The Role and Functions of the Presidency

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**DRAFT**

This chapter considers the three types of presidential power, the roles the president plays in the American political system, the support provided by the institutional presidency, and the president’s relationship with the public.

Learning Objectives: After reading this chapter, you should know the following:

1. The President’s term of office and how long a President can serve.
2. The qualifications to be president.
3. The three types of presidential power.
4. The many roles the President plays.
5. What head of government and head of state mean, and how the roles conflict.
6. The significance of the President’s Chief Diplomat role.
7. The President’s legislative role and agenda-setting power.
8. The institutional presidency, and the role of the Executive Office of the President
9. The President’s advantage communicating with the public.
10. Going public.
11. The standard trend in presidential approval ratings.

THE BASICS OF THE PRESIDENCY

Role: Chief Executive (Head of the Executive Branch).

Term of Office: 4 years; constitutional limit of 2 terms + 2 years of a predecessor’s term, for a maximum of 10 years (22nd Amendment).

Qualifications: Minimum age of 35 years; natural born citizen of the United States; 14 years a resident within the United States.
PRESIDENTIAL POWER

Presidents claim powers from three different sources: 1) the Constitution, 2) Congressional delegation, and 3) the inherent powers of the executive.

1. **Constitutional Powers**

   The Constitution specifically grants the President a small number of powers. These constitutional powers are: 1) being the Commander-in-Chief of the armed forces, 2) the power to make treaties with other countries, 3) the power to appoint and receive ambassadors from other countries, 4) the power to appoint other officers in the executive branch (with Senate approval), and 5) the power to federal judges, including Supreme Court justices (all subject to Senate approval).

2. **Delegated Powers**

   Although Congress theoretically cannot delegate actual legislative authority to the Executive branch, it has delegated substantial power to presidents to shape public policy. For example, Congress has passed a statute (law) requiring the President to submit a proposed U.S. budget for Congress to consider, has given the President “fast track trade authority” to negotiate international trade agreements that Congress can approve or disapprove, but which it cannot amend or filibuster in the Senate (although that authority has, for the time, expired), and in much of its legislation gives the executive branch considerable discretion in writing rules to implement the law.

3. **Inherent Powers**

   Most controversial, presidents claim that there are “inherent powers”—powers that naturally and inevitably attach to the very fact of being the chief executive. Because these powers are just inferred from the nature of executive authority, there is no explicit or official list of such powers, just powers that Presidents have claimed, and that Congress and the Courts have accepted. The power to make executive agreements and executive orders (see below) are among these inherent powers. Also among these powers is the claim of *executive privilege*, the authority of the President to determine what information from the Executive Branch can be released to Congress. Executive privilege serves two purposes. First, it ensures that military and diplomatic secrets can be kept within the Executive branch and not made public. Second, it enables presidents to get candid advice from their advisors, who do not have to guard their words for fear they will be made public. As part of executive privilege, when Congress invites Executive branch officials to testify, they can only do so if the President approves.
ROLES OF THE PRESIDENCY

The executive power shall be vested in a President of the United States of America...he shall take care that the laws be faithfully executed (U.S. Constitution, Article II)

The President is the chief executive of the United States, responsible primarily for 1) ensuring that the laws passed by Congress are put into force effectively and 2) being the United States’ representative to the rest of the world. Of course the President cannot single-handedly execute all the laws of the United States or make all decisions concerning U.S. relations with other countries, so the executive branch also contains a large number of federal agencies to support these presidential responsibilities. (These agencies will be discussed in another chapter.)

Head of Government and Head of State:

As head of government the President is involved in the daily running of the government and making policy. In a parliamentary system this is the role of the Prime Minister. As head of government presidents promotes policies they favor, pressuring Congress to pass legislation to their liking and trying to block legislation they dislike. The President also heads up the executive branch agencies as they make decisions about the carrying out of the country’s laws. As we noted in the chapters on Congress, they often write laws vaguely, allowing the executive agencies to write rules—called federal regulations—to fill in the details. For example, in filling in the details of the Clean Air Act, the Environmental Protection Agency has created rules governing plywood manufacturers that emit 10 tons or more each year of any designated hazardous air pollutant, or 25 tons of a combination of hazardous air pollutants. A president who supports stronger environmental protections might ask the EPA to reduce that to, say, 8 tons and 20 tons per year, to cover more plywood manufacturers, while a president who thinks environmental regulations are already too strict might ask the EPA to consider changing the rule to increase the allowable amounts of hazardous air pollutants emitted.

