Chapter 10
The President: Governing in Uncertain Times

Focus Questions

Q1  What historical examples of executive power did the Founders consider as they shaped the American presidency?

A1  The Founders, notably James Madison, researched regimes throughout history to an end of forming a stable and just government. They were guided by the history of ancient Greece and Rome, their experience under British colonial rule, the colonial governments and early covenants and compacts, state legislatures and the weaknesses of the Articles of Confederation. The events leading up to the Constitutional Convention prompted the Framers to consult the writings of political philosophers including Aristotle, Montesquieu, Locke, Blackstone, and Machiavelli, which are referenced throughout the writings of the Federalist and Anti-Federalist Papers. While the Founders differed on the degree and structure of executive power, all agreed a central national authority was needed to preserve the fledgling republic.

Q2  How did the Founders limit the powers that they placed with the president?

A2  The president is limited by Congress’ power of the purse and legislative oversight. Consequently, Congress may delegate authority to the president authority to achieve a desired goal. In fact, the structure of the Constitution provides some checks on the institutional powers of the office by Congress. The president is constitutionality mandated to report on the state of the nation (although not publicly, Woodrow Wilson started this). Furthermore, the presidential veto may be overridden by a two-thirds vote in Congress, the Senate must confirm treaties and appointees, Congress may impeach and convict public officials of high crimes and misdemeanors and only Congress can declare war. Finally, the courts may limit executive power through their interpretation of the legality of executive orders and regulations.

Q3  What forces account for the growth of executive power over the course of American political history?

A3  Energy, dispatch, and leadership characterized the Founders’ conception of the executive. Therefore, many Framers of the Constitution expected the president’s power to expand in times of war or insurrection and decrease in eras of domestic tranquility. References to the Spartan kings in the Federalist Papers signify the historical research conducted by the Founders that suggests a conception of the wartime leader combined with benevolence. Almost immediately, it was apparent that the president had a tremendous advantage as commander-in-chief to deploy the military without congressional approval (as seen in the Jefferson, Polk, Lincoln, McKinley, Truman, Johnson, and Reagan administrations). By and large, twentieth-century presidents have
expanded presidential authority through inherent powers associated with the office to protect national sovereignty, defend the nation and thus serve the common good. Yet, this Congress has been complicit in granting authority to the president in times of crisis. In effect, even during times of peace, presidents have used their position to enact reforms (Teddy Roosevelt and the Progressives), and expand the influence of the office into economic and domestic concerns (Franklin Roosevelt’s attempt to pack the Supreme Court and the Brownlow Commission reforms leading to the creation of the executive office of the president (EOP) in 1939). Nevertheless, the growth of executive power has revolved around crisis including World Wars I and II, the Great Depression, the Korean Conflict, the Vietnam War, the Gulf War, and the current War on Terror.

**Q4** Does the president have an easier time in shaping and implementing foreign policy than he does domestic policy?

**A4** In general, the president is seen as the leader on foreign policy issues. In fact, this was the crux of the Pacificus/Helvidius debate in 1793 concerning George Washington’s unilateral proclamation of the U.S.’s neutrality in the war between Britain and France. Since the beginning of our country, the public has rallied around the president concerning foreign policy decisions given executive powers as commander-in-chief, chief diplomat, and trade negotiator. I am persuaded by Aaron Wildavsky’s thesis of “two Presidencies” illustrating the difficulty executives encounter in facilitating many different approaches to domestic policies compared to limited “us versus them” (“friend/foe”) dichotomy associated with foreign policy issues. Yet, when foreign policy decisions are mishandled or fail, the president is held accountable by the public, which is not necessarily the case in domestic matters.

**Q5** Should we be concerned that White House staff members have displaced members of the cabinet as the president’s closest advisers?

