and information. The president can also act unilaterally in some instances, and therefore act more swiftly and decisively, than Congress. To avoid the need for bargaining, presidents can ensure that appointees within the executive branch are loyal (similar to political patronage) and can also centralize decision making within the White House to increase power (policy decisions and implementation, such as through executive orders).[53] Other studies have offered substantive quantitative approaches to better understand specific aspects of the presidency as an institution, including unilateral actions by presidents,[54] public appeals and public opinion,[55] presidential control of the bureaucracy,[56] and war powers[57] (to name a few).

A more historical approach known as "new institutionalism" suggests the need to look beyond institutions to also include an analysis of the ideas and people that influence those institutions.[58] In his book *The Politics Presidents Make*, Stephen Skowronek provides a theory of "political time" by offering a cyclical explanation of presidential power, dependent on the political time during which a president serves. When a president takes office, the political environment that they encounter is in part a result of the actions of their predecessors as well as recent national and world events. Therefore, the president's circumstances, or the political time in which they find themselves in office, will determine how much authority they have to achieve political change. According to Skowronek, there are four distinct phases of political time: reconstruction, articulation, disjunction, and preemption. Each phase depends on the status of the ruling political order and the president's relationship to that order. Four presidents who are considered the greatest were reconstruction presidents—Thomas Jefferson, Andrew Jackson, Abraham Lincoln, and FDR—an opponent of the vulnerable ruling political order. Each was elected to office as a result of sweeping political change; that is, their respective elections represented a major political defeat to the opposing political party. Articulation describes a resilient ruling order of which the president is an ally. Lyndon Johnson's election in 1964 is a good example because the Democratic Party held a strong majority in Congress when Johnson was elected in his own right following his succession to office in 1963 after Kennedy's assassination.

Disjunction represents a vulnerable ruling order of which the president is an ally. For example, both Herbert Hoover and Jimmy Carter were elected at a time when their party controlled Congress, yet each became a one-term president because the policies of their parties became unpopular with voters. Finally, preemption represents a president who is an opponent of a resilient ruling order. Richard Nixon provides a good example because he was elected in 1968 despite Democrats maintaining a strong majority in Congress.[59]

Researching the Presidency

History

The title "presidency scholar" can be somewhat generic because it does not denote the disciplinary expertise of the author. Although scholars in many fields can study aspects of the presidency, most presidency scholars are either political scientists or historians. The basic difference between the two can be found in their methodologies or, more simply, in the questions asked. An issue of *Presidential Studies Quarterly* in 2014 was devoted to historical research on the presidency, highlighting the work of younger scholars "making new inroads into historical understanding of the presidency." According to guest editors Bruce Miroff and Stephen Skowronek, "no group of scholars has exclusive claim to the study of presidential history" because it is "the common reservoir of material used by all."[60] Yet, distinct methodologies have emerged to mark differences between historians and political scientists.

Unlike political science, which defines the properties that make up institutions themselves, presidential history focuses on the development of societies over time. Historians assert that society shapes institutions, and they employ qualitative methods to compose narratives about the evolution of the presidency. Those narratives reflect the belief that society and its institutions are driven by one of five fundamental factors: race, class, gender, culture, and ideology. These factors can be viewed as "windows" through which societal and institutional change are understood and described. To facilitate these descriptions, presidential historians often rely on biographical studies of presidents and their contributions to institutional change.

Within political science, "new institutionalism" involves a revision of established methods of studying the presidency. It is a diverse area of study that comprises everything from qualitative approaches to the presidency to quantitative ones about individual and institutional choices, behaviors, and attitudes. Although the focus of new-institutionalist research is still the institution of the presidency itself, it includes the relationship between institutions and history. This blended method, which retains the assumption that institutions shape history and not, as historians believe, the other way around, views the choices and decisions presidents make as complex rather than based on simple and predictable quantitative models. Because of its wide scope, new institutionalism can include several disciplines, but describing it as interdisciplinary is somewhat misleading. Instead, it is a group of fields within a revised discipline united by its acceptance that methodological boundaries are fluid and that history is helpful as a tool for understanding the presidency.

In addition, American political development (APD) arose out of the conviction that history and presidential studies are naturally linked. Similar to "historical institutionalism," which relies on the study of institutions to explain historical change, APD examines

historical change through the study of institutional transformations. According to APD, institutional transformations influence equally significant historical transformations, which lead to new patterns of American politics and government. Still, distinctions among APD, historical institutionalism, and new institutionalism are often difficult to see, because all examine interactions between institutional and historical development. Distinctions arise out of differences in emphasis instead of real inconsistencies. Having said that, some key distinctions do exist, regardless of the many similarities. Unlike the other two, APD assumes that historical change is a consequence of institutional transformations, and its approach is essentially qualitative. Like historians, APD scholars rely on narrative descriptions of their subjects and believe that institutional decisions are complex by their very nature.

Other works have also offered important methodologies and/or theories about studying the presidency as an institution. Louis Fisher has written extensively on the legal and constitutional aspects of the presidency, including presidential war powers and the separation of powers between the president and Congress. For example, in *The Politics of Shared Power: Congress and the Executive*, Fisher analyzes the practical implications of this constitutional relationship: "Very few operations of Congress and the presidency are genuinely independent and autonomous. For the most part, an initiative by one branch sets in motion a series of compensatory actions by the other branch—sometimes of a cooperative nature, sometimes antagonistic." Fisher argues that the presidency as an institution, and the powers that belong to individual presidents, are best understood by recognizing that both the presidency and Congress operate within a political environment that also consists of the judiciary, the bureaucracy, independent regulatory commissions, political parties, state and local governments, interest groups, and other nations, since the Constitution "anticipates a government of powers that are largely shared but sometimes exclusive." The practical result of this institutional relationship simply means that a president's power to achieve results can depend on many factors, including cooperation and/or resistance from Congress, the courts, or other political institutions with whom the president and the executive branch must share power.[61]

Finally, Lyn Ragsdale's research relied on three dimensions to describe the parameters of the presidency as an institution: organization, behavior, and structure. She recognized that presidents can make marginal changes to the organization of the presidency, but the office is not reinvented with each new occupant in the White House. Also, presidents tend to behave in similar ways, since they are faced with a similar political and institutional environment. This view moves beyond the institutional approach to include structural elements, which "describe the most typical features of a single institution." It is through rigorous data analysis across several presidencies that explanations can be found to define the president's role within the institution of the presidency; ultimately, "the institution of the presidency shapes presidents as much as presidents, during their short tenures, shape the institution."[62]

SOURCES FOR RESEARCHING THE PRESIDENCY

A variety of sources exist for individuals studying the American presidency, whether undergraduate students or senior academic scholars. Primary sources, which include original documents from an administration (such as memos written by members of the Kennedy White House during the Cuban Missile

Crisis), the transcript of a presidential speech (such as Barack Obama's State of the Union address in 2016), or collections of writings from a particular president (such as the writings and correspondence of Thomas Jefferson), can be found at various libraries as well as numerous online databases. Secondary sources, which include oral histories of various administration officials, interviews of presidents and administration officials by the news media, or studies published by academic scholars of the presidency, are also readily available. The presidency, as well as the individuals who have held the office, remains one of the most studied features of American government. As such, the public's interest in the topic has in part encouraged the availability of information and numerous sources for novice and professional observers alike. Two of the most important sources of information on the presidency include the presidential library system, which is under the auspices of the National Archives and Records Administration (NARA), and the *Public Papers of the Presidents of the United States*, published by the federal government.

