Reflections on The American Presidency

by David M. Kennedy

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As the recent election campaign has reminded us, the American Presidency is a truly peculiar institution, one of the many markers of America’s distinctive political culture.

Among its oddities: The president is both head of state and head of government, unlike most other systems that leave largely ceremonial state functions to a monarch or other official; he (they have all been “he’s” so far) exercises executive power, but at key points – cabinet and ambassadorial appointments, for example, as well as ratification of treaties -- only with the consent of the Senate; he has some legislative power (the veto and the power to convene – but not to dismiss – the Congress); he holds some judicial power (to make appointments to the federal judiciary, but again only with senatorial consent); he is the commander-in-chief, but only Congress can declare war; and he is formally elected by the mother and father of all political curiosities, the Electoral College.

The two greatest studies of the presidency are Harold Laski’s classic 1940 work, The American Presidency and Richard Neustadt’s Presidential Power (1960), both well worth reading today. Laski and Neustadt agree that the president’s formal authority, especially in domestic matters, is severely limited by the constraints of the Constitution. Laski mostly lamented those restrictions; Neustadt creatively explored ways around them, famously attracting the keen attention of John F. Kennedy as well as Lyndon B. Johnson. Between them, Laski and Neustadt capture the chronic tension that has shadowed every president for more than two centuries: the American people hunger for effective presidential leadership, even while they remain deeply fearful of presidential power. More broadly, it might be said that Americans like effective government, but they like divided (and therefore less effective) government even more (which is what they have collectively chosen to have for 31 of the last 43 years, when neither party has simultaneously controlled the House, the Senate, and the presidency).

There was no real precedent for the office of the presidency in the colonial period. Royal governors might have wielded executive power, but they were appointed by the Crown, unelected by and unaccountable to their colonial subjects and widely loathed by them.
Small wonder that the Articles of Confederation conspicuously avoided creating a federal executive.

But the liabilities of having no effective national executive were soon revealed, and were among the factors that led the delegates at Philadelphia in that sweltering summer of 1787 to invent the office of the presidency. It was among the cleverest of their several innovations, but they also hedged it about with restraints and counterbalances to ensure that no president would ever accrue anything remotely resembling monarchical power. One measure of their conception of the presidency can be found by comparing Article I of the Constitution, which deals with the legislative department, with Article II’s discussion of the executive department. The former contains 51 paragraphs, the latter just 12 (one of which provides for impeachment). The framers clearly intended Congress, not the President, to be the center of government and the seat of ultimate political authority. Indeed, for the first several decades of nationhood, presidential candidates were nominated by congressional caucuses, until that practice was displaced by national nominating conventions in the age of Andrew Jackson. And for much of the nineteenth century, excepting only the presidencies of Jefferson, Jackson, and Lincoln, Capitol Hill, not the White House, was the locus of effective governmental power.

Scottish-born James Wilson, the Pennsylvania delegate to the constitutional convention who is often called the “father of the presidency” wanted a robust president elected directly by the people. He had to settle for less presidential muscle and for the Electoral College, a compromise that lives on as a stubborn reminder of the framers’ worries about the good judgment of the people as well as their fear of power.

As the historian Henry Adams once put it: “The great object of terror and suspicion to the people of the thirteen provinces was power. Not merely power in the hands of a president or a prince, of one assembly or several, of many citizens or few, but power in the abstract, wherever it existed and under whatever form it was known.” Hence the system of “checks and balances” that we have lived with ever since. Generations of schoolchildren have been taught to reverence that system; less frequently remarked are the frustrations -- especially in times of crisis, when strong action is called for -- that attend a system of governance deliberately designed to cabin and constrict government itself.

And yet some of James Wilson’s aspirations for the presidency persist. Despite the Electoral College, over time the presidency has become an increasingly plebiscitarian institution, more and more in direct communication with the people and perceived as the embodiment of the national will (as distinct from the myriad local interests represented in the legislature -- it’s been said that the supreme duty of the president is to protect us all from each other’s congressman). By one ingenious measure, twentieth-century presidents addressed the people directly six times more frequently than nineteenth-century presidents, and communicated exclusively with Congress only one-fourth as often.

To a remarkable degree, that evolution in the character and standing of the presidency has been abetted by the evolution of technology. The advent of the telegraph and services like the Associated Press enabled mass-circulation newspapers to cover national stories in real time, creating a platform for presidents like Theodore Roosevelt and Woodrow Wilson to appeal over the heads of legislators and speak directly to citizens at large about the
issues of the day. Radio facilitated even more personal, even intimate, communication with the public, as illustrated most notably by Franklin D. Roosevelt’s thirty “Fireside Chats.” John F. Kennedy was the first president to use television as an effective political instrument, especially through his reliance on the televised press conference to dominate the newspapers and broadcasters that historically mediated between president and public. The rise of the internet and social media (on which the 2012 Obama campaign spent some $47 million) have birthed yet more opportunities for person-to-person presidential politicking.

To a degree the founders would have had difficulty comprehending, modern presidents become the vessels into which we quadrennially pour our hopes and aspirations as a people, the political actors we expect to be the prime movers in our governmental system and the lodestars in our political firmament. And yet the president (for this purpose counting the president and vice-president as a single entity) is but one of the 536 elected officials in Washington D.C. And when we remember that he remains tightly jacketed by what Jefferson called “the chains of the Constitution,” not least by the not always consonant wills of those 535 other actors, perhaps we should temper our expectations. Or perhaps it’s time to overhaul our creaking two-century-old electoral machinery.

**Quote of the Month**

History is the witness that testifies to the passing of time; it illumines reality, vitalizes memory, provides guidance in daily life and brings us tidings of antiquity.

Marcus Tullius Cicero (106 BC - 43 BC), *Pro Publio Sestio*

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