As head of government, presidents operate in a policy-making role, which often requires them to take positions supported by their party and opposed by the other party. Think of, for example, Barack Obama pressing for the Affordable Care Act (Obamacare) with the support of Democrats over the opposition of Republicans. This means that the President is playing a divisive role, supporting the policy preferences of some Americans while angering others. Presidents cannot avoid this role, however. They seek the presidency by making policy promises to voters, and voters, journalists, and presidential scholars judge them not only by the policies they support but by their success or failure in implementing those policies.
**Head of State:**

As *head of state* the President represents the whole country, and tries to *unite*, rather than divide, the public. In a constitutional monarchy, the king or queen fulfills the role of head of state. In Great Britain, for example, Queen Elizabeth is the head of state. She tries to be a symbol of Great Britain, but does not have day-to-day involvement with politics or running the government. In the U.S., the President plays the head of state role when he steps outside of everyday politics, to act in a way that represents the U.S. as a whole. This includes the president’s role as Chief Diplomat (see below). When meeting with the leaders of other countries presidents do not represent just their own political party, but the U.S. as a whole. It also includes a variety of symbolic actions presidents take, from personally reviewing disaster-stricken areas to meeting with championship sports teams. For example, after the 9/11 terrorist attacks George W. Bush visited the site of the collapsed World Trade Center. There was no *policy* need for the President to go there, and he did not go as a Republican or as a conservative, but as the *American* president.

Americans expect their presidents to take such symbolic actions. When Hurricane Katrina flooded New Orleans, Bush was criticized for simply observing the devastation from the air in Air Force One (the presidential plane), rather than touring it on the ground. Bush himself has said this was a “big mistake,” and that the photos of him looking out the window made him look “detached and uncaring.” The criticisms may be silly—not only is an aerial view a good way to get perspective on a wide-ranging disaster, but there’s no concrete action a President can take that requires putting their feet on the ground—but Presidents are constrained not by what makes sense, but by what the public demands. And if Bush had actually landed in New Orleans he could have had pictures taken of him meeting victims and consoling them, or praising relief workers—for presidents, it is not enough to care; the public demands a *display* of care.

This dual role creates one of the President’s biggest challenges. While the head of state role asks the President to be a uniter of the public, the head of government role inevitably forces the President to be a divider of the public. The Queen of Great Britain can focus on being a symbol for the whole country because she isn’t expected to get involved in politics, and British Prime Ministers can focus on passing their party’s favored policies against other parties’ opposition because they don’t have to worry about uniting the whole public, just maintaining the support of a majority for the next election. But U.S. presidents are expected to be both a symbol of the country and a partisan political warrior, and few can handle such a challenging task well.

*Chief Diplomat*

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators
One of the President’s primary duties is to be the country’s representative to the rest of the world. In this role the President is sometimes acting as head of state (for example when attending the funeral of a deceased foreign leader), sometimes as head of government (for example when negotiating a controversial treaty that is supported by the President's party but opposed by the other party), and sometimes a mixture of both (for example when persuading other states' leaders to support military action that is arguably in the national interest of the U.S., but that is controversial among the public).

One element of this role involves negotiating treaties with other countries. Presidents rarely do the negotiating themselves, but the negotiators they appoint must consult with the President’s advisors, who are in turn consulting with the President, and the President is ultimately responsible for the content of the treaty. Treaties cover a great range of policy areas, from national defense (the U.S. is part of NATO—the North Atlantic Treaty Organization) to environmental issues (such as the Migratory Bird Treaty between the U.S. and Canada) to economics and trade (such as the World Trade Organization) and even criminal matters (the U.S. has agreements with most countries to extradite suspected criminals back to their country for trial).

Treaties must be ratified by a 2/3 vote of the Senate, a super-majority requirement which can be tough to meet. So Presidents must keep in mind the realistic prospects for Senate approval when they are working on treaties (although they are constrained in this because the countries with which they are negotiating have their own demands and do not have to agree to details that would please either the President or the Senate). A number of notable treaties have never been ratified by the Senate, including President Woodrow Wilson's League of Nations treaty, the Kyoto Protocols to combat global warming, and the treaty against use of landmines (which 162 nations have joined, but not the U.S., Russia or China).

