

The Presidency

CHAPTER 8

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Contemporary Connection

Since September 11, 2001, there has been a major overhaul in the executive agencies responsible for the nation's security. The director of national intelligence is responsible for coordinating the efforts of all the executive departments that deal with the nation's security including the directors of Homeland Security and the Central Intelligence Agency as well as the Federal Bureau of Investigation. These executive departments all ultimately report to the president. This chapter explores the many roles the president plays in shaping policy.



The first of four institutions to be covered, the presidency has evolved into the focal point of politics and government in America. It is the political plum for those seeking elected office. The institution plays a predominant role in government having formal and informal relationships with the legislative and judicial branches and the bureaucracy. Other roles that make the president involved more than any other individual or institution in politics and government will be evaluated. Potential conflicts and the reasons why the institution has been criticized for having an arrogance of power are important areas to explore.

This chapter also focuses on the factors that create a successful presidency. It illustrates how, historically, the institution has grown in importance. The constitu-

tional basis of power as well as the manner in which the president has used executive agencies such as the cabinet, the executive office, and the White House staff demonstrates this growth. Additionally, the shared legislative relationship that the president has with the Congress points to the complex issue of whether the institution has developed into an imperial presidency, a presidency that dominates the political agenda.

Whether or not the president succeeds, to a large extent, depends on the nature of the agenda that is set. The interrelated manner in which the president is able to communicate the agenda with the public, the way the media reports the agenda, and the approval rating of the electorate are factors that define the presidency. As Harry Truman said about the office, “the buck stops here.”

QUICK CONSTITUTIONAL REVIEW OF THE PRESIDENCY

- Basis of constitutional power found in Article II
- Must be 35 years old, a natural-born citizen, and a resident of the United States for 14 years
- Chief Executive
- Commander in Chief of the armed forces
- Power to grant pardons
- Power to make treaties
- Power to appoint ambassadors, justices, and other officials
- Power to sign legislation or veto legislation
- Duty to give a State of the Union report
- Election by electoral college
- Definition of term limits, order of succession, and procedures to follow during presidential disability through constitutional amendments
- Informal power based on precedent, custom, and tradition in issuing executive orders, interpreting executive privilege, and creating executive agencies

THE ELECTORAL PROCESS

The vast majority of presidents have reached the office through prescribed methods, and only eleven have served two or more terms.

The first step in viewing the presidency is looking at the nature of the electoral process. Future chapters will deal with the political process of the primary system and nominating convention. Once nominated, the outcome of the election is generally determined by whoever receives the most electoral votes. The potential for a third-party candidate drawing enough votes to throw the election into the House of Representatives exists. When Ross Perot received almost 20 percent of the popular vote in 1992 and established his own political party, many political scientists predicted that in a future presidential election no candidate would receive a majority of the electoral votes. Two factors contribute to this threat. First, the rules of the electoral college system dictate that the winner takes all the electoral votes of a state even

if one candidate wins 51 percent of the vote and the losing candidate gets 49 percent. Second, the allocation of electoral votes does not always reflect true population and voter patterns.

Popular Versus Electoral Votes

On four occasions in American history, presidential candidates have lost the election even though they received the most popular votes. In 1824 Andrew Jackson received a plurality of popular votes and electoral votes, over 40 percent of the popular votes to 31 percent of the vote obtained by John Quincy Adams. Yet, Jackson did not receive a majority of the electoral votes; Adams received a majority of the votes from the House and was elected president. In 1876 Republican Rutherford B. Hayes lost the popular vote by a little more than 275,000 votes. Called the “stolen election” by historians, Hayes received an electoral majority after an electoral commission was set up by Congress to investigate electoral irregularities in Florida, Louisiana, South Carolina, and Oregon. The commission voted on party lines, and Hayes was officially elected president. In 1888 Grover Cleveland won the popular vote but lost the electoral majority to Benjamin Harrison. In the 2000 election, Vice President Al Gore received more popular votes than George W. Bush. Bush, however, won the majority of the electoral votes and became our 43rd president. If third-party candidate Ralph Nader had not run, Gore would have won enough electoral votes to have won the election.

Even though this has occurred only four times, there have been extremely close elections, such as the 1960 election between Kennedy and Nixon and the 1976 election between Carter and Ford, where a small shift in one state could have changed the outcome of the election. There is also a potential constitutional problem if a designated presidential elector decides not to vote for the candidate he was committed to support. They are called faithless electors. That happened on nine occasions without having an impact on the outcome. The third anomaly of the system could take place if the House and Senate must determine the outcome of the election. The Twelfth Amendment to the Constitution outlines this procedure, and even though it has happened only once, strong third-party candidates make this a distinct possibility in the future. Elections in 1968 (the American Independent Party candidacy of George Wallace), and the recent candidacy of Ross Perot all influenced campaign strategy.

Two proposed constitutional amendments have been offered to make the system fairer. The first one would create a proportional system so that a candidate gets the proportional number of electoral votes based on the size of the popular vote received in the state. In 2011, individual states such as Pennsylvania considered passing legislation that would split their electoral votes proportionally in the 2012 election. A second plan offered would simply abolish the electoral college and allow the election to be determined by the popular vote with perhaps a 40 percent minimum margin established. Any multiparty race resulting in a victory with less than 40 percent would create a run-off.

Presidential Succession

Presidential disability and succession are defined by the Twenty-Fifth Amendment. It allows the vice president to become acting president after the president’s cabinet confirms that the president is disabled. This happened for a short period when Ronald Reagan was undergoing surgery after an assassination attempt.

The amendment also outlines the procedures for selecting a new vice president when that office becomes vacant. When a vacancy occurs, the president nominates a new vice president. Unlike other presidential appointments, both the Senate and House must approve the appointment by a majority vote in each house. This occurred after Nixon's vice president, Spiro Agnew, resigned in 1973. Nixon appointed congressman Gerald Ford as vice president, and both houses of Congress approved his selection. When Nixon resigned in 1974, Ford appointed former Governor of New York, Nelson Rockefeller, and both houses of Congress followed the same procedure and approved Rockefeller as vice president.

Nine presidents have not completed their term of office. By law, after the vice president, the Speaker of the House and the Senate president pro-tempore are next in line. Eight presidents have died in office, and one, Nixon, resigned. After Franklin Roosevelt died, in 1945, a constitutional amendment limiting the term of office to no more than two terms or a maximum of ten years was passed. There has been a growing movement to further limit presidential terms to one six-year term to reduce the amount of time and energy devoted to raising campaign funds and the time it takes to campaign for office.