**A5** Cabinet secretaries have historically been political appointees that are chosen for a variety of reasons, the least of which is loyalty to the president. The first presidential administration of George Washington was comprised of Hamilton and Jefferson who were political adversaries. So, it should come as no surprise that presidents have assembled a trusted group of individuals to advise and counsel them on decisions. In effect, these are the people the president trusts and who have served him in previous capacities whether in business or as loyal friends. Moreover, cabinet secretaries need to be confirmed by the Senate prompting political considerations. While cabinet secretaries and members of the White House staff serve at the president’s pleasure, there are legitimate concerns as to what extent the staff seeks to serve and protect the president rather than to advance the public interest.
Chapter Outline

I. Historical Origins of Executive Power

While persuading the citizens of New York to ratify the Constitution, Alexander Hamilton, writing in *Federalist* #70, stressed the need for an “energetic president” to uphold the principles of republican government against “assaults of ambition, of faction, and of anarchy.” Thus, a single executive would be responsible for repelling foreign aggressors, securing domestic tranquility, ensuring the administration of federal laws, and protecting private property. While the actions of the president may extend into every facet of society, the Framers also believed in the need to “partition power among the several departments of government,” referred to as parchment barriers, to protect each agency from the encroachments of the others (see: *Federalist* #51). This adherence to a separation of powers between government agencies reflects the need for each department to have enumerated powers and a will of its own. Conversely, each branch of government should also have powers to check the “will” of the other two branches. Subsequently, Article II of the United States Constitution decrees executive power in the president. The enumerated presidential powers are few in number compared to those of the legislative branch. The president acts as commander and chief of the military, serves as administrative head of the United States, negotiates treaties, may grant pardons for individuals who have committed offenses against the United States, holds the power to veto congressional legislation and convene Congress, may appoint various officials, and is required to inform Congress on the state of the nation. However, there is substantial debate among Constitutional scholars as to how to interpret the power of the Chief Executive and to what extent presidential powers should be augmented in times of crisis. The *unitary executive theory* advocating the president holds the authority and is the sole judge, particularly in wartime, of what is required to protect the nation and its people and is hotly debated given the current War on Terror.

A. Historical Precedents

The premier advocate of legislative supremacy, John Locke, believed the executive should hold absolute power in foreign affairs and extra-constitutional powers in times of crisis. Commonly known as the “Lockean prerogative” this theory stipulates that any autonomous nation needs an executive characterized by energy and based on initiative to protect and preserve national sovereignty.

1. Historical Precedents: Crown Governor

   a. In the English colonies, royal governors represented the will of the king.
      1) These governors wielded broad powers.
      2) They held the power to call or dissolve local legislatures, appoint councils, serve on colonial courts, and otherwise advance the needs of the Crown.

   b. As the colonies grew, the legislatures challenged the absolute power of the royal governors.

2. Historical Precedents: State Governors

   a. In early colonial compacts, covenants, and constitutions power resided in the legislatures.
      1) They elected state governors who normally served a one-year term.
      2) Governors did not run for re-election.

   b. The powers varied given the territory; however, the governors resembled a prime minister more than our modern conception of an American president.
      1) Unable to veto legislation.
      2) Make appointments in conjunction with the legislature.

3. Executive Powers in the Articles of Confederation

   a. The Articles did not establish an independent executive.
b. All powers in foreign affairs were given to Congress.
c. Congress elected (selected) an executive yearly, which was rotated among the thirteen states.
d. It was apparent that the Articles needed to be amended to provide for a strong and independent executive or president with powers to act quickly in times of crisis.