In lieu of negotiating formal treaties—which have to be ratified by the Senate—nowadays presidents often take the easier path of executive agreements, an agreement between the U.S. President and the head of another country. Because they are not treaties, executive agreements do not have the force of law and cannot override U.S. laws. Congress can pass laws overriding an executive agreement, and the federal courts can strike them down if they violate the Constitution or law. They are, in a sense, merely agreements of convenience that remain in force only so long as they continue to be satisfactory to all sides. While they sidestep the Senate approval required for a treaty, Congress as a whole retains the authority to block them.

Another important aspect of the President’s Chief Diplomat role is the power to appoint and
receive ambassadors. In some respects this is just a procedural task—the U.S. has diplomatic negotiations with almost every country in the world, and each President gets to replace the preceding President’s ambassadors with his own (although each appointee must be approved by the Senate), and other countries also occasionally replace their ambassadors to the U.S. But this power can have very important policy implications. Here are three examples:

1. **Israel**: In 1948 Jews in Palestine declared a new independent country of Israel, carved out of a portion of territory Great Britain controlled following World War I. Countries only become official countries if they are recognized by other official countries, but almost immediately President Truman announced that the U.S. was extending diplomatic recognition to Israel, instantly giving their claims a status they would not have had if the U.S. had ignored them.

2. **China**: After World War II, a civil war in China resulted in Mao Zedong’s communists winning control of the mainland, while Chiang Kai-shek’s nationalists retreated to the Chinese island of Formosa, which they renamed Taiwan. Even today, both governments claim to be the rightful government of China, and although in practice there are two Chinas—the People’s Republic of China (PRC) on the mainland and the Republic of China (ROC) on Taiwan—officially the whole world recognizes the mainland and Taiwan as part of a single China (the one China policy). So U.S. Presidents have to choose which government to recognize. Initially the U.S. and its allies recognized the nationalists as the real government of China, which meant they held China’s permanent seat on the United Nations Security Council—one of only 5 countries to have a permanent seat and the veto over all Security Council actions that goes with it. In 1972 Richard Nixon began the normalization of relations with the communists by visiting mainland China and beginning discussions with the communist government, and in 1979 Jimmy Carter withdrew the U.S. ambassador from Taiwan and sent an ambassador to Beijing, the mainland capital, simultaneously withdrawing recognize of Taiwan’s ambassador to the U.S. and receiving an ambassador from Beijing. This led to the communist government taking over the UN Security Council seat, and also put pressure on the Soviet Union to engage in arms reduction talks as they saw their two greatest enemies establishing warmer relations.

3. **Cuba and Palestine**: Although the rest of the world recognizes Cuba as an official country, the U.S. has not had diplomatic relations with it since 1961, when the new communist government of Fidel Castro expelled American diplomats. Palestine is a quasi-state whose government would like international recognition, but out of deference to Israel the U.S. has led efforts to block diplomatic recognition of Palestine.

The President’s capacity to use the power to appoint and receive ambassadors to have great influence on international events is due in large part to the U.S.’s international power and significance. The leader of an insignificant country may have the same authority, but is
unlikely to have the same international influence. In the world of international affairs, it matters greatly if the U.S. chooses to recognize a country, but it matters little if the new, small, and poor country of South Sudan does. But even the U.S. is limited in influence—the rest of the world has not followed our lead in refusing to recognize Cuba, which has led in part to the Cuban tourism industry being dominated by European countries, even though it is only about 120 miles from the U.S. and 4,000 miles from Europe.

The President can also use the prestige of the U.S. to shape relations between other states to the advantage of the U.S. As an example, after Israel and Egypt had fought several wars within a quarter century, in 1978 Jimmy Carter invited the leaders of both countries to Camp David, the presidential retreat, to try to work out a peace agreement. Because of their hostilities neither country was willing to initiate peace talks, but each was willing to accept the invitation of the U.S. Although the talks nearly broke down multiple times, requiring Carter to go back and forth between the cabins of the Israel and Egyptian leaders to persuade them to not give up, ultimately they were successful, and the peace agreement reached has now lasted for over 35 years, and remains effective even through the recent revolution in Egypt.

**Commander-in-Chief**

The President shall be commander in chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States (Article II, §2, U.S. Constitution).