PRESIDENTIAL POWER

The power and influence of the president have evolved and increased as the United States has grown as a world leader.

If you think of the presidents who have been powerful and influential and who have demonstrated leadership, you probably will come up with the names of Washington, Lincoln, Theodore Roosevelt, Woodrow Wilson, Franklin Roosevelt, Kennedy, Johnson, Nixon, Reagan, George H. W. Bush, and George W. Bush. Even though Nixon resigned in disgrace as a result of the Watergate affair and Bush was not reelected, all the presidents listed dominated the national scene because of perceived leadership during times of national emergencies—war and economic hardship or domestic development. These leadership attributes can be categorized as the ability to

1. manage a crisis
2. demonstrate leadership as perceived by the public
3. appoint quality officials
4. set and clarify the national agenda
5. achieve a legislative agenda
6. achieve success in the foreign policy arena.

For example, these presidential attributes have also been classified by James David Barber in *The Presidential Character* as “Active-Positive,” “Active-Negative,” “Passive-Positive,” and “Passive-Negative.”

Kennedy's New Frontier and the manner in which he stood up to Russia during the Cuban Missile Crisis, as well as a public perception that he was creating change for the country, strengthened the institution.

Lyndon Johnson's Great Society programs were compared to many of Roosevelt's New Deal programs. The country became embroiled in the Vietnam War, and Johnson decided not to seek another term.

Nixon's foreign policy accomplishments, the eventual ending of the Vietnam War, the détente with the Soviet Union, and the diplomatic recognition of China contributed to his presidency.

Reagan and George H. W. Bush have been credited with being catalysts in ending the cold war. They were in office during the demise of the Soviet Union, and

George H. W. Bush's vision of a New World Order put the presidency in the middle of crucial policy-making decisions.

Clinton's legacy included a balanced budget agreement and the longest period of economic prosperity in United States history.

George W. Bush will be remembered as the president who responded to the attacks of 9/11.

Barack Obama will be remembered as the president who gave the order to kill Osama Bin Laden.

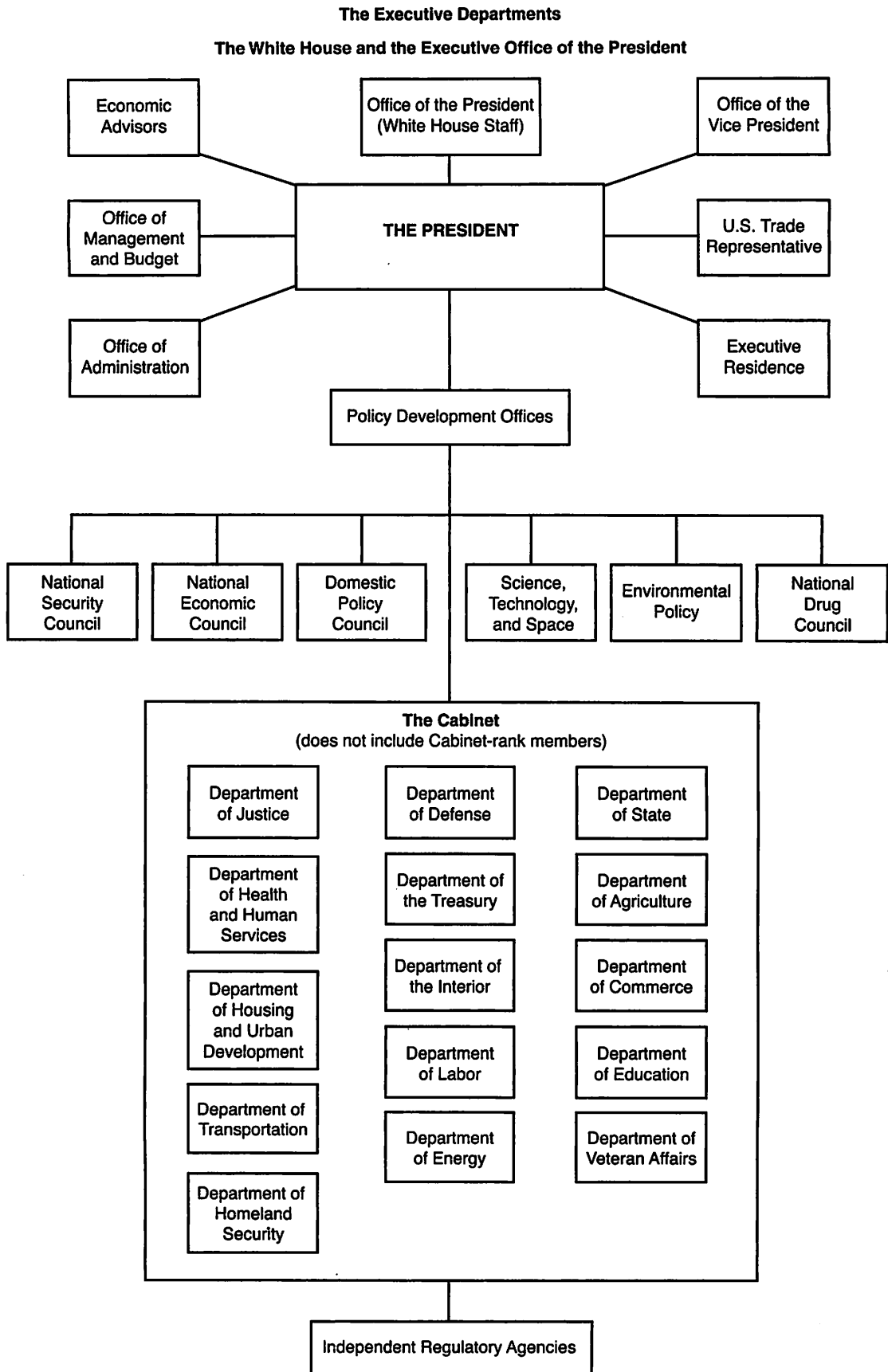
When historians actually rank the presidents, Ronald Reagan is the only president since John F. Kennedy to make the top ten. Truman and Eisenhower were also included in the top ten in a study completed in 2008.