II. The Constitutional Bases of Presidential Authority
A. The qualifications to become president stipulate a person must be at least thirty-five years of age, reside in the United States for fourteen years and be a natural-born citizen.
B. Yet, the selection, term of office, and specific powers of the executive were hotly debated among the delegates to the Constitutional Convention.
1. The question arose as to the independence of the office: Was this executive magistrate simply subservient to the will of the legislature or would the office have a will of its own?
2. The Madisonian/Morris wing of the Federalists advocated an elected president with enumerated powers that would provide a check on the actions of the legislature.
3. In late July, a compromise was made among the many different ideas proposed regarding the selection process. In effect, the president was to be selected through an institution called the Electoral College where each state would have the same number of votes as its congressional delegation (Representatives plus Senators).
   a. This appeased those who believed the president should not be subject to popular election or appointment by the legislature; instead, the states would select the president and not Congress.
   b. If no candidate gained a majority, the decision would then be thrown into the House with every state having one vote. This appeased the small states that saw the Electoral College as favoring the larger states.
C. Executive Authority in the Constitution
   Article II of the U.S. Constitution states “the Executive power shall be vested in the President of the United States of America.” However, the office holds both enumerated and implied powers. The president acts as commander and chief of the military, serves as administrative head of the United States, negotiates treaties, may grant pardons for individuals who have committed offenses against the United States, holds the power to veto congressional legislation and convene Congress, may appoint various officials, and is required to inform Congress on the state of the nation.
1. The Pardon Power
   a. Article II, section 2, gives the president the right to grant reprieves and pardons.
      1) A reprieve is a temporary postponement of the effect of a judicial decision to give the executive time to consider a request for a pardon.
      2) A pardon makes the recipient a new person in the eyes of the law as if no offense had ever been committed.
2. The Power to Propose and the Power to Veto
   a. Article II, section 3, allows the president to propose legislation and veto acts of Congress.
      1) The president is therefore a party to legislative activity in Congress.
      2) The president has veto power or the right to disapprove of legislation proposed by Congress. The act can still become law if both houses again pass the bill by a two-thirds vote.
3. The “Take Care” Clause
a. Article II, section 3, states the president “shall take Care that the Laws be
faithfully executed.”
1) This places the power to make sure laws are enforced in the executive branch.
2) Also, this section of the Constitution provides the president extra-
constitutional powers in times of extraordinary circumstances.

4. The Appointment Power
a. Article II, section 2, empowers the president, with the advice and consent of the Senate, to appoint ambassadors, judges, public ministers, consuls and executive officials.
b. It is important to note that Congress, specifically the Senate, plays an important role in confirming presidential appointees.

5. Treaty Making and Foreign Affairs
a. Article II, section 2, states the president “shall receive ambassadors and other public ministers [from foreign nations].”
b. Article II, section 2, also provides the president treaty-making power or agreements between nations. It is important to distinguish formal treatise, which need Senate confirmation, from executive agreements that do not need congressional approval.

6. Commander-in-Chief
a. Article II, section 2, provides that “the President shall be commander in chief of the Army and Navy of the United States.”
b. The president has the sole power to command a standing army in times of war or insurrection.
c. Yet, Congress is empowered:
   1) to declare war
   2) to raise and support armies and navies.
d. Individual presidents have used their power as commander of the military to redefine presidential leadership in times of crisis.

D. Constitutional Limitations
Presidents have traditionally argued that executive power should be understood as broad, flexible and, at times, secretive. Consequently, presidents have claimed executive privilege or the right of presidents and their advisers to keep their conversations and communications confidential.
1. Congress and the Courts
   a. Congress checks the executive branch by controlling the budget.
   b. Congress also oversees the executive branch by conducting legislative hearings and investigations.
   c. The courts interpret laws, executive orders, and bureaucratic regulations. The Supreme Court has upheld executive privilege except when it is used to conceal criminal activity.
   d. In general, the courts act as umpires mediating the powers of Congress and the president.
2. The Impeachment Process
   a. Congress checks the actions of the president and other public officials via the power of impeachment or the process of removing national government officials from office.
   b. Article I, section 2, places “the sole power of Impeachment” in the House of Representatives; while Article I, section 3, states “the Senate shall have the sole
Power to try all impeachments” and that “When the President of the United States is tried, the Chief Justice shall preside.”

c. With a two-thirds vote in the Senate, the president can be removed from office. Only two presidents have been impeached (Andrew Johnson and Bill Clinton) and neither was convicted and removed from office.

III. The Growth of Presidential Power

The executive branch is defined by energy, dispatch and administration. However, the system of checks and balances requires the president to share many powers with Congress. If one looks at this historically, the Founders were concerned that the executive branch would attempt to expand its power resulting in an autocratic, despotic, and tyrannical rule. This is history’s lesson. With the exception of Polk and Lincoln (I would also add Jefferson), nineteenth-century presidents respected the constitutional limitations of the office. Yet, numerous events in the twentieth century have led presidents to expand the office’s constitutional powers.

A. The Early Pattern: Presidential-Congressional Relations

1. George Washington initially consulted with Congress regarding treaty with Native Americans.
   a. In effect, there are few explicit constitutional rules on the interactions between the president and Congress.
   b. An advocate of a strong executive, Alexander Hamilton, developed numerous bills dealing with domestic and economic policies as Washington’s Treasury Secretary. As a result, Hamilton seemed to bridge the gap between Congressional allies and the administration. Nevertheless, governance in the nineteenth century was largely dominated by Congress.