In a role related to being the country’s Chief Diplomat, the President is also Commander-in-Chief of the country’s armed forces. The military is a quintessential executive power. Max Weber defined the state as having a monopoly on the legitimate use of physical force, and no other mechanism of the state has greater capacity for force than the military.

The Constitution’s appointment of the President—an elected civilian—as the Commander-in-Chief is an important political choice. As has been observed in many countries over the past century, lack of civilian control over the armed forces has often led to coups that overthrow democratic governments and install military dictatorships. The U.S. President appoints the Secretary of Defense (and other top officials in the Department of Defense) as well as the Joint Chiefs of Staff (the top officials in the military), and can remove them at will.

The President’s authority as Commander-in-Chief is constrained by Congressional authority. Congress writes the laws governing the military (U.S. Code, Title 10), with which the President must comply. Congress also determines, in budgetary negotiations with the President, the budget for the military and how the money may be spent. For example, Congress can decide whether money will be spent on development of a new weapons system
or not, and if so, how much will be spent on it.

Congress also has the authority to declare war, which theoretically constrains presidents from using the military until Congress has decided to authorize action. In practice, successive presidents have managed to wrest the warmaking power away from Congress, and although the U.S. has engaged in numerous wars in the past 70 years, Congress has not formally declared war since WWII, and in every case where they have approved military action they have done so in response to a President taking the initiative to send troops into action. By doing so, Presidents put the pressure on Congress to rubber-stamp their choices. In cases where Congress has refused to do so, presidents have ignored the lack of congressional authorization, even going as far as to declare that as Commander-in-Chief they do not need legislative authorization to order the military into action because to do so is part of their inherent executive powers, rather than a legislative power.

In response to presidential actions in the Vietnam War, Congress passed the 1973 War Powers Resolution, requiring presidents to notify Congress within 48 hours of committing troops to military action, and putting a 60 day limit (plus another 30 days for troop withdrawal) on such action unless Congress declared war or otherwise authorized the use of force. Despite hopes that this would help Congress regain control of the warmaking power, presidents have since then continued to strengthen their near-total control over the decision of when and where to use military force. Congress could, theoretically, constrain presidential warmaking by revoking funding for military actions, but in practice doing so might have the appearance of not supporting the troops, and there has never been sufficient support in Congress for taking that action.

Chief Legislator

He shall from time to time give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; (Article II, §3, U.S. Constitution).

Although the President is not part of the legislative branch, the Constitution gives clear guidance to be involved in the legislative process. As presidential scholar Richard Neustadt observed, the American system really is less one of separation of powers than one of separated institutions sharing powers. The role of chief legislator falls within the President’s role as head of government.

Although the Constitution is vague about how often the President should give Congress information about the state of the union, and in what manner the information should be given, this duty has evolved into the annual State of the Union address—viewed by people around the world as well as in the U.S.—in which the President declares a set of policy goals
for the coming year. Constitutionally, presidents could just send occasional notes to Congress giving them factual information, such as the unemployment rate and international threats to U.S. interests, without appearing before the public or making specific policy proposals, but the televised State of the Union Address, with lots of pomp and ceremony, is an important agenda-setting opportunity, and no modern president would pass up the opportunity.

The President may also submit bills to Congress—“recommend[ing] to their consideration such measures as he shall judge necessary and expedient.” These bills are likely to be taken seriously by members of the President’s party, but may face stiff opposition from the opposition party. Presidents can also get actively involved in the legislative process by having aides negotiate with congressmembers or even talking to them directly, sometimes by telephone, and sometimes by inviting them over to the Oval Office, to pressure them for support of his proposed policies. And of course the President also has the veto power, which means legislators must take account of the President when passing legislation, and which gives the President significant leverage in negotiations over the substance of bills.

A controversial way presidents act as legislators is through signing statements. When signing a bill into law, presidents normally make some commentary about the law, and what they see as its meaning and significance. In recent presidencies, most notably in the presidency of George W. Bush, the signing statement became a substitute for veto battles, as Bush signed the bills into law, but frequently announced that certain parts trespassed on executive authority, and therefore were unconstitutional (from his perspective) and would not be enforced. While presidents have always had a considerable amount of leeway in the implementation and enforcement of laws, this blunt statement that the President had authority to pick and choose which parts of the law he would enforce was a step beyond the traditional authority of the executive, and remains controversial.