Presidential Libraries

Although presidential documents are a good source of information when studying a particular president or administration, the memos, notes (sometimes handwritten), and other documents from those who worked in the White House provide a unique perspective into the decision-making and thought processes of some of the most powerful figures in American government. Perhaps one of the best examples is Fred Greenstein's work on the Eisenhower presidency. As Greenstein writes in the introduction to his classic book, *The Hidden-Hand Presidency: Eisenhower as Leader*, he thought a visit to the Eisenhower Library in Abilene, Kansas, would confirm the widely held view that Eisenhower was a "pliable puppet of his aides" who was "lacking in political skill and motivation" and merely a "figurehead chief executive." Instead, while going through numerous files, Greenstein discovered a much different presidency:

> I had barely begun examining the recently opened files of Eisenhower's personal secretary, Ann Whitman, which contained Eisenhower's most confidential correspondence, his private diary, notes on his meetings and telephone conversations, and even transcripts of secret recordings of his one-to-one meetings with other high officials, when I experienced a shock of nonrecognition. The Eisenhower revealed in Mrs. Whitman's files could scarcely have been less like the Eisenhower who spawned the pre-Beltway Washington joke that, while it would be terrible if Eisenhower died and Vice-President Nixon became president, it would be worse if White House Chief of Staff Sherman Adams died and *Eisenhower* became president. The Eisenhower of Mrs. Whitman's files *was* president—he, not Sherman Adams, and not Secretary of State John Foster Dulles, was the engine force of the Eisenhower presidency. To my surprise, the Whitman papers and other records of the copiously documented Eisenhower presidency were laden with evidence of an alert, politically astute Eisenhower who engaged in the traditional kinds of persuasion and bargaining which are the standard activities of other presidents but which were believed to have been abjured by the amiable Ike. To my greater wonder, the records also testified to a

> nonstandard mode of presidential leadership on Eisenhower's part, one in which the president characteristically worked his will by indirection, concealing those of his maneuvers that belied his apolitical exterior.[63]

Greenstein's work on the Eisenhower presidency, as well as countless other projects that stem from research at presidential libraries, serves as a reminder that much insight can be gained by examining the memos, correspondence, diaries, phone and visitor logs, and numerous other documents available at presidential libraries.

According to NARA, presidential libraries are repositories for the papers, records, and historical materials of the presidents, working to ensure that these irreplaceable items are preserved and made available for the widest possible use by researchers. The goal of presidential libraries is to "promote understanding of the presidency and the American experience" as well as to "preserve and provide access to historical materials, support research, and create interactive programs and exhibits that educate and inspire."[64] The working papers for each administration from Herbert Hoover through George W. Bush are available in presidential libraries. The Library of Congress houses the papers for most administrations prior to Hoover. The papers from the Barack Obama presidency will constitute the first fully digital presidential library. With an estimated 95 percent of the Obama documents "born digital" (including photos, videos, emails, tweets, and word processing documents), NARA archivists will work with the Obama Foundation to digitize the textual records of the Obama presidency. Original documents will be stored in a NARA facility but not at the Obama Presidential Center in Chicago; the latter will, however, include a museum as well as an auditorium and other venues for public events. As of 2021, no plans exist to build a Trump library/museum, though NARA will administer the records of the Trump administration.

NARA's Office of Presidential Libraries administers a nationwide network of 15 presidential libraries,[65] and six other libraries not overseen by NARA also exist (see Table 1.1). Presidential libraries are not normal libraries; instead, they are archives and museums that house the documents and artifacts of a president and their administration. Millions of visitors pass through presidential museums each year, and researchers and journalists can access documents from each administration to aid in their work. Although numerous events, supported by the president's private foundation (to help promote the legacy of each president as well as to provide financial support for educational programs), may be held at each presidential library, the library archives themselves are managed by NARA archivists, which ensures open access with no political or ideological affiliation.

The presidential library system first began in 1939 with FDR, who wanted to preserve the papers and other materials from his time in office. Prior to the precedent set by FDR, papers were often dispersed to family members or administration officials, and many were even destroyed. Following FDR's lead, Harry Truman also decided that he wanted a library to house his presidential papers. Toward the end of Truman's term in 1952, the White House stated publicly the president's intentions regarding his papers: "By tradition, going back to the earliest days of our Nation, papers of every President are regarded as his personal property. However, it is the intention of President Truman to donate his papers

Table 1.1 Presidential Libraries

PRESIDENTIAL LIBRARY/ MUSEUM	LOCATION	OPERATED BY
John Quincy Adams	Stone Library, Adams National Historical Park, Quincy, Massachusetts	National Parks Service
Abraham Lincoln	Springfield, Illinois	State of Illinois
Rutherford B. Hayes	Fremont, Ohio	Ohio Historical Society and Hayes Presidential Center, Inc.
William McKinley	Canton, Ohio	Stark County Historical Society
Woodrow Wilson	Staunton, Virginia	Woodrow Wilson Presidential Library Foundation
Calvin Coolidge	Northampton, Massachusetts	State of Massachusetts
Herbert Hoover	West Branch, Iowa	NARA
Franklin D. Roosevelt	Hyde Park, New York	NARA
Harry S. Truman	Independence, Missouri	NARA
Dwight D. Eisenhower	Abilene, Kansas	NARA
John F. Kennedy	Boston, Massachusetts	NARA
Lyndon Baines Johnson	University of Texas Campus, Austin, Texas	NARA and the University of Texas
Richard M. Nixon	Yorba Linda, California	NARA
Gerald R. Ford (Library)	University of Michigan Campus, Ann Arbor, Michigan	NARA
Gerald R. Ford (Museum)	Grand Rapids, Michigan	NARA
Jimmy Carter	Atlanta, Georgia	NARA
Ronald Reagan	Simi Valley, California	NARA
George H.W. Bush	Texas A&M University Campus, College Station, Texas	NARA
William J. Clinton	Little Rock, Arkansas	NARA
George W. Bush	Southern Methodist University Campus, Dallas, Texas	NARA
Barack Obama	University of Chicago, Jackson Park, Chicago, Illinois	NARA

to the government after the completion of a suitable library to be built from private funds."[66] Then, in 1955, Congress passed the Presidential Libraries Act, which established a system of libraries, which were to be built through private funds and then turned over to the federal government to maintain and oversee. Since that time, when a president leaves office, NARA establishes a Presidential

Photo 1.2 Harry Truman at the construction site of his presidential library in Independence, Missouri, April 21, 1956.

Project until the new presidential library is built and transferred to the federal government.

Subsequent laws have also been passed that have changed the governing structure of presidential libraries. In 1978, Congress passed the Presidential Records Act (PRA), which established that presidential records documenting the constitutional, statutory, and ceremonial duties of the president are the property of the U.S. Government. Although the first presidential libraries built acknowledged the fact that presidential papers were the personal property of the president, NARA had great success in persuading presidents to donate their historical materials to be housed in a NARA-run presidential library. However, Richard Nixon's resignation from office in 1974 brought with it numerous lawsuits over ownership of his presidential papers, which in part encouraged Congress to change the law. In 1974, Congress also passed the Presidential Recordings and Materials Preservation Act, placing Nixon's papers in federal custody to prevent their destruction.[67] Another provision of the PRA, signed into law by Jimmy Carter, stipulated that each presidential library established after Carter's would be governed by the Freedom of Information Act (FOIA), a law passed in 1966 to ensure public access to government documents of a nonclassified nature. This means that a researcher must submit a request to gain access to any documents not

already opened and processed by NARA archivists. The process of building a presidential library and providing public access to presidential documents can take several decades: from the initial site selection, funding, and construction of the facility, and especially the review and processing of documents by archivists, fully opening most collections in a presidential library can take 20–30 years or more.

