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Weak Presidents

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Weak Presidents

Why weren't there stronger presidents in the decades before and after Abraham Lincoln?*

You mean you don't care what such bearded nonentities as Millard Fillmore or Chester Arthur did? You are not alone. Novelist Thomas Wolfe sneered at the mass of overlooked presidents whose "gravely vacant and bewhiskered faces mixed, melted, swam together."^[1]

Actually your question is a good one that has attracted the interest of specialists who are interested in the power of the presidency. Today we are used to the "Imperial Presidency." But presidents were not always so powerful, especially for long stretches during the nineteenth century. Why? One reason is that, for two decades after Andrew Jackson's strong presidency, and for three decades after Abraham Lincoln's strong presidency, Congress sought every opportunity to reassert its power. At the same time, Americans tended to vote for executives who were content to let the country run its affairs without the help of the federal government; they did not want government on steroids.



SEVEN STRONG PRESIDENTS

Each of our first seven presidents served in some capacity during the American Revolution. That gave them tremendous caché. As a result, all were fairly assertive in testing and wielding the powers granted by the U.S. Constitution. Their justification for a strong executive branch was based on the vesting clause in Article II, Section 1, of the Constitution: "The executive Power shall be vested in a President of the United States of America." The first seven presidents were also Founding Fathers -- Washington, John Adams, Jefferson, Madison, Monroe, and John Quincy Adams; although he was not technically a Founding Father, Andrew Jackson is also usually tacked on to this list of strong presidents, perhaps because he served in the Revolutionary War and relied on the precedents of his predecessors.

I hasten to add two qualifications. First, Washington was not personally assertive toward Congress -- he was loathe to be likened to a king. However, he allowed his forceful treasury secretary, Alexander Hamilton, to dominate congressmen with a series of reports that provided vision and the impetus for much legislation. Hamilton's energy and intelligence established the precedent of the executive branch setting the agenda for the legislative branch, a development that was not fully anticipated when the Constitution was being drafted in 1787.

Second, Thomas Jefferson seemed to have every intention of wearing the presidency with humility. From the start he threw off monarchical tendencies that John Adams especially had displayed. He understood the importance of symbolic gestures and wanted to make the office fitting for a republic. Determined to be the model of republican simplicity, Jefferson walked to his inauguration in the Capitol, did away with formalities, and abandoned the precedent of delivering annual reports to Congress in a speech. In fact, Jefferson gave only two speeches during eight years in office. The reason? He did not want to mimic the British monarch's Address to Parliament (and also because -- let's be frank -- he disliked public speaking). Throwing out much of the pomp and ceremony John Adams had enjoyed, Jefferson got rid of the executive carriage, often ignored protocol, and refused to bow and scrape to foreign dignitaries who paid him a visit. Once, in a famous incident, Jefferson met the British minister on an official state visit in old slippers and dowdy clothes.

However -- this is where Jefferson was inconsistent -- our third president was not above stretching the powers of the office when it suited his purposes. He knew, for instance, that the Constitution provided for the admitting new states to the Union, not acquiring new territories in the hinterland, yet he was determined to see the Louisiana Purchase through, even though the action was technically unconstitutional. This action, notes Philip Kunhardt Jr., was "one of the most decisive executive decisions in United States history."^[2]

Andrew Jackson turned out to be one of the most imperious presidents of the nineteenth century, ignoring even the U.S. Supreme Court. After the Court upheld the Cherokee Indians' right to challenge the state of Georgia, Jackson reportedly said, "[Chief Justice] John Marshall has made his decision; let him enforce it now if he can."

AFTER JACKSON

After 1837 there was a strong reaction against Jackson's macho presidency. William Henry Harrison pleased Whigs in his inaugural address (1841), when he pledged to reverse the despotism that was creeping into the presidency. Harrison, alas, died after just one month in office. His successor, John Tyler, had a terrible time establishing authority. It seems incredible in retrospect, but Whig leaders did not think Vice President Tyler was a legitimate successor to the presidency. As Steven Calabresi and Christopher Yoo put it, Whigs tried "advancing the textually plausible claim that the Constitution did not permit a vice president actually to become president but instead only allowed the vice president to adopt the role of 'acting president' while continuing in the official title of vice president."^[3]

Further, the weakness of some presidents was actually played up in public. Much was made of the fact that Franklin Pierce had twice fainted. (Never mind that it was in the Mexican War in the heat of battle.) Also there were rumors that James Buchanan was a homosexual and therefore "soft" -- Andrew Jackson referred to him as "Aunt Nancy."