Presidents also play a legislative role at the direct order of Congress, through the delegated authority and requirement to propose an annual budget for the United States. Ultimately Congress has the power of the purse, as Article I, §9 of the Constitution requires that

No money shall be drawn from the treasury, but in consequence of appropriations made by law.

But Congress often finds it hard to develop a budget on its own, and in 1921 passed the Budget and Accounting Act, requiring the president to submit a budget for their consideration. Often, especially when at least one chamber of Congress is controlled by the other party, the President’s budget faces an uphill battle, and in all cases presidents have to bargain with Congress over how much to spend in different areas. But by being the first mover in the budget process, the President again gains agenda-setting power. It has been said that if you want to know any organization’s real goals, you have to look not at what it says its goals are, but where it spends its money. The same is true of a country as big as the United States, so by making decisions about how much money to spend on what policies, budgeting is the most fundamentally important set of policy decisions the government makes. And by trying to
set the agenda on those decisions, and by wielding the veto at the back end of the budgeting process, a canny President can wield significant influence in shaping public policy.

A final way presidents are *de facto* legislators is through *executive orders*. Executive orders do not need approval of Congress because they refer only to the operations of the executive branch of government. For example, one of Barack Obama’s first executive orders, issued on the second day of his presidency, repealed an executive order from the Bush administration allowing “enhanced interrogation techniques,” widely considered to means of torture. The order applies to those executive branch agencies that might need to interrogate suspects, particularly terrorism suspects. As with all executive orders, it is in force until such time as Barack Obama or a future President decides to cancel it via another executive order. Executive orders have also been used for such purely domestic purposes as streamlining the executive branch’s process for procuring office supplies and for foreign affairs purposes like prohibiting the importation of any goods from North Korea. While in most cases Congress has authority to override executive orders through legislation, in nearly all cases they see the orders as within the appropriate purview of the executive, and not pursuing policy ends which they are interested in obstructing.

*Chief Law Enforcer*

> he shall take care that the laws be faithfully executed (Article II, §3, U.S. Constitution).

The President is the country’s chief law enforcer. Of course the President does not do this work himself, but oversees the executive branch agencies that do so. This includes not only the traditional law enforcement agencies like the FBI and the U.S. Marshalls, but also the federal regulatory agencies such as the Food and Drug Administration, the Securities and Exchange Commission, the Environmental Protection Agency, and others.

The President also plays a *judicial* role at the end of the law enforcement process, through the power to pardon. The pardon power applies only in cases of people convicted of violating federal law (governors have an equivalent authority in regards to their own state’s laws).

*Defender of America*

Although *defender of America* sounds like a superhero title, as the country’s chief executive and commander-in-chief, the President, more than any other person in the county, is responsible for the national security of the U.S. And a President’s effectiveness in this role, more than any other, will determine how they are viewed historically. The presidents normally listed as the country’s greatest—such as Washington, Lincoln, and Roosevelt—are
nearly all associated with great victories in war. (An exception is Jefferson, whose presidential legacy rests primarily on the Louisiana Purchase, which doubled the size of the U.S.) Presidents perceived as weak in foreign affairs normally get low approval ratings from presidential historians and the public, such as Jimmy Carter, who was unable to rescue 52 American diplomats and citizens held hostage in Iran for over a year. The hostages were released immediately after Carter’s successor, Ronald Reagan, was sworn into office, giving him an immediate bump in approval (as well as leading to suspicions that his political team had negotiated a secret deal with Iran before becoming official representatives of the U.S.)

This role often leads to conflict with constitutional protections of citizens’ rights, such as when Lincoln suspended the writ of habeus corpus without congressional approval, or when George W. Bush tried to imprison an American citizen suspected of aiding terrorists without a trial or access to a lawyer, as well as claims that American citizens suspected of being in league with terrorists were tortured during interrogations.

THE INSTITUTIONAL PRESIDENCY

In the beginning, the President had very little support staff. Thomas Jefferson was not only the Secretary of State under George Washington, but he was Washington’s personal secretary as well. The size of the presidential staff, and of the Executive branch as a whole, grew slowly throughout the 19th century, then exploded in size in the 20th century, but has remained fairly constant for the last several decades.

