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The Imperial Presidency and Interventionism

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Jimmy Breslin, the Pulitzer Prize winning author, once said of the American presidency that it is a “bastardized thing, half royalty and half democracy.” The presidency that emerged from the Constitutional Convention was specifically designed to be an executive office capable of protecting the state and the Constitution, capable of checking the powers of the legislature and judiciary, and at the same time face checks to its own power that prevent the office from usurping unwarranted authority or becoming a tyranny. While the presidency is a limited executive, the nature of the office, in particular its role as Commander-in-Chief, allow it extraordinary flexibility in increasing its power. The framers of the Constitution deserve to be lauded for their foresight; no man to ever hold the office has been able to establish a tyranny or transform the United States into an authoritarian state. Nevertheless, the office of the presidency today would seem remarkably different to the framers than their design intended. During the 20th century the American presidency underwent a period of expansion in terms of both its political/governing power and the public’s concept of its proper role. Especially in regards to the conduct of foreign affairs and military operations, the Commander-in-Chief now enjoys powers that would make statesmen tremble during the early years of the American republic. This imperial presidency is not an absolute monarchy, nor is it a dictatorship. Instead, the imperial presidency is an appropriation by the executive of powers reserved by the Constitution and historical practice to Congress, receiving its impetus to do so from foreign policy and war-making power.¹

What circumstances and events cultivated such a growth in presidential power, and what have been its enduring effects on American foreign relations? Two major factors shaped the emergence of the modern “imperial” presidency. The first is the success of the FDR presidency in demonstrating the potential of active and energetic administration and in undergoing an

¹ Schlesinger, Arthur, *The Imperial Presidency* (Boston: Houghton Mifflin), ix.

extensive expansion of the federal government around the executive. The second factor is the emergence of the United States as a superpower following World War II and its role as the champion of the capitalist world during the Cold War. These factors combined helped create the imperial presidency, which enjoys enhanced prestige and authority over the federal government, and which in regards to foreign policy has been marked by an expansion of executive war power and unilateral, interventionist actions across the globe in pursuit of national security and economic interests.

President Franklin D. Roosevelt revolutionized both the office of the presidency and the scope and size of the federal government. Roosevelt's tenure in office heightened the American public's expectations of how active an administration should be and broadened the public's notions of the legitimate role of the federal government. Facing the crisis of the Great Depression, Roosevelt was able to repudiate the governing commitments of the previous Republican-dominated regime. During these years the office was transformed as the president became a major political actor in the legislative process, a role not associated previously with the office. With extensive warrants for his presidential authority, FDR was able to wield the disruptive powers of the office in such a way as to create a new governing coalition and transform the federal governments' commitments to the American people. The transformation of the federal government occurred largely through the New Deal and through the creation of the Executive Office of the President. The New Deal created new institutions and extended services to organized labor, small businesses, the poor, the unemployed and the elderly. These types of reform permanently changed the dynamics of what American citizens expect their federal government to provide for them. In order to meet and manage the administrative demands brought about by this expansion of federal oversight, the "President needs help" as the

Brownlow Committee of 1936 wrote in its famous report on administrative management.² This report led to the establishment of the Executive Office of the President, which gave the presidency “new authority to control the vastly expanded federal bureaucracy and for new executive offices to provide planning and direction for governmental operations.”³ These reconstructions of the federal government and its commitments were centered on an expanded executive branch and thus increased the president’s authority in domestic affairs and in managing the various executive agencies and departments.

