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*The American Presidency: Realizing the Federalist Dream*

Since the ratification of the Constitution of the United States in 1788, the President of the United States has served as the head of the executive branch of the federal government. The authority and duties of the President are formally outlined in Article II, Sections II and III of the Constitution. The powers granted to the President through the Constitution are actually rather slim. Yet as the nation has moved forward, we have observed the inflation of executive power. In the early years of the republic, a number of statesmen interpreted the Constitution so as to limit the powers of the federal government and protect the interests and sovereignty of individuals. Headed by James Madison and Thomas Jefferson, this group became known as the Democratic-Republican Party. However, there was also an opposing party that sought expand the power of the federal government. This group, spearheaded by Alexander Hamilton, became known as the Federalist Party. Although the Federalists formally remained in politics for a short period of time, they produced a substantial amount of political clout that has ensured the security of federalist principles though the party may have disbanded. One of the greatest legacies of federalism has been the expansion of the power of the President of the United States through the theory of executive prerogative.

**The Powers of the American President**

Before investigating the dramatic expanse of Presidential power, we must first look into the initial powers granted to the President by the Constitution. In Article II, the framers of the Constitution outlined the specific duties and powers of the President, particularly in Sections II and III. In Section II, the President is given authority over the armed forces of the United States, and if necessary, the militia of the States should they be called into national service. However, the President does not have the authority to declare war upon any other nation. This is a power reserved for Congress. In addition to his role as the chief of the military, Article II states, “he [or she] may require the Opinion, in writing, of the principal Officer in each of the executive Departments,” thus inadvertently establishing the Presidential Cabinet. The President also has the power to grant pardons and reprieves “for Offenses against the United States” unless he or she is facing impeachment. Section II additionally vests the President with the authority to make treaties and appoint ambassadors to foreign countries and various ministers and federal judges (including those of the Supreme Court) so long as he or she has the consent of the United States Senate. Any further federal departments created by Congress that require the appointment of public officials shall also be filled by the President and these appointments will also be subject to Senatorial approval. However, when the President makes appointments while Senate is in recess, these positions will become vacant at the end of the next Congressional session (*United States Constitution* Article II, Section II).

Article II, Section III details the administrative duties the President is responsible for completing. These include presenting the State of the Union to Congress and providing suggestions for the direction of the country. When absolutely necessary, such as in times of crisis, the President may call for a special session of Congress. The remaining duties of the President include receiving foreign ambassadors and ministers, ensuring the laws of the United States are executed, and commissioning officers of the United States (*U.S. Constitution* Article II, Section III).

Although the President does have an important set of responsibilities to fulfill and a number of powers to exercise, the original format of the Constitution does not establish the immense command observed by chief executives. Rather, various events in the course of American history have led to the unprecedented and unplanned expansion of executive authority. Even early opponents to federalism, such as Thomas Jefferson, were unable to prevent the increased strength of the federal government, in particular the executive branch. By observing the behavior of American Presidents, we can find particular moments that led to the unintended expansion of executive power. This came about through the idea of executive prerogative, from John Locke’s “Second Treatise on Civil Government,” which states that an executive has the power and duty to act for the greater good of the public when legislation would otherwise be moot. Upon further examination of the actions and behavior of certain Presidents of the United States, this concept becomes a recurring one in the history of the American Presidency.

**Establishing the Size and Strength of the Union**

One of the defining moments of the American Presidency occurred rather early in the history of the nation. Thomas Jefferson, a staunch anti-Federalist, set in motion transaction that would double the size of the United States and give America control over the Mississippi River and the port city of New Orleans. This deal came to be known as the Louisiana Purchase. However, in order to follow through with this transaction, Jefferson was forced to “put aside his vision of strict constitutional construction and adopt a broad vision of executive power” (Yoo 436). Even during the process of negotiation for the Louisiana Territory, Jefferson was uncertain about the constitutionality of the addition of new territory to the Union and as to whether this new land could be admitted as States. As Jefferson absorbed himself in the issue of territorial acquisition, and specifically his role as President, he came to the conclusion that by broadly interpreting the role of the executive to make treaties in conjunction with Senatorial approval, he could go forth with the Louisiana Purchase. Much to his chagrin, this placed him closer to Alexander Hamilton than he cared to admit (Yoo 438). In order to justify his actions, Jefferson “drew more directly upon Locke's theory of the executive's prerogative to act beyond the Constitution when necessity demands it” (Yoo 440). Utilizing this postulate, Jefferson was able to abate his “constitutional objections” claiming he had to “seize the opportunity ‘which so much advances the good of the country’ ” (Yoo 440). By introducing the concept of executive prerogative to the American Presidency, Jefferson unintentionally set a precedent that would allow future Presidents to expand upon executive power and take action when they felt it was necessary to the security of the nation. While President Jefferson was concerned with expanding the size of the United Sates, another President would come along a little over fifty years later in order to preserve our young nation. He would expand on Jefferson’s use of executive prerogative in order to accomplish this feat.