In 2001, a controversy erupted over the release of documents at the Reagan Library; under the PRA, documents are released 12 years after a president leaves office. The George W. Bush administration sought to delay the release of the Reagan documents, and on November 1, 2001, Bush issued Executive Order 13233, which limited access to the records of former presidents that reflected "military, diplomatic, or national security secrets, Presidential communications, legal advice, legal work, or the deliberative processes of the President and the President's advisers." In effect, this order provided executive privilege to the family members of former presidents to decide which documents to withhold. Executive privilege, or the government's right to maintain the secrecy of certain documents, is traditionally only given to the president and other executive branch officials to keep certain information confidential so as not to interfere with the administration's ability to govern. The executive order also gave the current White House the right to review any documents prior to their release and to withhold any documents they believed should be kept classified. Lawsuits were filed, and various members of Congress sought to take action to get around the executive order. Even Gerald Ford weighed in on the controversy, stating, "I firmly believe that after X period of time, presidential papers, except for the most highly sensitive documents involving our national security, should be made available to the public, and the sooner the better."[68] Executive Order 13233 stayed in effect through the rest of Bush's time in office, which meant that it also covered the records to be released in January 2005 from his father's library. On January 21, 2009, during his first full day in office, Barack Obama kept a campaign promise by revoking that order and issuing Executive Order 13489, which returned to the NARA archivists, not the White House or family members of former presidents, the ability to release documents in a timely manner. (For more information about conducting research at presidential libraries, see Appendix A).

BUILDING A PRESIDENTIAL LIBRARY

THEN . . .

> During his second term of office, Franklin D. Roosevelt began to consider what to do with the numerous documents and other materials from his time in office. Knowing that many previous presidential papers had been lost, destroyed, sold for profit, or ruined in storage, FDR sought to provide a public repository for future study based on his presidency. He sought the advice of Waldo G. Leland, an American historian and archivist, and other notable historians who formed an executive committee to oversee the project (of which Leland served as chair from 1938 to 1941).[69] In accepting the position, Leland wrote in a letter to FDR in December 1938, "I shall consider it as an honor and a privilege to be of service

in carrying out your plans for the permanent housing of your records and related historical material. The plan is one which appeals to me very strongly and which will, I am confident, be of great importance for the advancement of historical studies in this country."[70] In 1939, FDR donated his personal and presidential papers to the federal government, pledged a part of his Hyde Park, New York, estate as the site of the eventual library and museum, and asked the National Archives to take custody of his papers and other historical materials and to oversee his library.

Leland served as a strong public advocate for the library project for several years. At a dinner with FDR and other historians serving on the library project's advisory and executive committees, Leland articulated the importance of preserving FDR's papers:

> The proposal by the President to present to the nation his papers, archives, books and other collections, to be housed in a special building on a part of his Hyde Park estate, also to be donated by him, has naturally aroused a great deal of interest among scholars. One cannot fail to be impressed by the magnitude and importance of so generous a gift. Most scholars would argue without difficulty that the quarter of a century through which the United States is passing, from the close of the War into the decade of the 'forties, is one of the most significant periods of American history. It is a period in which great changes that have long been in preparation are manifesting themselves; it is a period in which the ideas of the people of the United States have been subjected to the most penetrating tests, and there are few citizens who will emerge from this quarter-century with the same ideas, opinions, and points of view that they held at its beginning. Consequently, the proposal of the President to establish, under public control, exercised by the National Archives, at which is undoubtedly the key collection for the study of this most recent period, is particularly welcome to all students of American history. If, as seems likely, the President's collections should attract other related collections, such as the papers of members of his administration, there would soon be accumulated a body of material such as does not exist anywhere else, and the Franklin D. Roosevelt Library would become one of the chief centers of research in contemporary history in the United States.[71]

At the same dinner, FDR himself recalled that while a student at Harvard, he had served as the librarian of the Hasty Pudding Club and had sought advice from an aged book dealer on Cornhill: "One of the first things that old man Chase said to me was 'Never destroy anything.' Well, that has been thrown in my teeth by all the members of my family almost every week that has passed since that time. I have destroyed practically nothing. As a result, we have a mine for which future historians will curse me as well as praise me. It is a mine which will need to have the dross sifted from the gold. I would like to do it, but the historians tell me I am not capable of doing it. . . . It is a very conglomerate, hit-or-miss, all-over-the-place collection on every man, animal, subject of material. . . . But, after all, I believe it is going to form an interesting record of this particular quarter of a century . . . to which we belong."[72]

The FDR Library would set several important precedents as the presidential library system developed and expanded during the next several decades. For example, in 1939, a committee was formed to raise private funds to initiate the project and construction of the building prior to the library being turned over to the federal government and the National Archives and Records Administration for oversight and maintenance. In addition, numerous FDR administration officials would donate their papers to the library, as has become the norm. Although the FDR papers would not open to researchers until 1950, as early as 1943, FDR himself began to give instructions to the director of his library about what should and should not be opened to researchers:

> Before any of my personal or confidential files are transferred to the Library at Hyde Park, I wish to go through them and select those which are never to be made public; those which should be sealed for a prescribed period of time before they are made public; and those which are strictly family matters, to be retained by my family. . . . With respect to the file known as "Famous People's File," the same procedure should be followed. Those which are official letters may be turned over to the Library, but those which are in effect personal such as, for example, the longhand letters between the King of England and myself, or between Cardinal [Archbishop of Chicago George] Mundelein and myself, are to be retained by me or my Estate and should never be made public. . . . With respect to the file called "Family Letters," in the main they are to be retained by me or my Estate. . . . In all of the papers which are to be turned over to the Library from my personal files or from non-personal, official files, there will be some which should not be published until a lapse of a certain length of time and which, in the meantime, should be put under seal. This is for the reason that they may refer to people who are still alive in a way which would be embarrassing to them. . . . I should judge that the average length of time of sealing should be from ten to fifteen years, but there may be some which should be sealed for as many as fifty years.[73]

. . . AND NOW

Unlike FDR, not every former president has acreage and/or an estate to donate for the location of a presidential library and museum. Some presidential libraries have been built on or near the actual site of the president's birthplace (the Hoover Library in West Branch, Iowa; or the Nixon Library in Yorba Linda, California) or what is considered the president's hometown (the Truman Library in Independence, Missouri; the Eisenhower Library in Abilene, Kansas; the Kennedy Library in Boston, Massachusetts; and the Clinton Library in Little Rock, Arkansas). Other libraries have been built on university campuses (the Johnson Library at the University of Texas at Austin, the Ford Library at the University of Michigan, the George H. W. Bush Library at Texas A&M University, and the George W. Bush Library at Southern Methodist University [SMU]). Still other libraries, such as the Carter Library in Atlanta and the Reagan Library in Simi Valley, California, were built in areas that had regional significance to each president. And in recent years, competition for securing a presidential library has at times been fierce.