As the nation's chief executive, the president must "faithfully execute the laws" of the nation. In doing so, the president has developed and organized the executive department into three areas—the cabinet, the executive office, and the White House staff. The administrative responsibilities of these departments increase the size and scope of the executive department as a whole. Through tradition, custom, and precedent these presidential appointments have determined the nature of presidential administrations.

The growth of the executive departments has also contributed to the increase of presidential power.

The Cabinet

The cabinet was instituted by George Washington; every Administration since his has had one. There have also been unofficial advisors such as Andrew Jackson's so-called Kitchen Cabinet. Cabinet appointees need Senate confirmation and play an extremely influential role in government. There are currently 19 cabinet level positions. Creation or abolition of these agencies needs congressional approval. There have been cabinet name changes such as the change from Secretary of War to Secretary of Defense. Cabinet agencies have been created because national issues such as the environment, energy, and education are placed high on the national agenda. Cabinet-level positions have been expanded to include the Office of Management and Budget, the Director of the Environmental Protection Agency, the Vice President, the United States Trade Representative, the Ambassador to the United Nations, and the Chair of the Council of Economic Advisors. In 2002, the cabinet was expanded to include the Director of Homeland Security. The vice president is a permanent member of the cabinet, too. Cabinet officials have come from all walks of life. They are lawyers, government officials, educators, and business executives. Many cabinet officials are friends and personal associates of the president. Only one, Robert Kennedy, was a relative of the president. That practice was stopped by law. Presidents have used cabinet officials in other capacities. Nixon used his Attorney General as campaign manager. Cabinets are scrutinized by the American public to see whether they represent a cross section of the population. It was only recently that full minority representation in the cabinet became a common practice. To put this issue in perspective, the first woman, Frances Hopkins, was appointed to the cabinet in Franklin Roosevelt's administration. Cabinet nominees have been turned down by the Senate. George Bush's appointment of Texas Senator John Tower was defeated by the Senate as a result of accusations that Tower was a womanizer, had drinking problems, and had potential conflict of interest problems with defense contractors. During his term, President Clinton had trouble gaining approval of cabinet appointees. Zöe Baird was nominated as the first woman Attorney General. However, because of allegations that Baird hired an illegal alien as a nanny, Clinton



was forced to withdraw the nomination. The event became known as “Nannygate.” Issues facing a president are how much reliance should be placed on the cabinet, whether a cabinet should be permitted to offer differing points of view, and how frequently cabinet meetings should be held. Each cabinet member does administer a bureaucratic agency and is responsible for implementing policy within each area.

After Barack Obama was elected president, he established new “vetting” procedures (reviewing of one’s credentials) for his appointees. This procedure included a provision that no former lobbyist could serve in an office that the lobbyist had earlier tried to influence. Although Obama had a smooth transition, a number of his cabinet appointees ran into difficulty after they were nominated. The Secretary of Health and Human Services had to withdraw because of late tax payments. The Treasury Secretary also had tax-related issues but was confirmed. Two people withdrew after being nominated as Commerce Secretary.

Obama’s cabinet did reflect a cross-section of America, and it was described as a modern “team of rivals” because it included political opponents from the presidential campaign, notably Senator Hillary Clinton, whom he defeated in the primaries, as well as Republicans. His cabinet, in order of succession to the presidency, is:

- Vice President of the United States Joseph Biden—This is a cabinet level position and does not need Senate approval
- Secretary of State Hillary Clinton, former First Lady and New York Senator
- Secretary of the Treasury Timothy Geithner, a former Wall Street executive who was a member of the New York Federal Reserve
- Secretary of Defense Robert Gates, a holdover from the George W. Bush administration and one of two Republicans in the cabinet—resigned from the cabinet in 2011 and replaced by CIA Director Leon Panetta
- Attorney General Eric Holder, the first African-American Attorney General
- Secretary of the Interior Kenneth Salazar, former Colorado Senator
- Secretary of Agriculture Thomas Vilsack, former Iowa Governor and a political opponent of Obama in the primaries
- Secretary of Commerce Gary Locke, former Washington Governor and the first Asian to serve in that post—resigned from the cabinet in 2011
- Secretary of Labor Hilda Solis, former California congresswoman and a champion of worker’s rights, and the first Hispanic to serve as labor secretary
- Secretary of Health and Human Services Kathleen Sebelius, former Kansas Governor
- Secretary of Housing and Urban Development Shaun Donovan, former head of the New York City Housing Preservation and Development
- Secretary of Transportation Ray LaHood, former Republican Indiana congressman
- Secretary of Energy Steven Chu, Nobel winner in Physics and the first Asian to serve in this position
- Secretary of Education Arne Duncan, former Chicago Superintendent of Schools
- Secretary of Veteran Affairs Eric Shinseki, retired United States Army Chief of Staff and an early opponent of the Iraq War strategy
- Secretary of Homeland Security Janet Napolitano, former Arizona Governor and the first woman to serve in this position

The Executive Office of the President

Separate from the cabinet is the executive office of the president. It was created by Franklin Roosevelt in 1939. Today it has four major policy-making bodies:

1. the National Security Council
2. the Council of Economic Advisors
3. the Office of Management and Budget
4. the Office of National Drug Control Policy.

The National Security Council, chaired by the president, is the lead advisory board in the area of national and international security. The other members of the council include the vice president and secretaries of state and defense as well as the director of the Central Intelligence Agency and the chairman of the Joint Chiefs of Staff. The president's national security advisor is the direct liaison. Even though the function of the council is advisory, under President Reagan, it conducted the Iran-Contra operations, which attempted to obtain hostages for arms. It was the mismanagement of this operation that resulted in the accusations that the president violated congressional acts prohibiting aid to the Nicaraguan Contras.

The Council of Economic Advisors consists of individuals who are recognized as leading economists. They are approved by the Senate and help the president prepare the annual Economic Report to Congress. This report outlines the economic state of the nation.

The Office of Management and Budget (OMB) is the largest agency in the executive office. Its director, appointed with the consent of the Senate, is responsible for the preparation of the massive federal budget, which must be submitted to the Congress in January each year. Besides formulating the budget, the OMB oversees congressional appropriations. It is a key agency because it has tremendous policy-making ability based on its budget recommendations. The department is also the president's direct link to other agencies and helps prepare executive orders and presidential budget policy.