There are two distinct elements to the institutions of the Executive branch. On the one hand, there are the 15 Cabinet agencies of the Executive branch. In the order they were created, they are the departments of 1) State, 2) Defense, 3) Treasury, 4) Justice, 5) Interior, 6) Agriculture, 7) Commerce, 8) Labor, 9) Health and Human Services, 10) Housing and Urban Development, 11) Transportation, 12) Energy, 13) Education, 14) Veteran’s Affairs, and 15) Homeland Security. None of these are constitutionally required, but they were developed as the need arose, whether that need was a crucial policy need (such as the State Department and the Department of the Treasury) or to please a political constituency (such as the Department of Labor and the Department of Veteran’s Affairs). The Secretaries of these agencies are responsible for overseeing the operations of their agency, promoting the policy interests of the President through their agency, and acting as an advisor the President on issues within their agency’s jurisdiction.

We will learn more about the Executive branch agencies in another chapter, but for now note that the top officials in these agencies must be approved by the Senate when the President appoints them, each agency is overseen also by particular congressional committees, and each has a constituency of interested parties outside the White House—for example, Wall
Street pays close attention to the Treasury Department, and the Agriculture Department seeks to promote the interests of American farmers. This means the heads of these agencies are not wholly the President’s own people; they are responsive to interests outside the White House as much as they are responsive to the chief executive in the White House. Put another way, although the President chooses people he hopes will pursue the policies he wants, he inevitably has a principal-agent problem vis a vis these agency heads.

The other institutional element of the Executive branch is the Executive Office of the Presidency, which from a President’s day-to-day policy and governance perspective is much more important the federal agencies. The Executive Office of the President, or EOP, is composed of the President’s personal staff, all the support people that Washington did not have. When people refer to the “West Wing,” it is the EOP to which they are referring, because the offices of the top people in the EOP are in the West Wing of the White House (the rest are just across the street in a government office building).

Here in the EOP are generally the President’s closest advisors. EOP staff do not have to be approved by Congress, and they generally do not have any constituency other than the President to which they must be responsive. They can be hired and fired at will, holding their jobs wholly at the pleasure of the President, and so their overriding goal is to help the President achieve his policy goals.

The EOP includes the following offices:

1. Council of Economic Advisers
2. Council on Environmental Quality
3. National Security Council
4. Office of Management and Budget
5. Office of National Drug Control Policy
6. Office of Science and technology Policy
7. Office of the United States Trade Representative
8. Office of the Vice President (the VP, of course, is elected, and cannot be fired by the President)
9. The White House Office, containing such sub-entities as the President’s Domestic Policy Council, the Chief of Staff, the Office of Communications, the Office of Legislative Affairs, and the Office of the First Lady.

(For a full list, see http://www.whitehouse.gov/administration/eop.)

The largest office by far in the EOP is the Office of Management and Budget (OMB). This is the office that helps the President prepare the national budget to be proposed to Congress, which is a year-round job. It also provides Presidential oversight of the performance of the federal agencies—as head of the Executive branch, the President has responsibility for managing the federal bureaucracy, but with dozens of agencies and several million employees, this obviously requires some support staff. The OMB is also the central clearing office for all
legislative proposals, agency communications with Congress, and review of significant regulations proposed by federal agencies, to assess their economic impact and ensure they are consistent with presidential priorities.

Just as important, although smaller, are the Office of Legislative Affairs and the Office of Communications. The Legislative Affairs Office structures the President’s engagement with Congress, promoting his policies and carrying communication and bargaining back and forth between the President and legislative leaders. The Office of Communications organizes the President’s communication with the American public, writing speeches, planning the content and focus of weekly radio addresses, running press conferences, and the like. Presidents normally do not speak to the public casually, because accidentally saying the wrong thing can produce a negative reaction from the press and public. Major speeches are planned weeks in advance, with the President and advisers meeting with communications staff to plan what issues will be talked about and how they will be framed, in an attempt to shape how the public views the issues. The speech will go through multiple drafts, being carefully reviewed by the President and his advisers.

In general, the Executive Office of the President, is the heart of the institutional presidency, the organization that enables Presidents to make informed decisions in a timely manner, communicate those decisions, engage effectively with Congress and the public, and function as an effective policy leader, and—ideally—function well as both head of government and head of state.