President Abraham Lincoln is revered for his actions in the early 1860s that moved the country away from slavery and that more or less reunited the United States with the rebellious Confederate States. Though these actions proved crucial to the continued existence of the United States, they came at the cost of a more powerful Presidency. In the midst of the Civil War Lincoln issued a variety of executive orders that certainly seemed to operate outside the limits of the Constitution. One of the most controversial of executive orders ever issued came on April 27th, 1861, in which Lincoln effectively suspended the writ of *habeas corpus* in response to rumors that Confederate supporters were conspiring to sabotage Union railroad lines, although this order was soon overturned (Lincoln, Apr. 27). Furthermore, Lincoln once again suspended the writ of *habeas corpus*, albeit this time in the State of Missouri, on December 2nd, 1861, instituting a state of marital law “to secure the public safety and the authority of the United States” (Lincoln, Dec. 2). By suspending *habeas corpus*, Lincoln essentially allowed military commanders to arrest citizens with no promise of appearance before a court of law. This constituted unlawful detention as the U.S. Constitution guarantees citizens the right to a trial. These executive orders circumvented the judicial system of the United States, thus rendering them unconstitutional. Nevertheless, Lincoln was acting under the executive prerogative by doing all he felt was necessary for the preservation of the Union. However, President Lincoln’s most famous order came on January 1st, 1863 in the form of the Emancipation Proclamation. This order outlawed slavery in those states engaged in open rebellion against the Union. Surprisingly, the Emancipation Proclamation was not challenged in the by federal courts, even though it did interfere with the property rights of slave owners in the South at the time. After all, during this time period, slaves were still regarded as property and not as humans. It is important to note that the Emancipation Proclamation did not eliminate slavery in the Northern United States (Lincoln, *Emancipation Proclamation*). All in all, President Lincoln made good, yet controversial, use of the executive prerogative privilege to issue a series of orders he felt necessary to provide for the security of the United States. If had not been as active as a President as he was, the nation as a whole may not have survived the Civil War. Federalism, in the executive sense, had more or less saved the Union. However, even with a stable state of domestic affairs, the United States still had not emerged as a dominant world superpower. The country would need more time and a more powerful executive to achieve this goal. The executive who would lead the country in this direction entered the White House a little after the start of the 20th century and laid the foundation for a stronger Presidency and a stronger nation.

**Expanding the Nation’s International Presence**

While Thomas Jefferson and Abraham Lincoln certainly played a role in expanding and preserving the nation for future generations, the United States did not begin to emerge as a hegemonic force until Theodore Roosevelt. With regards to international relations, as President, Roosevelt was quick to become engaged in affairs that he felt had the potential to interfere with American interests. For example, he recognized the threat Japan presented to American interests throughout the Pacific and “obtained a major role in negotiating the Portsmouth treaty, which terminated the Russo-Japanese War of 1905” (Pika and Maltese 22). The Constitution allows the President to negotiate treaties, but it does not explicitly state that these treaties must directly involve the United States. The Portsmouth treaty only resolved the war between Russia and Japan, but Theodore Roosevelt pitched himself in the middle of the concessions to ensure that American interests in the Pacific were protected from any externalities. Roosevelt was able to include himself in this seemingly foreign conflict by broadening the interpretation of the executive’s role as chief negotiator. He used his newfound executive power to become involved in the affairs of neighboring countries, including Cuba, the Dominican Republic, and Panama, and assert the United States’ emergence as a world power. Roosevelt was not only concerned with America’s status internationally. He also embroiled himself in domestic affairs, keeping pace with “the rapid industrialization of American life and its attendant evils” (Pika and Maltese 22). As President, Roosevelt oversaw the implementation of various regulations, including antitrust laws, reclamation and conservation projects, and pure food and drug laws. He also pushed legislation to allow the Interstate Commerce Commission to control railroad rates (Pika and Maltese 22). In addition to all these official accomplishments, Roosevelt also established an open Presidency. He was the first President “to provide meeting rooms for members of the press and to hold informal news conferences to link the Presidency with the people” (Pika and Maltese 23). Roosevelt greatly expanded the scope of executive power by setting the precedent for future Presidents to act as chief legislators and chief diplomats. In addition, he established a firm connection between the media and the executive branch to better connect the office of the President of the United States to the people. In keeping with the theory of executive prerogative, Roosevelt expanded the President’s power as he saw fit for the greater good of the country.