The Office of National Drug Control Policy is a recent addition to the executive office. It is chaired by a director appointed by the president with the consent of the Senate. The head of the agency has been dubbed the nation's drug czar. The responsibility of the agency is to prepare recommendations on how to combat the problem of drug abuse. It also coordinates the policies of other federal agencies in this area. Other departments that exist in the executive office are the Office of Policy Development, the Office of Science and Technology Policy, the Council on Environmental Quality, the Office of Administration, and the Office of the United States Trade Representative.

The Office of Homeland Security is the latest addition to the cabinet. Created after the terrorist attacks of September 11, 2001, the Office of Homeland Security is responsible for protecting the United States against future attacks. Each agency is responsible directly to the president and makes policy recommendations appropriate to each area.

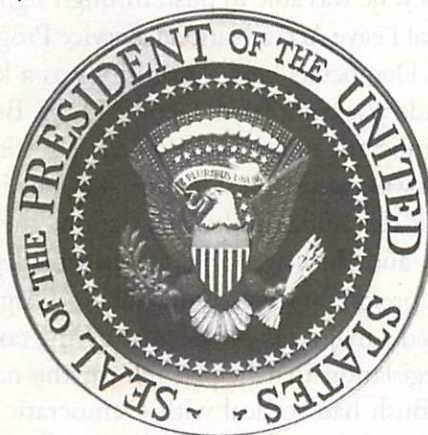
In the summer of 2004, the 9/11 presidential commission held hearings and issued a report that recommended the creation of a new National Counterterrorism Center headed by the director of national intelligence. After much political in-fighting in the Republican-controlled House of Representatives, the bill, which was supported by a majority of Democrats, passed both houses in a lame-duck session of Congress. The law signed by President George W. Bush created a new

counterterrorism center with a director appointed by the president and confirmed by the Senate. This director was given broad powers and coordinates intelligence among the many existing agencies. This new director and the agency also has the major responsibility of working with the Department of Homeland Security and becoming a link between federal and state agencies. The law expanded a security system for airlines, expanded security technology to other areas not previously covered such as transportation threats, ports, and illegal immigrants. The law also set up a Privacy and Civil Liberties Board, consisting of private citizens appointed by the president, ensuring that the security policies of the federal government do not breach the civil liberties of Americans.

The White House Staff

The White House staff, managed by the White House Chief of Staff, directly advises the president on a daily basis. The Chief of Staff, according to some critics, has an inordinate amount of power, often controlling the personal schedule of the president. Nixon's Chief of Staff, H. R. Haldeman, kept a personal diary. It revealed the close relationship between the president and his Chief of Staff as well as the influence the Chief of Staff plays in policy formation. Other staff include the more than 600 people who work at the White House, from the chef to the advance people who make travel arrangements. The key staff departments include the political offices of the Office of Communications, Legislative Affairs, Political Affairs, and Intergovernmental Affairs. It includes the support services of Scheduling, Personnel, and Secret Service and the policy offices of the National Security Affairs, Domestic Policy Affairs, and cabinet secretaries. Each plays an important role in formulating policy and making the White House run smoothly. The first lady has her own office and staff as does the vice president.

THE SEAL OF THE OFFICE OF THE PRESIDENT OF THE UNITED STATES



The role of the nation's first lady has been defined by each of the president's wives. Hillary Rodham Clinton was given the responsibility of chairing the Health Care Reform Task Force and moved from the traditional office in the White House reserved for the first lady to the working wing of the White House where other White House staff members work. After the efforts to get a comprehensive health-

care bill failed, Mrs. Clinton took on a more traditional role as the country's first lady. This role continued during Clinton's second administration. During the Whitewater investigation, Mrs. Clinton testified before a Grand Jury. Charges were not brought against her. Using the theme of her book *It Takes a Village to Raise a Child*, Mrs. Clinton continued to be an advocate for children's causes. Mrs. Clinton also became the only first lady to seek elective office. She was elected to the Senate in 2000 by the voters of New York and was a presidential candidate in 2008.

First Lady Michelle Obama followed Laura Bush's model and used her influence by taking up the causes of preventing childhood obesity and working with veterans and their families.

PRESIDENTIAL POWERS

The president not only has separate powers and inherent powers but also has shared powers with the other government and political institutions.

Besides the constitutional authority delegated to the president, the nation's chief executive also has indirect roles. These duties such as chief legislator, head of party, chief of state, and chief diplomat truly define the scope of the presidency. Depending upon the skills of the person in office, the power of the presidency will increase or decrease. Each role has a direct relationship with either a political institution or governmental policymaking body. The skills and ability to use these roles result in a shared power relationship.

The president as chief legislator develops legislative skills and a shared relationship with Congress. In developing a legislative agenda, the president sets priorities and works closely with members of Congress. Three contrasting presidents—Johnson, Carter, and Clinton—developed different styles in this area. Johnson, having the experience as Senate Majority Leader, already had the skills of working with Congress when he assumed the office after Kennedy's assassination. He was able to achieve a great deal of success with his Great Society programs. Carter, coming from the Georgia governorship, was unable to work with congressional leaders and did not implement his agenda. Clinton, although a former governor, used his support staff and developed a working relationship with his own party leaders who held a majority in each house. For the first three years of his presidency, he was able to push through significant legislation including the Family and Medical Leave Act, a National Service Program, Americorp, and the Crime Bill. The fact that Democrats held a majority was a key factor in whether the president's legislative agenda was completed. George H. W. Bush, who as a Republican had to work with the Democratic majority, used a veto 45 times successfully.

When George W. Bush was elected president in 2000, he initially had to work with a divided Congress. After the 2002 midterm election, the Republicans controlled both houses of Congress, and Bush was able to push his legislative agenda through Congress and pursue his foreign policy goals in Iraq and Afghanistan. Bush, working with the Democrats, signed a major tax bill decreasing the tax rates; he also passed the No Child Left Behind legislation that helped reform the nation's schools. After the 2006 midterm election, Bush had to deal with Democratic majorities in the House and Senate. Legislative victories decreased and he faced mounting criticism for the Iraq War. When Barack Obama was elected in 2008, he was able to use his political capital to pass a historic bill reforming the nation's healthcare system.