Since the George W. Bush Library opened in 2013, the state of Texas can boast more presidential libraries than any other state. The first, the Johnson Library at the University of Texas at Austin was first dedicated in 1971 with former president Johnson and then-current president, Richard Nixon, in attendance. Although Johnson had not attended the University of Texas at Austin (he was a graduate of Southwest Texas State Teachers' College, now Texas State University–San Marcos), he had been born and raised in the Texas hill country just outside of Austin. At the dedication ceremony, Johnson stated, "We are all partners in this hopeful undertaking. The people of Texas built this library. The National Archives will manage the Library. The documents I have saved since the 1930s are being given, along with the documents of many others who served with me. Those documents contain millions and millions of words. But the two that best express my philosophy are the words, 'Man can.' I wish President Truman, the father of the Presidential Library System, could be here. He said he didn't want his library to be a tribute to him. He wanted it to serve as a real center for learning about our government. We are doing that here."[74]

As early as one month after George H. W. Bush took office in January 1989, lobbying began over where his library would be located. Texas A&M University, located in the central-Texas town of College Station, was in the running from the beginning. In a brief letter to Perry Adkisson, chancellor of the Texas A&M University system, Bush wrote in February 1989, "Just a quick note to say I appreciate your interest. Though I can say I'd like the Presidential papers to land in Texas, it will be some time before options are pursued. Send the proposal . . . but, again, no rush."[75] By October 1989, other sites had already made initial bids for the library, including the University of Houston,[76] Rice University in Houston, Texas Tech University in Lubbock, Yale University (Bush's alma mater), and private groups in Kennebunkport, Maine (where the Bush family had a vacation home) and Houston.[77] By then, not even a year into the Bush presidency, the president seemed to be leaning toward Texas A&M. However, Jim Cicconi, Bush's deputy chief of staff (and the eventual vice president of the George Bush Presidential Library Foundation), advised members of the administration to not let their initial preferences be made public and vetoed the idea of a presidential meeting with Texas A&M's designated library architect:

> A meeting with the President would 'jump the gun.' . . . While well aware of the President's inclination toward locating the library at A&M, the Houston crowd still wants the chance to be heard, and have their proposal considered by the President. This includes many long-time friends of the President who are partial to Houston. . . . If they feel they never had a chance, and that the whole process was an 'inside deal' . . . there would no doubt be hard feelings despite our best efforts. A meeting with an architect, more than anyone else, makes it look like the deal has been cut. This will undoubtedly leak into the Texas papers, and will appear as if the Archives process is a sham . . . I also worry about the perception of reviewing architectural plans for a library before our first year is over. We set up the Archives process to help the President keep this decision away from the Oval Office for a while, and to insulate the President from the type of personal lobbying he has had to undergo. This meeting would bring it right back onto his desk.[78]

On May 3, 1991, Bush informed Texas A&M that they had been chosen for the site of his presidential library. Among the factors Bush cited included the university's commitment to integrate the library into the academic activities of the university; the planned public service school and Center for Presidential Studies; the "ample space for future facilities, impressive setting, and easy access for visitors" found on the campus; and the university's commitment to "provide or secure all funds necessary to construct the library and related University facilities, and to establish separately an operational and program endowment [to] ensure not only that the financial requirements of the Presidential Libraries Act are met fully, but also that the library's ongoing programs will be vigorous and of high academic quality."[79]

The George W. Bush Presidential Library, located on the SMU campus, also faced tough competition from other universities and locations, including Baylor University in Waco (officials began lobbying Bush even before he took the oath of office in 2001), Texas Tech University in Lubbock, the University of Texas system, the Texas A&M system, the University of Dallas, Midland College, and the City of Arlington. Speculation grew by 2007 that SMU (of which First Lady Laura Bush was an alumna) would be the selected location, which also drew protests from some SMU faculty who claimed that the university had bypassed faculty governance in the decision-making process to compete for the library (some faculty members were also opposed to Bush administration policies and did not want SMU forever linked with his presidency).[80] A Methodist group also opposed

Photo 1.3 Dedication of the George Bush Presidential Library and Museum (left to right: Lady Bird Johnson, Jimmy and Rosalynn Carter, George and Barbara Bush, Bill and Hillary Clinton, Gerald and Betty Ford, Nancy Reagan), November 6, 1997.

the library's location at SMU, claiming that it was inappropriate to link Bush's presidency to a university bearing the Methodist name.[81] Nonetheless, the Bush White House announced in 2008 that SMU would house the presidential library.

Similar speculation and lobbying swirled around the location of the future Obama Presidential Center. Early in Obama's first term, the University of Chicago (where Obama once taught at the law school) and the state of Hawaii (where Obama was born) made early bids to secure the project. However, like their immediate predecessors in the Bush White House, Obama advisors stated that a first term was much too early to discuss plans for a presidential library (Bush officials did not officially discuss plans for a library until 2005).[82] Chicago, and specifically land close to the University of Chicago, emerged as the presumptive favorite. Columbia University in New York (where Obama received his bachelor's degree), the University of Illinois at Chicago, and the University of Hawaii were also among the top contenders. However, the specific location was finally announced in July 2016—Jackson Park, a green area of more than 500 acres on Chicago's South Side, east of the University of Chicago. The decision was not surprising given that the Obamas still owned a home on the city's South Side where the campus is located. In addition, Chicago mayor Rahm Emanuel, who served as Obama's first chief of staff, devised a plan for the Chicago Parks District board to transfer 20 acres to the city for the library's use. Emanuel had campaigned aggressively for the library to be in his city. The issue was especially salient during Emanuel's 2015 reelection campaign (in which Obama campaigned on his behalf), as Black voters overwhelming supported bringing the library to Chicago. As a result, the final announcement on the center's location was delayed several months because the Obama Foundation did not want to appear to be giving Emanuel an unfair advantage in the campaign (Emanuel won reelection in a two-person runoff with 56 percent of the vote).

Public Papers

Started in 1957, the *Public Papers of the Presidents of the United States* series is the official annual compilation of presidential papers. It provides a comprehensive public source of data on the American presidency. Because it now spans numerous administrations, this resource has aided scholars interested in a more institutional approach to studying the presidency because it allows researchers to employ a comparative methodological approach. The National Historical Publications Commission originally suggested this endeavor since no uniform compilation of presidential messages and papers existed. The *Public Papers* is now the annual version of the *Weekly Compilation of Presidential Documents*, which began publication in 1965. As of January 2009, the *Weekly Compilation* has been replaced by the *Daily Compilation of Presidential Documents*. Both the *Public Papers* and the *Weekly/Daily Compilation* are published by the Office of the Federal Register, National Archives and Records Service, and are printed by the U.S. Government Printing Office. Administrations included in the series of *Public Papers* include those of Herbert

Hoover through Joe Biden, with one exception—the papers of FDR were published privately prior to the creation of the official *Public Papers* series.[83]

The Government Printing Office currently publishes volumes of the *Public Papers* approximately twice a year, and each volume covers approximately a six-month period. The papers and speeches of the president of the United States that were issued by the Office of the Press Secretary during the specified time are included in each volume of the *Public Papers*. These include press releases, presidential proclamations, executive orders, addresses, remarks, letters, messages, telegrams, memoranda to federal agencies, communications to Congress, bill-signing statements, transcripts from presidential press conferences, and communiqués to foreign heads of state. The *Papers* presented the material in chronological order, and the dates shown in the headings are the dates of the documents or events. Remarks are checked against a tape recording, and any signed documents are checked against the original to ensure accuracy. The appendixes in each volume of the *Public Papers* are extensive and include listings of a digest of the president's daily schedule and meetings and other items issued by the White House press secretary; the president's nominations submitted to the Senate; a checklist of materials released by the Office of the Press Secretary that are not printed full-text in the book; and a table of proclamations, executive orders, and other presidential documents released by the Office of the Press Secretary and published in the Federal Register. Each volume also includes a foreword signed by the president, several photographs chosen from White House Photo Office files, a subject and name index, and a document categories list.