B. The Jeffersonian Legacy: Congressional Dominance, 1800–1900

1. Thomas Jefferson was elected president in 1801 (by the House of Representatives due to a tie in the Electoral College) as a result of the declining Federalist faction.
2. Jefferson and the “Democrats” believed lawmaking authority rested in Congress.
3. Yet, Jefferson expanded the role of president as commander-in-chief by deploying the U.S. Army and Navy to Tripoli without Congressional authorization.
4. Three presidents, Polk, Lincoln, and McKinley, would further expand the power of president as commander-in-chief prior to 1900.
5. Nevertheless, Congress continued to control both foreign and domestic policy.

C. The Modern Presidency, 1901–Present

1. The Industrial Revolution, two world wars and the Great Depression propelled the United States into a significant economic and military power. As a result, the office of the president as an institution changed to respond to these changes.
   a. Teddy Roosevelt and the Progressives expanded the role of the federal government to promote social and economic reforms.
   b. The Executive Office of the Presidency (EOP) was created in 1939 on the recommendation of the Brownlow Commission, which provided additional agencies to the executive branch.
   c. FDR’s use of the federal government to provide jobs and economic reforms changed the size and scope of presidential involvement in every facet of society.
2. Harry Truman, John Kennedy, Lyndon Johnson, Richard Nixon, Ronald Reagan, and George W. Bush have furthered presidential dominance in foreign affairs while also using the office to shape domestic policy.

D. Where Was the Expanded Authority Found?
1. The expansion of presidential authority, specifically in the case of national security, is based upon inherent powers that are not specified in the Constitution but are necessary for all autonomous nations to protect national sovereignty allowing a president to take all action required to defend the nation and protect its interests.

2. Presidents including Lincoln, FDR, Johnson, and Bush (43) have equated inherent powers with self-defense, prompting them to use whatever actions are necessary to defend the nation.

3. Since the Supreme Court upheld the constitutionality of FDR’s National Recovery Act in 1937, the president continues to take a very active role in determining economic policies.

4. As a result, discretionary powers have been transferred to the president. This allows the president to administer programs and take more responsibility for the budget and economy.

5. The War on Terror has prompted many legal scholars to question to what extent President George Bush could justify his actions (wiretapping, imprisoning enemy combatants, use of National Guard troops overseas) via inherent powers.

IV. The Range of Presidential Responsibilities

The president plays an important role in domestic and foreign affairs. Consequently, the office entails that a president serve the public interests in many different capacities.

A. The Domestic Policy Presidency

A president can successfully advance proposed legislation if he “hits the ground running” in the first 100 days (known as the honeymoon period) due to his new status as a national leader. Yet, congressional members may have their own agenda that prompts a prudent president to use his position as a national party leader to streamline and consolidate support for specific policies. A president winning re-election may seem to have a mandate to further his favored programs and continue sponsoring legislation. However, this is usually not the case as most presidents usually lose party members in Congress during the mid-term elections which would indicate a decline in party dominance. In addition, presidents have already used all of their good ideas in the first term and likely made some new political enemies.

1. The president has several roles in formulating domestic policy.
   a. First, the president is the national leader, which makes him accountable to the people despite their political affiliation. In turn, the president represents the office of the presidency.
   b. Second, the president is chief executive assuring the various governmental agencies are adequately staffed and working.
      1) While the presidential controls 2.9 million federal workers they are protected by a merit-based civil service system (and by labor unions).
      2) Also, presidential appointees and civil servants have often been at odds over the direction and purpose of departments.
      3) Federal regulatory agencies are set up to be nonpartisan and are usually beyond direct presidential influence.
   c. Third, the president is chief legislature given the creation of the Bureau of the Budget in 1921 allowing him the authority to submit budgets and be involved in policy development.
      1) The president is expected to submit a budget and a legislative program annually.
      2) Political scientist Paul Light has found that presidents enjoy more success early on in their terms.
d. While the president is the national leader he is also the leader of his party and has significant influence over the national party chair and can influence the substance of the party platform.
   1) Even though he or she is the party leader, practical political matters may force the president to negotiate compromises that may alienate some party members.
   2) Getting his program through Congress is difficult even when the president’s party is in control given the regional considerations and constituency concerns affecting individual members of Congress.