The Veto

The veto is a primary tool used by the president to influence Congress to meet his agenda priorities. Historically there have been over 1,454 regular vetoes and fewer

than 200 have been overridden by Congress. The presidents who have exercised the most vetoes were Franklin Roosevelt (372), Grover Cleveland (304), and Harry Truman (180).

POCKET VETO

Another form of veto a president can use is the pocket veto. This occurs if the president does not sign a bill within ten days and the Congress adjourns within the ten days. This tactic has been used over a thousand times. One of the reasons why the pocket veto is used is that very often there is a rush to pass legislation at the time of planned recesses. One of the issues surrounding the veto is the attempt by some presidents to obtain a line item veto. Many times Congress will attach riders or amendments to bills. These riders, often in the form of appropriations, sometimes have nothing to do with the intent of the bill itself and are often considered to be pork barrel legislation. It becomes a means of forcing the president to accept legislation he would normally veto.

Legislative Vetoes

Attempts at legislative vetoes of presidential actions have been declared unconstitutional by the Supreme Court. In *INS v Chadha* (1983) the Court ruled that “we have not yet found a better way to preserve freedom than by making the exercise of power subject to the carefully crafted restraints spelled out in the Constitution.” Congress does have oversight responsibilities over the intelligence agencies through committee hearings.

In 1994 both houses of Congress passed a line item veto law, which President Clinton signed. Taking effect in 1997, the purpose of the line item veto was to let the president strike individual items from the 13 major appropriations bills submitted by Congress that he considered wasteful spending. The goal of the law was to prevent Congress from increasing appropriations with pork. The law was brought to the Supreme Court and was declared unconstitutional as an illegal expansion of the president’s veto power.

Party Leader

As party leader, the president is the only nationally-elected official. Other party leaders such as the Speaker of the House and the majority and minority leaders of the Senate and House are elected by their own parties. In this role, the president has much influence in setting his agenda, especially if he is a member of the majority party. Many times the president will make the argument to the congressional party leaders that their support will “make or break” the presidency. This kind of pressure was put on the Democratic Party when Bill Clinton lobbied for the passage of his first budget. Another key action the president can take to send a message to Congress is to impound funds. By this act the president refuses to release appropriated funds to executive agencies. President Nixon used this practice to curb congressional spending. Congress retaliated by passing the 1974 Congressional Budget and Impoundment Act, which set limits on this practice and set up an independent Congressional Budget Office. This act was significant in shifting the checks and balances scale to Congress. Even though he does not directly have the power to appoint congressmen to committees, the president certainly can influence a party member by promising to support pet legislation of the congressman in return for voting in favor of legislation supported by the president.

Executive Privilege

The president has interpreted the Constitution to allow for executive privilege, the ability of the president to protect personal material. Because the definition of executive privilege is not written, President Nixon in trying to apply this to his Watergate tapes did not succeed in protecting the tapes from a congressional committee investigating potential obstruction of justice charges.

National Security

Another area of potential conflict between the president and Congress is that of national security. As chief diplomat, the president has the delegated constitutional authority of commander in chief of the armed forces, the person who can make treaties with other nations and appoint ambassadors to nations that are recognized. With treaties and appointments, Congress has a built in check—the Senate must approve treaties by a two-thirds margin and approve presidential appointments by a majority vote. Most judicial appointments are made after checking the appointment with the senator of the state the appointee comes from. This kind of “senatorial courtesy” often guarantees the acceptance of an appointment even if there is some minor objection from other senators. Such significant treaties as the 1962 Nuclear Test Ban Treaty and the 2010 Strategic Arms Limitation Treaty are good examples of the president working closely with the Congress.

Foreign Policy

Who are the players and participants in this aspect of public policy? Constitutionally we have already identified the key players:

- President—in Article II, as commander in chief of the armed forces and chief diplomat, having the power to appoint ambassadors and negotiate treaties.
- Congress—in Article I, having the power to declare war, support and maintain an armed force through appropriations, as well as approve foreign aid allocations; the Senate has the power to approve appointments and must ratify treaties.

Through the bureaucratic agencies of the executive branch and the oversight responsibilities of Congress, specific policy is made. The president relies on two key cabinet departments for advice—the State Department and the Defense Department, both of which are run by civilians. He also relies on the National Security Advisor (a staff position), and the Directors of the National Intelligence, CIA, FBI, and Homeland Security. The secretary of defense, formerly called the secretary of war, is second to the president in directing military affairs. The agency is directly in charge of the massive defense budget and the three major branches of the military. Direct military command is under the leadership of the joint chiefs of staff. It is made up of representatives of each of the military services and chaired by a presidential appointee, also a member of the military. During the Gulf War, General Colin Powell was a visible key player giving valuable advice to President George H. W. Bush and Secretary of Defense Dick Cheney. In 1995, after his autobiography, *My American Journey*, was published, he was urged to run for president as a result of his leadership during the Gulf War.

The secretary of state heads the diplomatic arm of the executive branch and supervises a department with well over 24,000 people, including 8,000 foreign service officers. There are specialists in such areas as Middle East affairs, and the department

includes the many ambassadors who are the country's chief spokesmen abroad. Presidents appoint to the position of secretary of state someone on whom they can closely rely and who can map out a successful foreign policy. Some, like John Foster Dulles, Eisenhower's secretary of state, have played a major role. Dulles endorsed the policy of brinkmanship—going close to the edge of an all-out war in order to contain communism. President Clinton appointed the first woman Secretary of State, Madeline Albright, at the start of his second term.

The National Security Act of 1947 established the National Security Council as an executive-level department. It created as its head the national security advisor. One of the most notable people to head the agency was Henry Kissinger, who served under Presidents Nixon and Ford. Kissinger laid the foundation of Nixon's policy to end the Vietnam War and handled the delicate negotiations that led to Nixon's historic visit to China. Condoleezza Rice became a key national security advisor to George W. Bush during his administration. She was appointed and confirmed as the first African-American woman to serve as Secretary of State during Bush's second term.