As stated earlier the structural, institutional side of the presidency was not the only aspect of the office to be revolutionized during FDR’s administration, President Roosevelt was equally successful in a rhetorical modernization of the presidency. Roosevelt ran for office during a Great Depression that had exposed the vulnerability of the established governing coalition. This gave Roosevelt tremendous authority for repudiation and thus as president allowed him to enjoy tremendous public prestige. FDR altered the dynamic of the president’s rhetorical role by communicating directly with the American public on matters of policy and legislation. Similar strategies had been employed before by presidents such as Theodore Roosevelt and Woodrow Wilson, but never on the grand-scale of FDR, who had the advantage of being able to utilize the newly developed radio in his famous “Fireside chats” with American citizens. Following the FDR years, the American people expected their presidents to be active in communicating policy matters to the public and to take the lead in pushing for new legislation. The President as legislator is a role of the office that marks a departure from 19th century presidents. Essentially, President Franklin D. Roosevelt’s extraordinary term in office (he is the only president elected more than twice) witnessed a decisive revolution within the federal government. After his term

² Neustadt, Richard, *Presidential Power and the Modern Presidents* (New York: Macmillan, Inc.), 128.

³ Skowronek, Stephen, *Presidential Leadership in Political Time* (Kansas: University Press of Kansas), 43.

in office not only was the federal government's governing role expanded vastly, but within the federal government itself the balance of power was shifted decisively towards the executive branch. This executive branch was itself enlarged on an unprecedented scale and was brought increasingly under the control of the presidency.

The year is now 1945. The United States has just undergone a transformative period in its history. First, the federal government and its governing commitments were enlarged on an unprecedented scale. Next, in order to meet the administrative demands created by the expansion of the role of the federal government, the executive branch was expanded and the president granted increased authority to manage the various agencies. Additionally, the United States and its allies emerged victorious from World War II, which leaves the United States and the Soviet Union as the world's only two superpowers. Previously in its history the United States was traditionally isolationist and evasive of international affairs, especially those regarding Europe. After World War II, the United States stands as the world's leading industrial and military power – an unprecedented and unforeseen role for the democratic republic. The government of the United States is now able to determine events in other continents and other corners of the globe. The context of the Cold War is alarming the U.S. government which sees a growing international Communist menace, led by the Soviet Union, which has already conquered China and is threatening to swallow up the rest of continental Europe, Korea, and other regions such as Southeast Asia and Latin America. As the only democratic and capitalist superpower on the planet, the U.S., whether it wills it or not, finds itself placed into the role of defender of the free or capitalist world. This Cold War between the United States and the Soviet Union means that America needs to be prepared to have a rapid military response against threats to her national security and economic interests around the world. Even the casual reader can foresee what this

means for the government of the United States. The Great Depression and World War II already enhanced the powers of the presidency and what the public deemed its proper governing role. Now, without a pause the United States transitions from the Depression-WWII era into the Cold War era. Given the aforementioned context of a tenuous, hostile relationship between the USSR and the U.S. in which a war could break out over seemingly any international disagreement, it is not difficult to foresee the U.S. presidency taking the helm in setting foreign policy during the Cold War years.

The implications and consequences of the Cold War for the American presidency are far-reaching and just as transformative as the events of the Great Depression. Whereas the Depression had served as a catalyst for enhancing the president's public prestige and domestic governing role, the Cold War will enhance the president's authority in foreign policy and serve as a catalyst for executive usurpation of increased war powers. Time and again throughout the Cold War the United States will face serious conflicts with the communist world camp and will respond with decisive, unilateral action to either defeat the Communist "enemies" or to at least force them to stand down. Politically and constitutionally the U.S. presidency will manipulate such events to its advantage, using the rhetoric of foreign crises to justify quick executive response through either outright military intervention or covert, clandestine operations. As a result, the presidency will emerge from the long years of the Cold War with a nearly established precedent for unilateral military action in the face of foreign crises which only the president, as Commander-in-Chief has the capacity to respond to quickly and effectively.

The United States Constitution empowers only the US Congress with the power to declare a state of war. On the other hand, the Constitution declares that the president is the Commander-in-Chief of armed forces. Therefore, when a state of war exists, the presidency has

extraordinary wartime powers. What happens, however, if Congress does not have time to deliberate and declare war, or if the country is preemptively attacked? This is the loophole through which the Commander-in-chief increases his power throughout the Cold War. The Cold War presented the United States with unique challenges to the conduct of military conflicts. The United States has not declared a state of war since World War II, yet still the U.S. has been involved in numerous “wars” since then: the Korean War, the Vietnam War, the Gulf War, and a number of smaller interventions around the world. How is this possible? It is possible because beginning with the Korean War, the U.S. presidency began to establish a precedent of unilateral action, largely bypassing Congress, to conduct military operations that are not wars, but are yet still justified as necessary defenses of America’s interests.