Federal Depository Libraries contain hard copies of the *Public Papers*. With more than 1,200 locations throughout the United States and its territories, these libraries, which can include city, county, state, or university libraries, were first established in 1813 to safeguard the public's right to know by collecting, organizing, maintaining, preserving, and assisting users with information from the federal government through no-fee access. Electronic versions of the *Public Papers* can be found at the Government Publishing Office website as well as on individual presidential library websites. In addition, the American Presidency Project (americanpresidency.org), established in 1999 by John Woolley and Gerhard Peters at the University of California, Santa Barbara, is an extensive online archive containing nearly 150,000 documents related to the study of the presidency. The archive includes data consolidated, coded, and organized into a single searchable database for *Messages and Papers of the Presidents: Washington through Taft* (1789–1913); the *Public Papers*; the *Weekly Compilation*; the *Daily Compilation*; and numerous other documents related to party platforms, candidates' remarks, statements of administration policy, documents released by the Office of the Press Secretary, and various election databases. Finally, with its creation during the Clinton administration, the official White House web page (www.whitehouse.gov) has also evolved as an extensive database for presidential speeches and other public remarks, as well as the president's daily schedule and other information about the work of the current administration.

Diversifying the Presidency

Demographics

The American presidency, since its inception in 1789, has been a predominantly white and male institution. The other two branches of American government have not fared much better—the highest percentage of women to ever serve in Congress is 26.5 in 2021, and as of early 2022, only six women have ever served on the U.S. Supreme Court. Similarly, the number of women serving in other key parts of the federal government are low—congressional leadership, the federal judiciary, or top leadership posts within the executive branch or White House. Moving beyond gender to consider race/ethnicity, religion, and/or sexual orientation, the numbers continue to decline. Clearly, diversity has been slow to reach positions of power within the U.S. government.

Historically, the demographics of the American presidency provide little in terms of diversity. Here are some numbers:

- A total of 45 men have held the office of the presidency (Grover Cleveland served two non-consecutive terms as president and is counted twice).
- Trump was the first president elected with no prior political or military experience. Prior to that, Dwight Eisenhower was the only president ever elected with no previous political experience.
- The average age of presidents on the day of their inauguration is 55 years old. At 78, Joe Biden is the oldest president, while the youngest was Theodore Roosevelt at age 42 (he became president upon the assassination of William McKinley in 1901; John F. Kennedy was 43 when inaugurated in 1961).
- Presidents hail from a total of 18 states, with seven each from New York and Ohio, five from Virginia, and four from Massachusetts. The families of 40 presidents originated from Great Britain (England, Scotland, Ireland), while three came from the Netherlands (Theodore Roosevelt, Franklin D. Roosevelt, and Martin Van Buren), one from Germany (Dwight Eisenhower), and one from Africa (Barack Obama is biracial; his father was Kenyan).
- A majority of presidents (36) were Protestant, while seven were nontrinitarian and/or had no official affiliation. To date, Kennedy and Biden are the only Catholic presidents.
- Only one president, James Buchanan, never married. Only two presidents have been divorced (Donald Trump twice, and Ronald Reagan once), and five presidents had no children (George Washington, Andrew Jackson, James Buchanan, James K. Polk, and Warren Harding).
- The most common previous job of presidents has been either a state governor (16 total; four of the last seven presidents were state governors—George W. Bush of Texas, Bill Clinton of Arkansas, Ronald Reagan of California, and Jimmy Carter of Georgia) or a member of the U.S. Senate (16 total; Barack Obama, who represented Illinois, was the most recent).
- All but 14 presidents had prior military experience, including 11 who served as general (the most notable being Dwight Eisenhower, who was a five-star general in the army and served as supreme commander of the Allied Expeditionary Force in Europe during World War II). The most recent presidents with no military experience are Biden, Trump, Obama, and Clinton.

- Forty-eight men and one woman have held the position of vice president; 15 went on to become president themselves, with nine succeeding to the position due to presidential death or resignation.
- No woman has yet been elected president. Only one woman to date has received a major party nomination for president (Democrat Hillary Clinton in 2016), and three have been nominated for vice president (Democrats Geraldine Ferraro in 1984 and Kamala Harris in 2020, and Republican Sarah Palin in 2008). Harris is the first woman and first person of color to serve as vice president (she is Black and Indian American).[84]

Given this history, how can the American presidency be diversified to better reflect the representative government in which it plays such a vital role? It is important to remember that promoting diversity can occur through the actions of voters (in selecting political leaders) as well as the words and deeds of those leaders once elected. Increasing diversity at all levels of government can have many positive benefits, including a broader perspective of policy options for politicians who, in turn, could better represent the people they serve. This can also increase the legitimacy of the decisions made once policies are implemented. As the presidency is the highest-profile position within American government, promoting diversity within the White House and the executive branch of government is especially important as it can set an example both nationally and globally. In the chapters that follow, we highlight several examples of consequential events that mark milestones in increasing diversity within both the presidency and other aspects of American government and, in doing so, offer suggestions for improvement in the years to come.

CONCLUSION

Studying the modern presidency, whether from an institutional perspective or by looking at the individuals who have held the office, can be both a fascinating and a complex task. Much has changed about the presidency since the early days of Washington, Jefferson, or Jackson. By the twentieth century, as America gained prominence as an economic global leader and as military and diplomatic relationships grew more complex with the Cold War and its aftermath, the presidencies of Kennedy, Reagan, Obama, and Trump appeared different from those of their early predecessors. Yet, it is instructive to remember that although the circumstances in which a president must govern can change drastically, little has changed about the office vis-à-vis the powers and limitations found within the U.S. Constitution. As this discussion shows, scholars relying on a variety of methodological and/or theoretical perspectives have made notable contributions to the presidency literature. In addition, the debate among presidency scholars now has the depth and breadth that was missing several decades ago, and healthy disagreements exist on not only what questions should be asked, but also how they should be answered.

Throughout the chapters that follow, we will explore the many aspects of American presidents and the presidency, providing a thorough examination that considers both a president-centered and an "institutional-based" approach to studying the presidency. In doing so, we provide an effective way for students of the presidency to understand the complexity of the office, the differences that

can occur from the individuals who hold the office, and the uniqueness of perhaps the most fascinating political office ever created. More important, relying on key documents from various presidential libraries will animate various discussions about White House decision making on many topics, which in turn will more accurately describe the real presidency as an institution as well as the actual day-to-day responsibilities of the president.