Other agencies that are an integral part of the foreign policy arena include:

- The Immigration and Naturalization Service—deals with those people trying to seek residence in the United States from other countries. It is the agency charged with enforcing immigration policy. At times, it becomes embroiled in controversial issues such as when Vietnam, Haiti, and Cuba, at different times, allowed their residents to set out to the United States on boats. The agency, along with the military, was directed to intercept the exodus of these “boat people” on the high seas.
- The Central Intelligence Agency—created by Congress in 1947 and works under the direction of the National Security Council. Its director has the responsibility of:
 - * coordinating the gathering of information related to foreign affairs and national defense for the other federal agencies
 - * analyzing and evaluating this information
 - * reporting to the president and National Security Council

Besides information reporting, the agency has also conducted covert activities abroad and at times has been criticized for some of its actions. When the Iran-Contra affair was investigated by Congress, it became apparent that the CIA helped coordinate the illegal arms for hostages negotiations.

- The United States Information Agency—acts as the propaganda arm of the United States. It uses the Voice of America shortwave radio station to inform other countries' populations of U.S. policies abroad.
- The United States Arms Control and Disarmament Agency—maintains responsibility for negotiations, participation, and implementation of treaties dealing with disarmament. It has focused its attention on monitoring nuclear test ban treaties, the Strategic Arms Reduction Treaty (START), and the Strategic Arms Limitation Talks (SALT), which resulted in the Intermediate Range Nuclear Force (INF) Treaty in 1988. It also has oversight regarding the Chemical Weapons Treaty ratified by the Senate in 1997. These treaties are discussed in more detail later in the chapter.
- The Selective Service System—maintains responsibility for coordinating and raising an army. Even though the draft has been used since the Civil War, the first

national draft occurred in 1917 as a result of the Selective Service Act and was renewed again in 1940, prior to the United States' entry into World War II. During the Vietnam War it was a source of controversy. Its critics maintained that draft policy favored those who could gain a deferment by attending college, resulting in many lower- and middle-class young men being sent to Vietnam. Since President Nixon established an all-volunteer military, the Selective Service has existed on a standby basis, administering a registration requirement that takes effect when young men reach the age of 18.

As you can see, the heart of the foreign policy establishment is led by civilians. When President Truman clashed with his military commander in Korea, General Douglas MacArthur, there was never a doubt that, after MacArthur publicly criticized Truman's decision not to expand the war into China, MacArthur would be fired. In the next sections we explore the modern foreign policy eras and illustrate further how the public and the players get into the act.

1987–Present

The new world order is fraught with danger and uncertainty as the United States operates in the twenty-first century as the world's only superpower.

After successfully defeating Iraq in the 100-hour Gulf War and asserting that appeasement in the area of foreign policy was unacceptable, President George H. W. Bush proclaimed the Cold War over and stated that the United States should take the lead in establishing a new world order. As he outlined this policy, it became clear that Bush's vision for world peace centered around the United States taking the lead to ensure that aggression be dealt with by a mutual agreement of the United Nations, NATO, and other countries acting in concert. Combined with the fact that the Soviet Union no longer existed and the Cold War was over, the new world order seemed to be a logical and positive step. However, events later demonstrated that world events did not always lead to a successful application of this doctrine.

Events moved swiftly after George H. W. Bush was elected president in 1988. Gorbachev's call for glasnost and perestroika ended up as a precursor to the end of communism. As the Eastern European countries renounced their governments, the Soviet Union, too, turned away from communism, eventually becoming known as "Russia" again. South Africa abolished the doctrine of apartheid and in 1994 held the first elections where blacks could vote. Nelson Mandela was chosen as the country's first freely-elected president. George Bush was the beneficiary of the end of the Cold War. Public support soared, and Bush's approval rating after the Gulf War was at a whopping 90 percent. His new world order doctrine seemed to fit the bill in a world devoid of a communist threat.

Both Bush and Clinton discovered that, even though the United States held the balance of power, it could not provide unilateral answers to the internal troubles facing nations in the former Yugoslavia and in Somalia and Rwanda. The public was quite skeptical of the global role we should take. In a survey taken in 1993, 63 percent of the people polled agreed with the statement that we should not think so much in international terms but concentrate more on our own national problems.

In 1997, trouble spots kept the United States vigilant. Events such as the assassination of Israel's Prime Minister Rabin in 1996 and the turnover of Hong Kong to China in 1997 created new foreign policy hot spots for the United States.

The Clinton Doctrine and the election of George W. Bush left U.S. foreign policy in a state of evolution. Bush promised that he would be very hesitant to use "nation building" as a rationale for U.S. foreign policy. The U.S. war on terrorism

has changed this policy. After President Obama was inaugurated, he reversed many of his predecessor's policies related to the war on terrorism. Fulfilling a campaign promise, Obama set a timetable for a withdrawal of troops from Iraq, and increased the number of troops in Afghanistan. Obama also announced that he would close the Guantanamo base that held over 200 enemy combatants. In addition, Obama opened up diplomatic channels in an attempt to bolster the United States' image abroad. He also coordinated the planning and execution of a Navy Seal raid that killed al-Qaeda leader Osama bin Laden in Pakistan in 2011.

DEFENSE POLICY

The defense budget has a tremendous impact on the economy of the United States. Many times in our history Congress has debated "guns versus butter." And now that the Cold War is over and the country is facing such a large deficit, the pressure to reduce the size of the military establishment is even greater. The proponents of a scaled-down defense point to the fact that we don't need to deploy as many forces throughout the world as we did in the past. They claim that retraining military personnel could be accomplished and that many industries that are defense-oriented could redirect their resources to other areas. Critics argue that, because the United States is the last remaining superpower, we must maintain a strong defense posture. They also doubt that defense industries can easily move away from defense if contracts are cut. This, they argue, would increase the unemployment rate.

Defense policies are closely tied to the foreign policy goals of the nation. Thus national security and vital national interests are two of the overriding objectives in developing a defense budget and operation. As the country saw during the Gulf War, weaponry is an important part of the defense strategy. Both conventional and nuclear weapons for offensive and deterrent purposes play a significant part in the overall defense budget. In the past 25 years, it has also become obvious that as we develop and maintain weapons, we have also entered into agreements to destroy a good part of our nuclear arsenal.

The question of how much is enough has always been part of the policy agenda debate. The so-called military-industrial complex has argued that a strong defense will ensure the future security of the United States. On the other hand, the pressure to adjust to a non-cold-war world has resulted in a serious effort to reduce the scope of the defense budget.

The defense policy of the United States is caught between the past practice of developing a powerful nuclear deterrence and an uncertain future of budgetary reductions. And yet, providing for the common defense is a primary goal of the government.