The era of weak presidents passed, however, as sectional tensions mounted during the 1840s and '50s. As Calabresi and Yoo note: "Congress reasserted itself and remained ascendant in the years following Andrew Jackson's presidency until the crisis of the Civil War, which led the country to look to the president for leadership once again."^[4] In the face of Southern secession, Americans seemed instinctively to desire a strong chief executive. Enter Abraham Lincoln.

LINCOLN

Even more than the first seven presidents, Lincoln was an extremely powerful wartime commander in chief. As Thomas DiLorenzo notes in *The Real Lincoln*:

...upon taking office Lincoln implemented a series of unconstitutional acts, including launching an invasion of the South without consulting Congress, as required by the Constitution; declaring martial law; blockading the Southern ports; suspending the writ of habeas corpus for the duration of his administration; imprisoning without trial thousands of Northern citizens; arresting and imprisoning newspaper publishers who were critical of him; censoring all telegraph communication; nationalizing the railroads; creating several new states without the consent of the citizens of those states; ordering Federal troops to interfere with elections in the North by intimidating Democratic voters; deporting a member of Congress, Clement L. Vallandigham of Ohio, for criticizing the administration's income tax proposal at a Democratic Party rally; confiscating private property; confiscating firearms in violation of the Second Amendment; and effectively gutting the Ninth and Tenth Amendments to the Constitution, among other things.^[5]

AFTER LINCOLN

Predictably perhaps, after 1865 there was a strong reaction against Lincoln's presidency. Our 16th president had suspended habeas corpus and ordered thousands of people arrested, arguably in violation of the U.S. Constitution. Many critics thought that he was a tyrant. But, then, he was the only U.S. president whose entire time in office was marked by impending war or a state of war. There would not be a dominating president for the remainder of the century, not until Theodore Roosevelt assumed office in 1901.

James A. Garfield was typical of the string of relatively passive presidents between Lincoln and TR. Biographer Allan Peskin points out:

The pantheon of presidential "greats" seems reserved for activists, which, in the nature of things, means those who dealt with major national crises. Presidents with the good fortune to preside over quiet times seem doomed to obscurity. In Garfield's day, America was at peace with itself and the world. Neither presidents nor government was expected to make things better, only to keep them running smoothly. Garfield shared this passive view. The whole duty of

government, he once maintained, was "to keep the peace and stand outside the sunshine of the people."^[6]

A final note on how the topic of weak presidents vis-a-vis a strong Congress has attracted the attention of specialists. In the 1880s, a doctoral student at Johns Hopkins University wrote a dissertation called "Congressional Government: A Study in American Politics." It was later published in a critically acclaimed book.^[7] Its author was Woodrow Wilson.

(Question from Bill R. of Washington D.C.)

* Full question: It seems there were periods in American history when presidents were dull and nondescript, especially in the decades before and after Abraham Lincoln. Why weren't there stronger presidents at those times?

[1] Wolfe quoted in Allan Peskin, "James Abram Garfield," in *Presidential Leadership: Rating the Best and the Worst in the White House*, ed. by James Taranto and Leonard Leo (New York: Wall Street Journal Books, 2004), p. 105.

[2] Philip Kunhardt, et al., *The American President* (New York: Riverhead Books, 1999), p. 268-69.

[3] Steven O. Calabresi and Christopher Yoo, "The Unitary Executive during the Second Half Century," *Harvard Journal of Law and Public Policy* 26 (Summer 2003): pp. 667 ff.

[4] *Ibid.*

[5] DiLorenzo, Thomas J. *The Real Lincoln* (New York: Three Rivers Press, 2002), p. 131-32.

[6] Peskin, "Garfield," p. 105.

[7] Woodrow Wilson, *Congressional Government: A Study in American Politics* (Boston, New York: Houghton-Mifflin, 1885).