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ONLINE RESOURCES

- http://www.whitehouse.gov. The official White House web page, which includes a comprehensive archive of all presidential speeches, information about the president's daily schedule, and historical information related to the presidency as well as past presidents.
- https://www.govinfo.gov/app/collection/CPD. Published each Monday by the Office of the Federal Register and the National Archives and Records Administration, the Daily Compilation of Presidential Documents is the official publication of presidential statements, messages, remarks, and other materials released by the White House press secretary.
- http://www.presidency.ucsb.edu/. The American Presidency Project contains the *Public Papers of the Presidents* as well as numerous data sets about presidential activities.

CHAPTER 2

Presidents and the Constitution

On January 13, 2021, with just seven days left in his term, Donald J. Trump became the first president to be impeached twice. The first, in December 2019, came when the House of Representatives passed two articles of impeachment—one for abuse of power, and one for obstruction of Congress—after House Democrats alleged that Trump had solicited foreign interference in the 2020 presidential election by withholding military aid to Ukraine. The Senate acquitted Trump in February 2020 with a vote of 48 guilty and 52 not guilty. The second impeachment, with one article for incitement of insurrection, came one week after a violent mob of Trump supporters stormed the U.S. Capitol building as members of Congress, in a joint session presided by Vice President Mike Pence, were meeting to certify the electoral votes declaring Joe Biden the victor over Trump in the 2020 presidential election. Due to the violence that occurred, with the mob of rioters occupying, looting, and vandalizing parts of the building, five people died, including a Capitol Police officer.

In the aftermath of the violence at the U.S. Capitol, condemnations of Trump's actions on January 6, 2021, came from many political leaders. For example, several Trump administration officials resigned even though only days remained in his term, and Speaker of the House Nancy Pelosi (D-CA) and Senate Minority Leader Chuck Schumer (D-NY) called for Trump's resignation, removal by the 25th Amendment, or removal through impeachment. Trump was banned on Twitter, Facebook, and numerous other social media outlets and platforms. On January 12th, the Joint Chiefs of Staff released a statement condemning the violence: "We witnessed actions inside the Capitol building that were inconsistent with the rule of law. The rights of freedom of speech and assembly do not give anyone the right to resort to violence, sedition and insurrection." The following day, Trump was impeached in the House of Representatives by a vote of 232 to 197, with ten Republicans voting in favor of impeachment.

In the weeks following the violent attack, hundreds of the rioters were arrested on various federal charges; the investigation showed links to right-wing militia and white supremacy groups among some of the rioters. Many of those

arrested claimed that they had traveled to Washington, DC, and participated in the riot because Trump had invited them to do so. On January 20th, Biden was inaugurated with the entire city of Washington, DC, on lockdown due to security concerns. Five days later, Pelosi submitted the article of impeachment to the Senate; Trump's trial began on February 8. While there was no clear precedent to allow an impeachment trial of a former president, those seeking accountability for the violence and deaths that occurred during the insurrection (which some labeled as a coup attempt by Trump and/or domestic terrorism) argued that a conviction in the Senate would allow for use of a little-known clause in the 14th Amendment that would ban anyone from holding office if they had engaged in "insurrection or rebellion" against the United States. Trump was acquitted in the Senate on the charge of incitement of insurrection on February 13 by a vote of 57–43, falling short of the two-thirds majority necessary for conviction.

While some of the constitutional issues that arose during the Trump presidency were unique, such as the impeachment trial in the Senate for a former president, many presidents have challenged constitutional norms and precedents while in office. Despite having some unilateral powers, one of the great ironies of the contemporary American presidency can be found in the fact that although Americans see the office as powerful, presidents enjoy few enumerated powers in the U.S. Constitution. In addition, except for specific unilateral powers like executive orders or pardons, presidents must rely on other political actors for approval and implementation of nearly all their actions. However, because the Constitution is not always clear regarding presidential powers, it has been in the silences of the document that many presidents have expanded the powers of the office. From a constitutional standpoint, the presidency is now far more powerful than the framers could have intended or expected as presidents have seized power to cope with crises while in office. There have been distinct periods when the presidency was considered weaker than it is today and other times when the power and prestige of the office have been damaged. Yet, although it is largely institutionalized, the presidency is still dependent on the performance and character of its occupant. Institutional demands as commander-in-chief along with public demands regarding the president's role as head of state have often led presidents to stretch constitutional boundaries. Understanding how the framers viewed executive power and how that led to the design of the presidency at the Constitutional Convention, along with how certain presidents have shaped the constitutional parameters of the office beyond the framers' intentions, helps to explain the contemporary role of presidential powers as part of the current governing process.

THE FRAMERS' PLAN AND THE CONSTITUTIONAL CONVENTION

The Declaration of Independence left colonial Americans in a bind. By renouncing their ties to the British Empire, they were left with no central government. Gone were Parliament, the prime minister, and the king, depriving the colonies of a legislature, head of government, and head of state, respectively. The lack of

an executive was arguably the greatest deficiency, which often compromised the war effort against its former sovereign. The absence of a civilian chain of command and the inability to conduct foreign policy undermined leadership during the Revolution and decreased the probability of attracting allies. The Continental Congress had limited capabilities, but it did manage to establish a provisional government to unify the newly independent states. The Articles of Confederation, which created the first government of the United States, were finally ratified in 1781. By then, the Revolution was over in all but name.[1]

The Confederation government was a weak coalition of former colonies that ultimately had little power to conduct foreign policy. The Articles placed authority to govern in a unicameral legislature known as the Confederation Congress and did not create a presidency or federal judiciary. A legislative committee fulfilled basic day-to-day administrative responsibilities when Congress was not in session. Public officials were powerless to manage all but the most rudimentary aspects of foreign policy, and their attempts to do so were mostly ineffective and unnecessarily cumbersome. This was one of the principal shortcomings of the Confederation government. With no president, no cabinet of advisors, no unified policymaking, and no executive leadership, the Confederation government was doomed, leading to the adoption of a constitution in 1787.[2]

Inherited Practices and Ideas

In the late eighteenth century, nonhereditary civilian heads of state were uncommon. Most of the world's leading powers had hereditary monarchs or emperors. Although the idea that a nonhereditary elected official should preside over a government was rare, it was not unprecedented. Early examples were classical Athens and the Roman republic, as well as Italian city-states of the Renaissance that appointed nonhereditary princes.[3] Even in England, known for its constitutional monarchies, a nonhereditary commonwealth was briefly established after the execution of King Charles I in 1649.[4] Finally, in the American colonies themselves, colonial governors exercised many of the executive functions that the presidency would later assume at the federal level.