THE WAR AGAINST TERRORISM

In what President George W. Bush called "the first war of the 21st century," Islamic terrorists connected to the al-Qaeda organization led by Osama bin Laden attacked the United States on September 11, 2001. Nearly 3,000 people from over 80 nations were killed when two hijacked planes crashed into the Twin Towers of the World Trade Center in New York City. The commercial airliners were used as guided missiles, causing the Twin Towers to collapse within an hour and a half after the planes hit the skyscrapers. Among the dead were more than 300 New York City firemen and policemen who had arrived on the scene to aid victims after the two jets struck the buildings.

Just outside Washington, D.C., another hijacked plane crashed into the Pentagon, killing 180 military and civilian personnel, along with everyone aboard the hijacked plane. President Bush, who was scheduled to speak at a school in Florida, left in Air

Force One but could not return to Washington until it was certain that the nation's capitol was safe.

A fourth hijacked jet, purportedly heading toward the White House, crashed into a wooded area of southern Pennsylvania after the passengers on board the flight decided to fight the hijackers rather than allow the plane to be used against another American target. Vice President Dick Cheney and the House and Senate leadership were taken to secure locations during the attack.

Speaking to a joint session of Congress on September 20, 2001, President Bush outlined the objectives of the United States' war against terrorism:

1. The United States, along with a coalition of nations including the member nations of NATO, Russia, Pakistan, and other Middle Eastern countries, would pursue the terrorists responsible for the attack of September 11. Afghanistan's ruling Taliban government was put on notice that if they did not turn bin Laden over to the United States, they would also be held responsible. Other countries who harbored terrorists were informed that they, too, would be held accountable for harboring, supporting, aiding, or sponsoring terrorists within their borders.
2. A new cabinet-level position, the Office of Homeland Security, was created, and Pennsylvania Governor Tom Ridge was named as its first director.
3. President Bush committed the full resources of the U.S. government to the massive cleanup in New York City. Recognizing New York City Mayor Rudolph Giuliani and New York Governor George Pataki, the president and Congress paid tribute to the men for their leadership during the crisis.
4. President Bush also announced that the assets of recognized terrorists would be frozen.
5. The United States would also provide massive humanitarian aid to the people of Afghanistan, many of whom were refugees as a result of that country's civil war.

The United States and Great Britain began a sustained attack on military and terrorist targets in Afghanistan on October 7, 2001. The U.S. military also dropped thousands of food packages as part of the humanitarian effort.

On the home front, the FBI issued a warning to the public advising them that other attacks within the United States were possible. There was also an anthrax scare as individuals connected to media interests and state and national governments were exposed to the germ by unknown sources. Congress passed antiterrorism legislation making it easier for law enforcement officials to wiretap and detain suspected terrorists. It also approved an airline industry bailout package and enacted an airline security law.

President Bush and his national security team, including Vice President Dick Cheney, Secretary of State Colin Powell, Secretary of Defense Donald Rumsfeld, Homeland Security Director Tom Ridge, and National Security Advisor Condoleezza Rice, indicated that the war on terrorism would not end until every terrorist was brought to justice. The prospects for a ground war in Afghanistan, dubbed "Operation Enduring Freedom," and an expansion of the war to other countries harboring terrorists supported that view. As President Bush stated in his address to Congress, "We will direct every resource at our command, every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influ-

ence, and every necessary weapon of war to the disruption and to the defeat of the global terror network. . . . Freedom and fear are at war. . . . We will not tire, we will not falter, and we will not fail.”

By the end of 2001, the Taliban had been defeated and an interim government had been established in Afghanistan. Though the war in Afghanistan was hailed as a success, terrorist leader Osama bin Laden was not captured and escaped to Pakistan. His al-Qaeda organization was disrupted when key members were captured and interrogated. The Department of Homeland Security monitored the terrorist threat in the United States through a color-coded system. Terrorist threats were ongoing and terrorists successfully carried out attacks in foreign nations.

Axis of Evil

During the 2002 State of the Union address, President George W. Bush suggested that there was an “axis of evil” that included North Korea, Iran, and Iraq. Following his speech, the administration embarked on a policy that attempted to neutralize these countries’ terrorist policies. The first country the United States dealt with was Iraq. By January 2003, in his State of the Union speech, President Bush informed the country that there was evidence Saddam Hussein had weapons of mass destruction and that the United States would deal with the threat even if it meant a preemptive invasion.

In September 2003, Bush addressed the United Nations and Secretary of State Colin Powell followed up with a detailed report that accused Iraq of being part of the terrorist threat and hiding weapons of mass destruction. The Bush administration sought and obtained a UN resolution that gave Hussein a deadline to reveal and turn over all weapons of mass destruction. Iraq issued a detailed report denying that there were any weapons. Congress passed a resolution giving the president whatever authority he needed to make Saddam Hussein comply with the UN resolution. The United States rejected the report and, in March of 2003, invaded Iraq in what was called “Operation Iraqi Freedom.” Though some in the international community—led by France, Germany, and Russia—were against an invasion, the U.S. gained the support of Great Britain and other allies. The U.S.-led invasion successfully crushed the Ba’athist government, and in a three-week period, marched into Baghdad, where allied forces symbolically toppled statues of the Iraqi leader. United States casualties were limited at this point and on May 1, 2003, President Bush landed on the aircraft carrier USS *Abraham Lincoln*, proclaiming the end of major combat in the war in front of a backdrop sign stating, “Mission Accomplished.”

However, between spring 2003 and 2005, peacekeeping efforts were met with resistance. Over 2,100 American personnel were killed and opposition to the war increased when it became evident that there were no weapons of mass destruction left in Iraq. President Bush maintained that the war was justified because Saddam Hussein posed a threat to the United States and even though there were no weapons, Bush insisted that Hussein had the capability of developing weapons and had connections to terrorists. In June 2004, the United States turned over sovereignty to a provincial Iraqi government. Over 130,000 U.S. troops remained in Iraq facing daily hostile forces. The conduct of the war became a central issue in the 2004 presidential campaign. After Bush was reelected, he pledged to keep American forces in Iraq until a stable government was formed and Iraqi troops could be trained to replace existing American soldiers. In January 2005, free elections were held in Iraq and an interim parliament was formed.