The next President who would expand the power of the chief executive was Woodrow Wilson. As President, Wilson built upon the popular appeals methods put in place by Theodore Roosevelt and combined it with his skills as an orator to cover an array of political affairs, both foreign and domestic (Pika and Maltese 23). In a manner reminiscent of Thomas Jefferson, Wilson “was a powerful party chief who worked through congressional leaders and the Democratic caucus [party] to influence legislation” (Pika and Maltese 23). While in office, Wilson focused primarily on economic reform which entailed lowering tariffs, raising taxes on the wealthy, establishing a central banking system, regulating unfair trade practices, providing low-interest loans to farmers, and establishing an eight-hour workday for railroad workers (Pika and Maltese 23). During World War I, Wilson was even able to convince Congress to give him control over the economic and military aspects of the war “rather than prosecuting it through unilateral executive action” (Pika and Maltese 23). Through carefully placed rhetoric and by following a particular political process, Woodrow Wilson was able to make use of executive prerogative to maintain the level of Presidential power entertained by Roosevelt. But he was also able to expand upon it during World War I to gain control over a large number of American functions. Theodore Roosevelt and Woodrow Wilson brought the United States onto the international stage and reinforced the power of the American Presidency, but the country would require one final push to establish the modern American hegemony. Amidst the Great Depression of the 1930s, a new executive would emerge who would propel the government towards a more federalist nature and place the United States at the center of the stage in international relations.

**Defining the Contemporary American Presidency**

The President who perhaps left the greatest legacy on the executive office was Franklin Delano Roosevelt. The country was in shambles when Roosevelt assumed office. “Business failures were legion, twelve million people were unemployed, banks all over the country were closed or doing business under restrictions, and Americans had lost confidence in their leaders and themselves” (Pika and Maltese 24). The hopes of an American hegemony that had come about under Theodore Roosevelt’s administration at the turn of the 20th century were diminishing. The nation had fallen from economic sturdiness into the Great Depression. Declaring to the American people “ ‘the only thing we have to fear is fear itself,’ ” Roosevelt wasted little time springing into action. One of his first actions included declaring a four-day bank holiday during which an emergency banking bill was pieced together over the course of a single day (Pika and Maltese 24). Roosevelt’s first 100 days in office set a remarkable benchmark for the expectations of future Presidents. Roosevelt worked tirelessly to bring about “a social and economic revolution” that would come to be popularized as the New Deal (Pika and Maltese 24). As a result of the New Deal, “Congress adopted a series of far-reaching government programs insuring bank deposits, providing crop payments for farmers, establishing codes of fair competition for industry, granting labor the right to organize” and many other provisions (Pika and Maltese 24). In addition, the Roosevelt Administration was successful in introducing Social Security, public housing for low-income Americans, and unemployment compensation programs (Pika and Maltese 24). Roosevelt also served the executive role as a sharp diplomat. Into his second term, he began preparing for America’s eventual entrance into World War II, sending military aid to the Allies. With America’s entrance into the war after the attack on Pearl Harbor, Roosevelt was granted total economic control of the war effort just as Wilson had done during World War I (Pika and Maltese 25). Although he would die before the end of the war, Roosevelt surely “reshaped the Presidential office” through his innumerous political and executive decisions (Pika and Maltese 25). Franklin D. Roosevelt operated the United States with skill that has yet to be matched. By exercising executive power to the fullest extent, he was able to lead the nation out of the Great Depression through his New Deal and front a successful war effort that would see the defeat of the Axis Powers in World War II. Elected four times, his popularity and body of work as President is unlikely to be matched by any modern President.

There is one final component of the American Presidency that raises a great deal of intrigue about the future of the executive branch: the signing statement. A signing statement is a provision appended to statutes and legislation by the President that allow for executive interpretation of the law. These allow the President to essentially alter the law per their preferences. President Bush, for example, by 2006 had included signing statements on about 125 bills. The use of signing statements undermines the system of checks and balances by allowing the Presidential administration to essentially determine what laws will be followed. President Obama promised during his election bid in 2008 that he would refrain from using the power of the signing statement. Nevertheless, Obama has continued the existence of this controversial Presidential power through various provisions and appropriations bills such as the National Defense Authorization Act. This practice must be put to an end as it circumvents the Constitution’s system of checks and balances and also threatens stability of the office of the President of the United States. If the power of the President continues to grow in new and various ways unchallenged, the nation runs the risk of falling into the hands of a despotic rule with absolute authority over the rule of law.

The American Presidency has not been as consistent as it appears. The Constitution specifically outlines the duties and powers of the President of the United States. In the early days of the republic, there were two factions: the Federalists and the anti-Federalists. The anti-Federalists supported a strict interpretation of the Constitution and included famous leaders such as Thomas Jefferson and James Madison. The Federalists, on the other hand, promoted a loose interpretation of the Constitution that could change with the times as necessary. Although the Federalist Party disappeared within a relatively short period of time, their ideas have proved a mainstay in American politics with regards to the Presidency. In particular, the concept of executive prerogative allows the leader of a nation to go forth with actions otherwise not provided by the rule of law should legislation prove ineffective for resolving national issues. Beginning with Thomas Jefferson, this idea has been expanded upon by many American Presidents, including Abraham Lincoln, Theodore Roosevelt, Woodrow Wilson, and Franklin Delano Roosevelt. While the Federalists have formally disappeared from the political landscape, the dream of a Federalist Presidency has been realized.

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