The unparalleled problems for foreign policy during the Cold War created a “menace of unexpected crisis that hung over the world, demanding...the centralization of foreign policy in the Presidency.”⁴ On June 24, 1950 Communist North Korea invaded South Korea, a nation supported by the United States and its allies. Initially, President Truman made no commitment of U.S. military forces, although both America and the United Nations had resolved to order a withdrawal of North Korean forces. However, on June 27, 1950, the United Nations recommended that member-states militarily assist South Korea. Truman then announced that “in these circumstances I have ordered United States air and sea forces to give the [South] Korean government troops cover and support.”⁵ Truman’s legal authority to act this way is nonexistent for two reasons. First, Truman argued that the conflict in Korea was not a war, and that the United States was pursuing a police action under the United Nations. However, the United Nations exercised no real control over the conduct of the war and apart from token assistance

⁴Schlesinger, Arthur, *The Imperial Presidency* (Boston: Houghton Mifflin), 128.

⁵ Fisher, Louis, *Presidential War Power* (Kansas: University Press of Kansas), 97.

provided by a few nations the ground war was conducted entirely by American troops. Second, Truman did not seek Congressional approval for the military operations in Korea. Even if it was to be agreed that the Korean conflict was not a war, then under the UN Participation Act President Truman still required Congressional approval for special agreements that involved the commitment of American troops to combat operations. Under the UN Participation Act the president could only commit troops without Congressional approval if they served in a strictly noncombatant capacity.⁶ In committing U.S. troops to the Korean War, Truman had violated the commands of the Constitution and of a congressional statute.

Certainly, one would assume that once the war was over, a vengeful Congress would reassert its constitutional role. This however, never occurred, Congress responded with acquiescence and hardly a whimper of protest.⁷ The Korean War contributed to the growing sentiment that the world was greatly endangered by the spread of the Communist bloc, and the crisis mood that the nation was in put a strain on the conduct of foreign policy in regards to the separation of powers in the federal government. From the 1950s on during the Cold War American foreign policy demanded that the American government do things no previous American government had done in terms of overseas interventions under the auspices of the executive branch.⁸

The decades of the Cold War demonstrate the imperial presidency at its height. In the years following the Korean War the best example of aggressive American foreign policy is the Vietnam War, and this undeclared war is similarly carried out under the auspices of unilateral presidential authority. American troops had been present in South Vietnam since the Eisenhower administration in a purely advisory role. Again, the context of the Cold War justified the

⁶ Fisher, Louis, *Presidential War Power* (Kansas: University Press of Kansas), 95.

⁷ Irons, Peter, *War Powers* (New York: Henry Hold & Co.), 172.

⁸ Schlesinger, Arthur, *The Imperial Presidency* (Boston: Houghton Mifflin), 164.

American presence as a necessary safeguard against a possible Communist takeover in Southeast Asia at the hands of the North Vietnamese and Vietcong. President Kennedy increased the number of troops from 700 to 16,000. When President Lyndon Johnson succeeded to the presidency, he was determined to escalate the conflict in Vietnam. According to the Johnson administration, on August 2, 1964 North Vietnamese gunboats attacked a U.S. destroyer in the Gulf of Tonkin.⁹ President Johnson ordered the navy to take retaliatory measures, and then again, according to the administration, on August 4 a second attack occurred on two U.S. destroyers. That night Johnson appeared on television, announcing to the American public that he had ordered the navy to take retaliatory action and that the U.S. response would be “limited and fitting,” and also that he “intends no rashness, and seeks no wider war.”¹⁰ Two days later, on August 6, 1964, Congress passed the Gulf of Tonkin Resolution. The resolution essentially gave Lyndon Johnson a blank check to wage a presidential war, approving and supporting “the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States.” The resolution was to expire when “the President shall determine that the peace and security of the area are reasonably assured.”¹¹ Through this sweeping language the US Congress essentially surrendered its war power to the executive, allowing President Johnson to escalate the conflict in Vietnam at his discretion. By December 1965 the US troop deployment to Vietnam increased to 200,000 men. Johnson later said of the Gulf of Tonkin resolution that it was “like grandma’s nightgown; it covered everything.”¹²