During 2005, sectarian violence increased even though an Iraqi parliament was established. The country moved toward what was called a civil war after a Shiite mosque was destroyed. American casualties also increased, reaching over 3,000 soldiers killed. In November 2006, President Bush replaced Secretary of Defense Donald Rumsfeld, and Saddam Hussein was executed. A bipartisan Iraq study group commissioned by Congress gave its recommendations that included establishing diplomatic dialogue with Iran and Syria and a goal of troop withdrawal by the end of 2008. President Bush rejected the commission's recommendations and ordered a surge of 20,000 American troops to Iraq as "a new way forward" to end the sectarian violence and stabilize the government. Public opinion grew in opposition to the war, and Congress debated a series of non-binding resolutions opposing the troop surge. In the fall of 2008, the United States and Iraq reached an agreement that outlined a time frame for U.S. troop withdrawals, only if conditions on the ground continued to improve. After Barack Obama was elected president in 2008, he implemented the agreement George W. Bush reached with Iraq withdrawing all combat troops in the summer of 2010. Obama also shifted 30,000 troops to Afghanistan. In the fall of 2010, Obama laid out a comprehensive policy for Afghanistan aiming to begin reducing our troop commitment there by the summer of 2011 and to complete all combat operations by 2014. The policy was met with mixed reviews by the public. Sentiment shifted after Obama ordered a successful raid that resulted in the death of Osama bin Laden in Pakistan in 2011.

War Powers Act

However, it is the war-making power of the president that has caused the most problems. Since the Vietnam War, Congress has become concerned with the president's unilateral commitment of American troops. The Congress responded by passing the War Powers Act in 1973, overriding a Nixon veto. This act states that a president can commit the military only after a declaration of war by the Congress or by specific authorization by Congress, if there is a national emergency or if the use of force is in the national interest of the United States. Once troops are sent, the president is required to keep the Congress informed about the action within 48 hours and must stop the commitment of troops after 60 days. Congress has the leverage of withholding military funding to force the president to comply. This act has been compared to a legislative veto. The proponents of this measure point to such military action as Reagan's invasion of Grenada, Bush's Panama invasion, and Clinton's Somalia and Bosnia policies as examples of why it is necessary for Congress to have authority. Opponents of this measure point to the fact that only the president has the complete knowledge of what foreign policy actions can really have an impact on the national security of the United States. The issue has never been resolved by the courts, and the legislation remains on the books.

Judicial Power

The president's influence over the judiciary comes from his power to appoint Supreme Court justices and grant pardons and reprieves. The difference between a pardon and a reprieve is that a reprieve is a postponement of a sentence and a pardon forgives the crime and frees the person from legal culpability. One of the most controversial pardons came in 1974 when Gerald Ford pardoned Richard Nixon,

who had been named as an unindicted co-conspirator in the Watergate scandal. An instance when the Court told the president he went too far was the Supreme Court decision in *Nixon v United States* (1974). The Court told Richard Nixon he must turn over the Watergate tapes and rejected his argument of executive privilege. An extension of the pardoning power is the power of amnesty. For instance, in 1977 Jimmy Carter granted a blanket amnesty to Vietnam War draft evaders who fled to Canada. President Clinton was criticized after announcing over 100 pardons in the last hours of his presidency.

Taken in total, the scope of presidential power raises the issue of whether the office has turned into what historian Arthur M. Schlesinger characterized as the imperial presidency. Looking at the manner in which Johnson and Nixon used presidential power, Schlesinger concluded that “power was so expanded and misused by 1972 that it threatened our Constitutional system.” Even if one assumes that a president must use his power, especially in wartime, the question still remains how much power of the president should go unchecked by the other branches of government. It is a question that is still being debated today. In fact, there are proponents of the imperial presidency who feel that the president must exercise both delegated and inferred powers with the cooperation of the other institutions of government for the best interests of the country.

Review

Section 1: Multiple-Choice Questions

1. The Constitution stated that the requirements for being president are all the following EXCEPT
 - (A) obtaining a majority of the electoral votes
 - (B) having resided in the United States for at least 14 years
 - (C) being a natural-born citizen
 - (D) being at least 35 years old
 - (E) being a member of a political party
2. Examples of people on the White House staff include all the following EXCEPT
 - (A) the Chief of Staff
 - (B) the White House cook
 - (C) the National Security Advisor
 - (D) the vice president
 - (E) the press secretary
3. After Congress passes an appropriations bill, the president may do all the following EXCEPT
 - (A) sign it into law
 - (B) send it directly to the Supreme Court for judicial review
 - (C) veto it, sending it back to Congress with the reasons for rejecting it
 - (D) let it become law after ten working days by not doing anything to it
 - (E) not sign it after Congress adjourns, exercising a pocket veto

4. Using the bully pulpit refers to a president
 - (A) using the power and influence of his office to exert pressure
 - (B) calling upon members of his cabinet to influence legislation
 - (C) using his veto power to reject legislation
 - (D) signing a piece of legislation into law
 - (E) taking a trip to a foreign country to sign a treaty

5. When an international event that is interpreted as an imminent threat to the United States takes place, the immediate effect in the president's approval rating is usually
 - (A) a sharp increase
 - (B) a sharp decline
 - (C) a slight increase
 - (D) a slight decline
 - (E) no change at all

6. Which of the following describes a presidency that has become too powerful?
 - (A) An imperial presidency
 - (B) A presidency that refuses to react to the threat of foreign policy problems
 - (C) A presidency facing a recession
 - (D) A president that refuses to compromise with Congress
 - (E) A president who vetoes the majority of legislation sent to him

7. Which of the following is responsible for the preparation of executive spending proposals submitted to Congress?
 - (A) Treasury Department
 - (B) Council of Economic Advisors
 - (C) Federal Trade Commission
 - (D) Department of Commerce
 - (E) Office of Management and Budget

8. All the following are formal or informal sources of presidential power EXCEPT
 - (A) presidential authority to raise revenue
 - (B) presidential access to the media
 - (C) precedents set during previous administrations
 - (D) public support
 - (E) the Constitution

9. The President uses which of the following methods to persuade reluctant members of Congress to vote for a particular bill?
 - (A) Transfers members who oppose the bill to unpopular committees.
 - (B) Denies campaign funds to members who oppose the bill.
 - (C) Threatens to deny renomination to members who oppose the bill.
 - (D) Threatens to veto a different bill that enjoys bipartisan support in Congress.
 - (E) Makes a direct appeal to the public.