The framers of the Constitution embraced continuity and incremental change rather than revolution and wholesale transformation, despite the American Revolution, which was more of a civil war than anything else. The American Constitution arose from innovation and adaptation, borrowing and assimilating inherited aspects of British political culture. Affirming familiar political ideals as the foundations of republican rule, the framers chose something unfamiliar but not completely transformative for the executive branch of the federal government. They combined relevant English ideologies with classical and Renaissance ideas about republican leadership into a distinctly American conception of executive authority, but their most significant influence was their English heritage. By the eighteenth century, Great Britain was a constitutional monarchy with a unique respect for political liberty and the rights of citizens. Although it was not progressive by today's standards, it far surpassed its European rivals, most of which had some form of nonrepresentative government.[5]

The framers of the Constitution regularly consulted the writings of prominent Greek and Roman philosophers and relied on historical accounts of the rise and demise of ancient regimes. James Madison and Alexander Hamilton were greatly impressed by classical philosophy and the many political insights it offered. In addition, the histories of the Athenian and Roman republics were prominent reminders of the potential and promise of human governance. Ironically, classical ideals, which exerted such a powerful influence over American political thought, had only a marginal impact on English politics, but their contribution to the development of an American political tradition is undeniable.[6]

The framers modeled the American republic on Roman institutions, ideas, and political practices. Classical ideas about republics, governance, civic responsibility, and the allocation of power fascinated the framers, as did ancient attempts at democratic rule. They were convinced that an understanding of the rise and fall of the Roman republic held the key to preventing the decline of republican governance. The collapse of the Roman republic taught the framers compelling lessons about the unchecked accumulation of power and the threats posed by an anti-democratic executive, even a nonhereditary one. To those who created the American presidency, Roman history illustrated the need to separate civilian from military leadership and to make the military accountable to civilian rule. Finally, Roman history showed that executive power must be strictly confined to specific duties and responsibilities and that republican heads of state should not be given general, unspecified power or authority.

During the late seventeenth and eighteenth centuries, the Enlightenment transformed Europe's intellectual terrain and political priorities in the American colonies. Rejecting the absolute power of hereditary monarchs in the vast majority of European states or empires, Enlightenment thinkers questioned related notions of executive authority. In so doing, they redefined republican ideas of governance and planted the seeds of liberal rule.[7] Throughout its history, liberalism has upheld four basic principles of government, which are also the key features of modern American politics: individual rights, government by consent, limited government, and legal and constitutional neutrality toward citizens and the impartial protection of individuals and their rights.[8]

More than any other aspects of liberalism, individual rights and limited government influenced the framers' plans for an American presidency. The need to protect individuals, their property, and their natural liberties was linked to the related need to limit the size of government, especially the scope of executive authority. The framers believed that the best way to secure the rights and liberties of the American people was by preventing the accumulation of too much power by any one branch of the government, and they were convinced that an unchecked executive could pose an immediate threat to legitimate governance. As apparent victims of royal abuses during the 1760s and 1770s, Americans were intimately familiar with potentially tyrannical executive authority and power, so the framers intentionally restricted executive authority in the United States. Given their experiences, they concluded that a nonhereditary civilian executive would be considerably less likely to exceed its authority than a hereditary

monarch or a military leader. Thus, the Constitution provides for a civilian chief executive accountable to the very people whose rights they must protect.[9]

By 1775, many colonial leaders had become convinced of an imperial conspiracy to deprive colonists of their rights and property, and they did whatever possible to discredit the actions of the imperial government in London. The resulting friction intensified into a grand constitutional debate, and increasing numbers of British Americans dedicated themselves to what they perceived as a struggle against tyranny. The seemingly unconstitutional seizure of power by Parliament and supposedly the king triggered a reaction that no one could have foreseen.[10] Despite the exaggerated claims of imperial tyranny in the Declaration of Independence, American colonists suffered more from neglect than from abuse by the British Crown. Consequently, their views of executive authority were a reflection less of royal and parliamentary corruption than of relatively weak and decentralized imperial rule, but this is something the founders did not recognize at the time. Convinced that they had been the victims of an abuse of power, the creators of the Confederation government concluded that executive authority should not extend beyond limited aspects of foreign policy and international commerce and that the authority to regulate internal affairs should be retained by state governments. The perceived oppression by king and Parliament fostered ideas about weak executive rule and influenced the creators of the Articles of Confederation.

The Confederation Executive

With the onset of the Revolutionary War, state governors were no more effective than the colonial governors they had replaced. At the national level, the Continental Congress became a makeshift and largely powerless head of state and the reluctant successor to the British Crown. Since it lacked formal constitutional authority over the recently independent states, some political leaders pushed for the creation of a wartime government that could legitimately handle the required tasks. Not surprisingly, diplomatic and military priorities were paramount, so little thought was given to long-term constitutional concerns.

Handicapped from the beginning by a lack of constitutional foresight and political efficacy, the Confederation government had to beg, borrow, and steal to meet military necessities and political realities. As a legislature with symbolic powers and doubtful authority, the Confederation Congress was restricted to an advisory capacity and was unable to enact sorely needed legislation. Adding insult to injury, it did not even have the power to enforce the few laws it enacted. In its role as commander-in-chief, the Congress was deprived of the resources and institutional legitimacy it required to fight a war, and it could not implement military policy without prolonged haggling among the representatives of the various states. With no formal executive branch, any exercise of executive power was more a function of occasional concession or peculiar circumstance than institutional authority. Real authority lay with the states, and compromise with the central government was difficult at best. The states were clearly more powerful than the central government, and they could, and usually did, undermine the central government's efforts to act decisively.[11]

By 1787, the lack of a constitutional executive with the necessary authority to succeed the Crown as head of state made the Confederation government unworkable. The futility of repairing a nonexistent Confederation executive seemed obvious, as did the folly of a unified American government without a head of state. The need for an effective and legitimate executive was not the only reason, or even the primary reason, for the emergence of the Constitution; several other factors also contributed to the decision to abandon the Confederation government. Nonetheless, had the need for a formal and active executive not existed, the outcome could have been different. Legislative paralysis could have been addressed through reform at the state level, at least in some respects, as could the legal and jurisdictional questions that hampered the proper interpretation and enforcement of the law. However, unlike the legislative and judicial deficiencies plaguing the Confederation government, the absence of a central executive could not be addressed by state and local governments in a practical manner.

Aside from its inability to enforce laws and coordinate national defense, the Confederation government could not adequately handle foreign affairs. Without a unified or duly authorized head of state, it could not manage relationships with foreign regimes, nor could it settle the numerous diplomatic issues that confronted it after the war. In addition, it was powerless to regulate or facilitate international trade and interstate commerce, which simply compounded existing economic difficulties. In matters of international trade, the former colonies rarely coordinated or aligned their commercial policies, so they subjected foreign ventures and governments to overlapping and contradictory agreements that undermined economic progress. Lack of cooperation among the states and inconsistent economic policies made the former colonies unattractive prospects for international trade, which further undermined the stature and credibility of the Confederation government. Needed financial assistance was slow in coming and ultimately inadequate to alleviate the strain of accumulated foreign debts.[12]

The framers of the Constitution committed themselves to a presidency with sufficient authority to enforce the country's laws, ensure national security, direct foreign policy, and promote international commerce. These powers represented the most deficient aspects of executive authority under the Articles. At the same time, the framers, mindful of their experience with the British Crown and the lessons of history, avoided granting the new presidency too much power. The American presidency would have limited authority, sufficient to redress the executive deficiencies of the Confederation yet not so powerful to pose a threat to the republic or its political institutions. In addition, the constitutional and political crises of the 1780s strengthened the framers' traditional inclination to dilute and filter representative governance in a way that precluded democratic excesses. Their devotion to a democratic system of government never entailed tolerance of unrestrained democracy, so they shrewdly insulated the presidency from selfish and potentially subversive interests.