B. The Foreign Policy President
Arguably, the office of the president is the most influential governmental position in foreign policy areas and vital to their implementation and success. Therefore, the president serves numerous roles in foreign policy

1. First, the Constitution empowers the president as commander-in-chief of the U.S. armed forces. Therefore, he may deploy troops and determine military strategy. This duty has been recognized as an executive responsibility but suggests congressional involvement.
   a. Given Congress has the sole power to declare war, the executive and legislative branches may be seen as co-equal institutions given the role of the armed services. Yet, debates over the president’s constitutional right to initiate hostilities and designate the scope and duration of military deployments has led to Congress to enact the War Powers Resolution of 1973. This piece of legislation sought to increase Congress’ influence in military matters with little success.
   b. As a result of the terrorist attacks on September 11, 2001, President George W. Bush received congressional and United Nations support to invade Iraq preemptively. With this use of force, the president has claimed the necessity for the president to possess war powers including the constitutional authority to:
      1) Hold enemy combatants, including U.S. citizens, without the benefit of a trial for the duration of the conflict.
      2) Unilaterally suspend habeas corpus.
      3) Establish military tribunals to try the enemy combatants without the possibility of legal representation.
      4) Expand surveillance activities including domestic wiretapping and monitoring Internet communications.
      5) Recent Supreme Court rulings have determined certain measures used by the Bush administration are unconstitutional.

2. The president also acts as the nation’s chief diplomat. The president nominates ambassadors and receives foreign dignitaries. While the president must receive the Senate’s support to confirm these public officials and ratify treaties, the president may circumvent Congress using executive agreements instead of formal treaties.

3. The president and his trade team also act as the chief trade negotiator(s). The United States has pursued a two-track trade policy:
   a. One is to seek bilateral agreements with countries we have a trade deficit with such as China, Taiwan, and Japan.
   b. Another track focuses on multilateral agreements, such as NAFTA or GATT, that attempt to lower regional or global trade barriers.

V. The Presidential Establishment

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Since George Washington’s administration, the president has assembled individuals to advise and counsel him when needed. In turn, American presidents assemble a cabinet or secretaries of all the executive departments. Currently, there are fifteen cabinet departments who are headed by cabinet secretaries and staffed by career civil servants. The president also assembles a White House staff that is headed by a chief and staff whose duty is to advise the president on day-to-day matters. As the book suggests, many presidents have largely depended upon the advice and counsel of their staff rather than the political appointees who comprise cabinet positions.

A. The Executive Office of the President
   1. The Executive Office of the President (EOP) was originally formed in 1939 to provide the president with staff support. The EOP originally consisted of six administrative assistance and three advisory boards.
   2. Currently, the EOP consists of nearly 1,700 professionals.
   3. The EOP includes the White House staff, which houses the Office of Management and Budget (OMB) and the National Security Council (NSC).
   4. Each president is free to assemble his staff as he pleases. Yet, there tend to be two dominant structures:
      a. A hierarchical structure led by a chief of staff as was the case in the Eisenhower and Nixon administrations.
      b. A second design known as the “spoke and wheel model” as used by George W. Bush and was successfully managed by President Reagan who relied upon three individuals (what was referred to as a “troika”) instead of a single chief of staff.
   5. The White House staff’s sole responsibility is to promote the president’s agenda. The president relies heavily on the advice and information provided by the White House staff.

B. Originally called the Bureau of the Budget when it was created in 1921, the Office of Management of Budget was moved to the EOP in 1939 and renamed in 1970. The OMB is responsible for assisting the president in preparing the annual budget ensuring that the legislative and departmental priorities match the executive agenda while monitoring the implementation of programs to determine cost effectiveness.

C. The National Security Council (NSC) was established in 1947 to advise the president on national security issues. The NSC consists of the president, vice-president, and the secretaries of defense and state, the chairman of the joint chiefs of staff, and the directors of the CIA and the Arms Control and Disarmament Agency.