⁹ Irons, Peter, *War Powers* (New York: Henry Hold & Co.), 186.

¹⁰ Fisher, Louis, *Presidential War Power* (Kansas: University Press of Kansas), 130.

¹¹ Bostdorff, Denise, *The Presidency and the Rhetoric of Foreign Crisis* (Columbia, SC: University of SC Press), 61.

¹² Bostdorff, Denise, *The Presidency and the Rhetoric of Foreign Crisis* (Columbia, SC: University of SC Press), 61.

The resolution was a political success for the administration and it did grant them a free hand in turning up the heat of the Cold War in Southeast Asia. Subsequent investigations of the Gulf of Tonkin crisis cast a heavy shadow over the Johnson administration and its expansion of executive war power. Certainly the first attack that occurred on August 2 by a lone North Vietnamese gunboat on one U.S. navy destroyer was far too minor of an incident to justify a Congressional resolution granting the president wide ranging powers to mobilize for military action. Additionally, the second alleged attack on August 4 probably never happened – conflicting accounts of the action have been given and the ship’s radar gives only inconclusive evidence.¹³ Regardless of what truly happened in the Gulf of Tonkin, the “crisis” still had the same effect – the American military machine was committed to an undeclared but growing war in Indochina, and the war’s direction was to be determined by the presidency.

A notable characteristic of the imperial or Cold War-era presidency is its interventionist foreign policy. Such aggressive foreign policy directed by the presidency has already been described in the accounts of the Korean and Vietnam wars. Large-scale ground wars are not the only examples of American Cold War interventions, however. During this era the United States extensively used covert means to wage war against the Soviet Union and its perceived sympathizers. Through clandestine operations waging from the supplying of insurgents to the outright ousting of regimes in third-world countries, American muscle and economic power were applied with finesse. Two textbook examples of such U.S. instigated coup d’états include the 1953 Iranian and 1954 Guatemalan coups, both of which were carried out during the Eisenhower administration and largely executed by the CIA. Both coups were decided necessary because the governments of Prime Minister Mossadegh of Iran and President Arbenz of Guatemala were deemed to be socialist and potential Soviet allies, despite being democratically elected

¹³ Bostdorff, Denise, *The Presidency and the Rhetoric of Foreign Crisis* (Columbia, SC: University of SC Press), 62

governments. President Eisenhower was not shy in utilizing covert operations as a means of combating the Soviet Union around the world.¹⁴ In the case of Iran, the Eisenhower administration was primarily motivated by concern over the security of Iranian oil assets. Mossadegh was planning to nationalize Iranian oil, and the U.S. and Great Britain began to plan his to oust him from power. The Shah of Iran was returned to his country by the CIA after a short exile, and Mossadegh was deposed, replaced, arrested and given a show trial. In the case of Guatemala, the U.S. intelligence community decided that Arbenz's land reform programs were socialist in nature and suspected Soviet influence in his government. The CIA financed and armed rebel Guatemalan armies, finding a leader for them in the person of Colonel Carlos Armas. In June 1954 Armas' forces invaded Guatemala, and supported by radio propaganda, successfully created an impression of insurmountable odds arrayed against Arbenz. By the end of June Arbenz had resigned. The success of these two coups encouraged the United States in further clandestine operations. Between 1951 and 1975 it is estimated that the CIA engaged in some nine hundred such interventions.¹⁵

The Iranian and Guatemalan coups should be alarming for two major reasons. First, both regimes that were overthrown by U.S. pressure were democratically elected governments, whether or not the U.S. approved of their reform policies. Secondly, both operations were essentially presidential exercises in foreign regime change. In both cases, the executive branch operated without Congress in planning, organizing, and executing the removal and replacement of a foreign government. There is no constitutional basis for an American president having the authority to determine whether or not a foreign government is legitimate or has the right to be in power, and then follow up that determination by overthrowing that regime. This type of

¹⁴ Rudalevige, Andrew, *The New Imperial Presidency* (Ann Arbor: University of Michigan Press), 51.