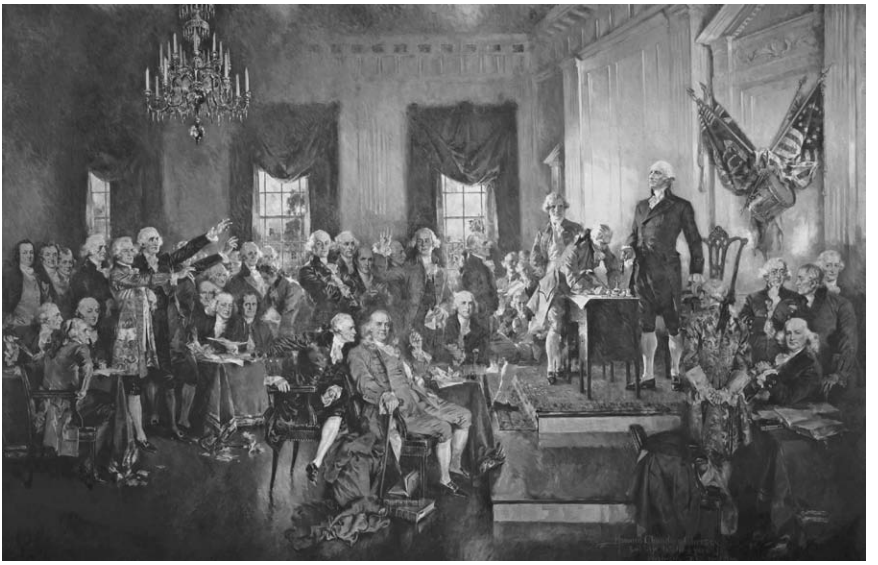

Photo 2.1 Painting by Howard Chandler Christie of George Washington presiding over the second Constitutional Convention in 1787.

Federalism

Since the Constitution's ratification in 1788, federalism has enabled governors and state legislatures to promote state-specific priorities more effectively, such as law enforcement, emergency services, community development, and education, to name a few, and it has preserved a kind of political adaptability not possible in more centralized regimes. At the same time, federalism has allowed American presidents to focus on issues, like national defense, foreign policy, and international commerce, that the Confederation government had been so powerless to confront. During the past 100 years, executive powers and the scope of federal authority have expanded beyond the framers' intentions, but federalism has remained the defining feature of American governance. The American presidency has acquired partial or complete authority over tax and monetary policy, health care, education, energy, workplace issues, welfare, communications, and countless other aspects of modern life in the United States, and the growth of federal power has frequently come at the expense of local and state governments.

The absence of historical or contemporary models on which to base a federal presidency was not the only challenge facing the framers. Some worried that a two-tier system of politics would promote unhealthy competition and jealousy between state and federal governments and undermine federal executive authority. Skeptics were concerned that federalism would impede the implementation of national economic policies by ceding too much power over economic and financial issues to state governments. Such an outcome would decrease the effectiveness of the presidency over an area that represented one of the most glaring deficiencies of the outgoing Confederation government. This led some

delegates to prefer a unitary national government free of such jurisdictional problems, but federalism prevailed, and the presidency created by the framers alleviated most anxieties.[13]

General versus Limited Authority

Nothing was more critical to the development of an American presidency than the distinction between general and limited executive authority, which arose from contemporary interpretations of sovereignty. On a broader level, no general concept is more important for a proper understanding of executive authority than sovereignty itself.[14] It lies at the heart of the framers' conceptions of republican government and political power, so it is the intellectual cornerstone of the presidency. Sovereignty revolves around crucial questions regarding the nature of rule, most significantly those that examine the right to rule. This was a principal concern for the framers, who hoped to limit the scope of legitimate political authority. The relationship between sovereignty and the presidency was a primary focus of constitutional inquiry, as was the viability of prevailing theories of sovereignty. The ultimate purpose of such theories was the identification of the boundaries separating general and limited authority and also the establishment of a limited federal government.[15]

Over the 180 years between the English settlement of Virginia and the creation of an American republic in 1787, the principle of representative, accountable executive rule based on consent and limited authority became one of the cornerstones of American politics.[16] In 1787, despite wishes to replace the ineffective Confederation executive with a more vigorous and powerful head of state, most Americans still supported limitations on executive authority. They had not forgotten the alleged abuses of power by the British Crown and Parliament during the years prior to independence, and they knew of too many historical examples of unchecked executive authority. During the early decades of the eighteenth century, ideas of specific governmental powers and limited governmental authority, although unfamiliar or irrelevant to most contemporary societies, made an indispensable contribution to colonial political thought and cemented an American bias against general authority.[17]

The concept of specific powers, or limited authority, was an American political innovation born of unique experience and historical circumstance. The idea of limited executive authority reassured the framers, who wished to prevent future tyrannies by creating an American presidency with specific, not general, powers. Without a doubt, general executive authority would have offered American presidents greater adaptability and institutional agility, but the last thing the framers wanted to encourage, even with someone as trusted as George Washington, was political adventurism or constitutional experimentation. The creation of a new government unleashed tremendous political changes, but, most of all, the Constitution represented stability, certainty, and tradition. According to the framers, only limited authority could preserve those qualities. The historical record is unusually compelling and comparatively unambiguous in that regard.[18]

Therefore, presidential powers derive from a limited, not general, grant of authority by the people. Through limited executive authority, they intended to address the basic deficiencies of power that plagued the Confederation government—nothing more. From the perspective of executive responsibilities, those deficiencies included the inability to protect and preserve individual rights and political liberty; the inability to enforce federal laws; the lack of national defense capabilities; the inability to manage foreign affairs; and the inability to facilitate interstate or international commerce.[19] As a direct response to those deficiencies, the framers established the presidency to secure and enforce the rights and political liberty of its citizens; to enforce federal laws; to provide a system of national defense; to conduct and manage foreign relations; and to coordinate interstate commerce and international trade. The Constitution granted the presidency only as much authority as was required to redress previous deficiencies, and the framers painstakingly avoided any implications to the contrary, the ambiguities in Article II notwithstanding. Overall, the framers created a narrowly defined government that would discourage the accumulation of too much power in any single institution and, therefore, minimize the potential for corruption and tyranny. In addition to making the president head of government and not just head of state, precautions included constitutional obstacles to the concentration of power, like the separation of powers, checks and balances, the limited scope of federal responsibility, and the establishment of constitutional qualifications and conditions for political service. Perhaps the most significant of those conditions for a government in the late eighteenth century was the subordination of military to civilian leadership. The founding generation of Americans believed that, in order to minimize the potential for tyranny and corruption, the military must be accountable to, and separate from, both the voters and their civilian presidents. History was, and still is, full of examples of military oppression and abuse of power, and the framers wanted to ensure the military would never be used against the American people.[20]

Another important precaution that reinforced the principle of limited executive authority was the designation of specific terms of office. The Constitution defines a four-year presidential term, so service cannot be extended indefinitely; political tradition quickly placed further constraints on presidential officeholding through the tradition of serving no more than two terms, which was initiated by George Washington. Even prior to the ratification of the Twenty-Second Amendment in 1951, which limited presidents to two terms, no American president except Franklin Delano Roosevelt (FDR) ever held office longer than two terms. He died in 1945, just a few months into his fourth term. In addition, passage of the Twenty-Fifth Amendment in 1967 dealt with succession to the presidency and provided procedures for filling a vice presidential vacancy as well as responding to a presidential disability.[21] The credibility and legitimacy of the presidency have depended, at least in part, on the periodic and voluntary surrender of political authority to the citizens who possess it, which has distinguished the American system of politics from most others. A president's willingness to surrender authority based on constitutional criteria and political custom and