D. The Cabinet
   1. The Constitution provides the president the authority to request in writing the opinions of the principal officers in the executive departments. Publius addresses the necessity for an executive council in Federalist #46 as well.
   2. Currently, there are fifteen cabinet departments headed by a single secretary who are appointed by the president and confirmed by the Senate.
   3. Cabinet officials are not generally trusted political advisors; instead, they are political appointees who share allegiances to:
      a. The Senate who confirms them.
      b. Congressional leaders who approve their budgets.
      c. Career bureaucrats within their department who have their own agendas.
      d. Special interests or private constituencies whose interests do not always coincide with the president’s agenda.
4. As a result, cabinet secretaries are characterized more as political appointees, bureaucrats, or reformers rather than political advisors.

5. On average, cabinet secretaries serve an average of 2.5 years indicating a good deal of turnover in these positions. It is evident the president uses the various specialties of serving cabinet secretaries to further his political ends.

E. The Vice-President

1. The Constitution enumerates a single duty for the vice-president, namely presiding over the Senate and voting in cases of ties.

2. Yet, the Twenty-fifth Amendment to the Constitution has buttressed the role of the vice-president. As of 1967, in cases where the president is unable to perform his duties due to incapacity, death, or removal from office, the vice-president becomes president.

3. Yet, vice-presidents often play an important role in supplying information, monitoring the progress of legislation in the Senate, and attending ceremonial events in the absence of the president.

4. Politically, being elected vice-president places the individual in line to succeed the sitting president after he serves two terms.
Lecture Suggestions
Behavioral/Historical Focus

I. Differences in the Approach to Studying the American Chief Executive

The office of the president is unique. The Founders’ conception(s) of an elected monarch constrained by a written constitution has been replicated in many fledgling contemporary democracies. Presidential scholars research the role and powers of the presidency in two distinct approaches: The president as a political actor or the presidency as an institution.

A. President as Political Actor
   1. This approach is focused upon studying the individual president.
   2. Moreover, this approach relies upon exploring the historical legacy of the individual president.
   3. This political actor perspective grew out of Richard Neustadt’s research, comparing one president to another via:
      a. leadership styles
      b. management styles
      c. decision-making
      d. political persuasion or rhetoric.
   4. This approach was favored in the literature until 1975.
   5. Scholarship exploring the president as a political actor provides a descriptive account of individual presidents and is favored by political historians.
   6. Researching the president as a political actor has become increasingly popular given the advent of political psychology which uses formal and cognitive models to explore decision-making, leadership qualities, and stimulus/response schemas.
   7. Yet, given the idiosyncratic nature of this approach, there tends to be limitations to the research that leads to unanswered questions.

B. The Presidency as an Institution
   1. This approach emphasizes research on how the institution (as well as the other co-equal branches of government) affect the actions of individual presidents.
   2. Consequently, there are institutional regularities that prompt all presidents to conduct themselves or act in a similar manner.
   3. Institutional scholars identify political, social, economic, and political variables that limit the latitude of individual presidents.
   4. Three patterns (similarities) have been identified by institutional scholars:
      a. Except for Bill Clinton, the longer the president remains in power, the lower his approval (favorable) rating.
      b. When a president gives a major news conference (addresses the nation), the public opinion polls indicate an increase in popularity for the president.
      c. A president who focuses on a relatively small group of legislative initiatives (the Arrow Approach) is more successful than one who attempts to micromanage several policy initiatives (Shotgun Approach).
   5. This approach does combine some individual qualities within an institutional framework by investigating the relationship of the individual president with:
      a. bureaucratic agencies
      b. cabinet secretaries
      c. White House staff
      d. congressional leaders
      e. Supreme Court Justices.
C. Regardless of the approach, both can be helpful in determining ideological positions of the specific presidents, as well as the role of the presidency as an institution that shapes foreign and domestic policies.

Theory/Philosophical Focus: Federalist #51

I. Introduction
   A. In Federalist #51, Madison counters the Anti-Federalist’s arguments against the proposed Constitution.
      1. Madison examines the design (structure) of government
         a. A government relies upon people, through a representative structure, to interpret their own Constitution.
         b. “The people, every faction, over themselves.”
         c. Stability will be achieved through elections that will be proactive (forward looking) to policy decisions.
      2. Thus, public opinion will act as a restraint on republicanism: “the exercise of the consent” whereby “self-interest promote[s] common interest.”
   B. An institutional framework is necessary to assure the stability of the regime.