¹⁵ Rudalevige, Andrew, *The New Imperial Presidency* (Ann Arbor: University of Michigan Press), 83.

aggressive action is the direct product of a foreign policy that is centralized in an executive branch which presides over the direction of a military superpower.

The eventual failure of the Vietnam War and the high price it bore left a bad taste for military interventions in the mouths of the American public. Nevertheless, the Reagan administration was able to order an American invasion of Grenada in 1983 and air strikes against Libya in 1986. Eleven members of Congress went to court, claiming that Reagan had violated the Constitution, but they lost when the issue was held to no longer be relevant as the invasion of Grenada had ended.¹⁶ The presidency of George H.W. Bush witnessed two exercises in carrying out splendid little presidential wars: the invasion of Panama in 1989-1990 and the Gulf War. When Congress was out of session in December 1989, President Bush ordered 11,000 troops to Panama to link up with 13,000 troops already present in the Canal Zone. President Bush justified his action on the basis of the “imminent danger” to the American citizens present represented by General Manuel Noriega’s regime. Bush also cited other justifications such as defending democracy in Panama and combating drug trafficking. Noriega surrendered to the United States January 3, 1990. Then, on February 7 of the same year, the House of Representatives passed a resolution approving the president’s actions, declaring that he had acted “decisively and appropriately in ordering U.S. forces to intervene in Panama.”¹⁷ Such a token approval does not satisfy constitutional requirements; if thousands of American troops were ordered overseas by the President of the United States to invade a foreign nation and overthrow its sitting government it should only be following a prior Congressional declaration of war.

Saddam Hussein invaded Kuwait on August 2, 1990. The President Bush had a number of reasons for desiring a quick war against Iraq. First, Kuwait’s oil supply needed to be

¹⁶ Fisher, Louis, *Presidential War Power* (Kansas: University Press of Kansas), 163.

¹⁷ Fisher, Louis, *Presidential War Power* (Kansas: University Press of Kansas), 166.

safeguarded for American interests. Second, a quick victory over Hussein would assumedly boost the president's sagging political fortunes.¹⁸ President Bush's administration refused to seek to try to seek authority from Congress, and instead sought to "authorize" its war by building an international coalition of allies including Saudi Arabia, France, and Britain, and through a UN resolution authorizing member states to "use all necessary means" to force Iraqi troops out of Kuwait. As Louis Fisher asks in his work *Presidential War Power*, "What role would Congress have?"¹⁹ There is another overarching explanation that helps lend insight into the context of the Gulf War. The Cold War ended in 1989, and the American "victory" in Panama strengthened advocates of Bush's "new world order" that would, in its essentials, equate to a world with only the United States as the remaining superpower able to flex its military and economic muscle in promoting American interests around the world. America's Cold War-era leadership made the Middle East its next target of imperialist ambition.²⁰ Again, consistent with the Cold War-era, presidential leadership was argued to be most suitable for conducting the inevitable quick military interventions that policing the world would require.

Thus far, this essay has primarily covered the following topics: the enhancement of presidential prestige and federal governing power during the FDR administration, and the Cold War-era expansion of presidential war power. The combined effects of these developments amount to what the author of this essay considers the imperial presidency. The main characteristic of the foreign policy has been the arbitrary use of American military might in interventionist adventures.²¹ Arguably, this Cold War-era leadership in foreign policy did not end with the collapse of the Soviet Union or the electoral defeat of George H.W. Bush in 1992. After

¹⁸ Irons, Peter, *War Powers* (New York: Henry Hold & Co.), 205.