THE PRESIDENT AND THE PUBLIC

Presidents are elected (indirectly) by the public, and their influence in Congress is enhanced by having strong public support. Presidents have one particular advantage over Congress when it comes to influencing the public, but they face one particular disadvantage over the course of their time in office.

Going Public: The Presidential Advantage

The advantage presidents have over Congress is that they are the only political actor who can regularly command the whole public’s attention. Only the President has the whole country for a constituency; only the president represents every citizen of the country. When the Speaker of the House talks, his or her constituents (generally just a portion of one state) listen, and engaged political observers listen. But the whole country doesn’t listen because the Speaker doesn’t represent them. The same is true for the Senate Majority Leader, who—despite being such a significant political figure—only represents one state.

This uniqueness of the President influences the media as well. There are too many members of Congress, most of them of only local relevance, for the media to try to cover. And the
White House beat is the most prestigious media job in the Capital. When the President—or even the President’s Press Secretary—holds a press conference, the room is filled. When Congressmembers on Capital Hill give a press conference, the size of the audience depends on how interesting the media expects the event will be. And only the President can command national television time (but the networks only give up time if presidents don’t request time too often).

This ability of the President to reach citizens more effectively than anyone else in government has been termed “the bully pulpit” by Theodore Roosevelt, and “going public” by political scientists. Often the purpose is to move Congress on legislative issues by bypassing them and talking directly to their constituents. A presidential speech that receives a good response can lead legislators to agree to a President’s policy goals, because they don’t want to upset their own constituents.

However, going public does not ensure presidential success. Sometimes presidents are unable to persuade the public to support a policy, such as when George W. Bush tried to build support for privatizing Social Security. A series of town hall meetings designed to build grass roots support for the policy failed to move the public at all, and legislators, aware that their constituents overwhelmingly opposed the idea, were unwilling to push the policy forward. The public also seems to not like it if the President asks for their attention too often. In the 1970s, during the energy crisis, Jimmy Carter gave a series of speeches on the importance of saving energy. Each speech was much like the one that came before, and the public soon tuned him out. Even worse, he argued that conserving energy was the “moral equivalent of war,” and critics quickly realized that the phrase formed the acronym “meow,” which undermined the seriousness the Carter was trying to portray.

In brief, Presidents have greater ability to reach the whole of the American public than anyone else, but there is no guarantee of success in building public support.

**Declining Support: The Presidential Disadvantage**

Since pollsters began tracking the public’s approval ratings of presidents in the mid to late 20th century, a consistent pattern has appeared. Presidents usually come into office with fairly high approval ratings, generally higher than the percentage of the vote they received. This is the presidential “honeymoon.” The honeymoon doesn’t last long, though, and approval ratings soon decline from that initial high point, and bounce up and down depending on political events. A strong economy can boost a President’s approval rating, while a downturn in the economy tends to produce a similar downturn in approval, even though in either case the President probably has little to do with the state of the economy. Foreign policy events can play a big role—after successfully driving the Iraqi army out of Kuwait in 1991 in the first Gulf War, George H. W. Bush’s approval ratings reached 91%, a record high for any president since such tracking began. But the public’s approval can be very ephemeral, and the following
year Bush was defeated in his bid for re-election by Bill Clinton, largely because of a weak economy and his perceived ineffective response to it.

The final part of the trend—after the honeymoon bump and the up-and-down that follows—is a general decline in public approval. Presidents nearly always leave office less popular than when they entered it. This may reflect their declining effectiveness across the course of their presidency—especially if they have a second term, during which presidents rarely achieve the level of success of their first term—or it may be a cause of declining effectiveness, as they lose the ability to influence policy by influencing the public.

Whichever explanation has more power, few presidents escape this long-term decline in public approval. There are few trends in American politics more predictable than this one.

SUMMARY

Presidents have three types of power: 1) constitutional powers, 2) powers delegated by Congress, 3) inherent executive powers.

Presidents have multiple roles they must fulfill, from defender of the America to chief legislator to chief law enforcement officer to chief diplomat. They must also balance being head of government with being head of state.

In performing their duties presidents are aided by the institutional presidency, particularly the Executive Office of the President.

Finally, presidents have a unique ability to command the attention of the American public, which can give them an advantage over Congress in policy negotiations. But their public approval ratings inevitably decline over time, eroding their ability to successfully use this tool to achieve their policy goals.