II. Parchment Barriers (Separation of Powers)
   A. Madison establishes three principles for the institutional design of the national government
      1. First General Principle:
         a. Each department shall have a “will of its own”
            1) Executive: the power of enforcement (the sword)
            2) Legislature based on bicameralism (two Houses):
               (a) Senate: deliberation
               (b) House: will of the people.
            3) Judiciary: neither the will nor the sword—reason!
         b. Therefore, you cannot have one branch appoint another.
         c. There is a necessity for checks and balances, which is discussed later.
      2. Second General Principle:
         a. There should be as little dependence on state offices and officials as possible.
         b. The national government and state legislatures will operate in different spheres of government.
            1) States will concern themselves with domestic affairs in times of peace.
            2) The national government will deal with the issue of defense and protect interstate and international trade.
      3. Third General Principle:
         a. Each department must have power of self-defense (checks and balances).
            1) “Ambition must counteract ambition.”
            2) Therefore, government must desire liberty with the personal characteristics “of the higher sort of men” (pride, honor, status, service, responsibility) = regard for the common good.
   B. Consequently, a mixture of an informed citizenry and parchment barriers will lead to and sustain good government! In turn, the following components are necessary to achieve this desired end:
      1. a limited government
      2. include men of good character
      3. federalism: shared powers
      4. stresses the importance of distinguishing between:
a. “real public opinion: based upon reason
b. “other” opinions: based upon passions and desires.
C. Madison recognizes that only in a free government may we think for ourselves.
D. Thus, we must bring a multiplicity of sects (factions) together to join private and public interests to promote the public interest (common good).

III. Conclusion
Madison recognizes factions and believes that an informed citizenry and a specifically designed government will support freedom and uphold moral standards and cultural mores. Education will instill habits that will provide for a virtuous citizenry. In turn, adherence to Madison’s three general principles would increase the probability of a stable republic.
Projects, Exercises, and Activities

1. Have the students compare and contrast the leadership styles of two or more U.S. presidents. Identify the major accomplishments of each president and research what strategies and techniques were used to successfully obtain congressional and public support. Finally, have the students present their findings in class or by writing a research paper.

2. First, go to the website www.gpoaccess.gov/wcomp/index.html and access The Weekly Compilation of Presidential Documents. The website is published by the Office of the Federal Register and contains statements, messages and other presidential materials released by the White House during the preceding week.

   Second, once at the website, click browse to access the years. Third, pick one year. Fourth, choose one month of the year and look at the table of contents for each week. Finally, write (type) a 2–3 page paper addressing the following questions:
   a. How do the activities listed illustrate the many roles that the president plays?
   b. Given the information you found on the website, provide examples for each presidential power (Remember: What are the powers of the president?).
   c. What issue(s) seem to dominate the president’s attention? In your opinion, what may be some reasons for the president to address these issues?

3. As a written assignment, have the students examine the concurrent powers enumerated to the legislative and executive branches (Articles I and II, respectively), specifically dealing with foreign affairs and war powers. Next, research the Founders’ arguments concerning the aforementioned powers (a great source is the primary documents in Morton Frisch’s book, The Pacificus-Helvidius Debates of 1793–1794), pitting two different views of where authority should reside. Evaluate the arguments. After the research is completed, divide the students into groups—one advocating legislative supremacy (Madison/Jefferson) and the other as a proponent of the Hamiltonian model advocating the necessity of executive prerogative—and have a debate. Finally, which view has dominated contemporary foreign policy matters? Is this changing as a result of the Iraq War? Why or why not?
Additional Resources

Supplemental Readings


Websites

[President of the United States](#)

This site provides election results and information on past presidents and candidates for the presidency.

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Audio and visual materials, speeches, and transcripts are also accessible.

**Center for the Study of the Presidency and the Congress**
The Center for the Study of the Presidency (CSP) is a non-partisan, non-profit organization founded in 1965. The site provides a plethora of information on past successes and failures of the presidency and the ramifications for the future. Presidential leadership and institutional aspects are presented as well.

**The White House**
This is the official website for the office of the President of the United States. This provides information about the office of the president, vice-president, and cabinet officials. This provides access to White House releases and the president’s schedule.