¹⁹ Fisher, Louis, *Presidential War Power* (Kansas: University Press of Kansas), 170.

²⁰ Irons, Peter, *War Powers* (New York: Henry Hold & Co.), 206.

²¹ Koenig, Louis, "Reassessing the Imperial Presidency", *Proceedings of the Academy of Political Science*, Vol. 34, 31.

September 11, 2001, a sense of American vulnerability gave way to a 9/11 American mentality that was at the same time unique and reminiscent of the Cold War.²² The War on Terror was conducted on terms familiar to the United States which had survived World War II and the Cold War: the good guys (America) vs. the bad guys (Terror); black and white; good and evil. This mentality was equally suitable to the remnants of Cold War-era statesmen present in the administration of George W. Bush, such as Vice President Dick Cheney, Secretary of Defense Donald Rumsfeld, and Deputy Secretary of Defense Paul Wolfowitz, all of whom were major architects in the second Bush's second Iraq War.²³ It should come as no surprise that Bush's military response following the attacks of 9/11 did not come in the form of a Congressional declaration of war, but instead in the form of a "resolution" that, again, typical of the imperial presidency, authorized President Bush to use "all necessary action against those nations, organizations, or persons he determines planned, authorized, committed or aided" the 9/11 terrorists.²⁴ The resolution granted Bush remarkable authority to conduct the War on Terror and determine who counts as an enemy in that war.

Schlesinger says of the Cold War-era presidency, "The imperial presidency was essentially the creation of foreign policy. A combination of doctrines and emotions – belief in permanent and universal crisis, fear of communism, faith in the duty and right of the United States to intervene swiftly in every part of the world – had brought about an unprecedented centralization of decisions over war and peace in the presidency."²⁵ This essay has briefly chronicled the development of the imperial presidency and its supremacy in the conduct of American foreign relations, but the discussion does not end there. While the rhetoric of the Cold

²² Mills, Nicolaus, "Leaving Iraq," *Dissent*, Spring 2009, 16.

²³ Irons, Peter, *War Powers* (New York: Henry Hold & Co.), 218.

²⁴ Fisher, Louis, *Presidential War Power* (Kansas: University Press of Kansas), 208.

²⁵ Schlesinger, Arthur, *The Imperial Presidency* (Boston: Houghton Mifflin), 208.

War and the War on Terror have justified in the name of democracy our country's various exercises in interventionism in places such as Korea, Vietnam, Panama, and Iraq, these foreign escapades have actually often been conducted in the pursuit of less idealized interests such as geopolitical and economic concerns. A history of the imperial presidency and its foreign policy is most useful for exposing the flaws and abuses inherent in the centralization of power over war and peace in the hands of the president. Such a history will show that the U.S. Congress, instead of actively asserting its Constitutional prerogatives, has been largely submissive in allowing the presidency to appropriate increased war powers.²⁶

The current status and future of the imperial presidency are unclear. President George W. Bush and his administration continued to operate within its framework in the War on Terror and in the invasion of Iraq. With Bush's departure from office, and the removal from power of the final generation of Cold War leadership that persisted in the Bush administration, there is hope that the Cold War-era imperialist presidency will give way to a presidential style more appropriate to the increasingly multilateral and shrinking world. Thus far, President Barack Obama's foreign policy seems to be geared, at least in its rhetoric and diplomatic overtures, towards turning away from the United States' arbitrary, interventionist past. However, it is a certainty that both the people and politicians of the United States still perceive our nation as the world's foremost superpower and share a nationalist desire to see America promote her interests and values on the global stage, making an abandonment of the imperial presidency and its costly interventionism much harder to accomplish. When will America decide to rid herself of the burden of empire?

²⁶ Ragsdale, Lyn, "The Institutionalization of the Imperial Presidency, 1924-1992", *American Journal of Political Science*, Vol. 41, 1280.

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