

How far does the President only have the power to persuade?

The President is often cited as being the most powerful man on earth, yet as this essay will explore that may be more due to his country's power and influence than that of his specific position. Presidents use the "power to persuade" as a means of exerting their influence on the way the country is run, thus why a strong and charismatic personality is key. The power to persuade is no specific "power" per say, but is often typified by Presidents indirectly pushing through their own legislation through Congress (the sole federal legislative body) by convincing, or persuading Congressmen to follow their line. Great examples include LBJ persuading the Senate to reject a filibuster and make into law the Civil Right Act proposed by JFK before he was assassinated. Other Presidents, such as Reagan used speeches to mass support, for example after he survived an assassination attempt in 1981 he used his national address to capitalise on a general feeling of sympathy. There are also numerous positions close to the President, for example the heads of Department present in the Cabinet who the president can persuade into working in a way he likes.

It is easy to see why some view the Presidents only real power as that to persuade. The Separation of Powers in the US of the Executive (President and his staff), the Legislative (Congress) and the Judiciary mean the President actually has very little control over the other quite substantial and important branches of Government. In fact the President is only even aloud into Congress once a year during the State of the Union address. Unlike in the UK the largest party in Congress not only not guaranteed to be loyal to the presidents but can even be a completely different party, as is currently with a democratic President and a Republican dominated House of Representatives. Interestingly enough it is situations like this when the powers of the President are even more limited, and so he must increasingly rely on his ability to persuade. The need for Bipartisan support and work is especially apparent during the current sitting of Congress, where Obama must try to work, to persuade, both parties in Congress to work together and formulate a compromise in the nation's interest. The President actually has very little direct influence over the way the country is run and the laws that are made, as they belong to Congress, which as explained it outside of the Presidents direct control. The power of the purse, effectively the control over the massive US budgets is a power of Congress not the President, and thus the Presidents only real method of influencing how this is spent is by influencing the heads of department's decisions, most of whom will be

present in his Cabinet. In Obama's case he even invited key sympathetic Republican Congressmen onto AirForceOne to try and convince them to support his healthcare bill. Increasingly Congress has been limiting the powers of the President even more. After Nixon's bombing of Cambodia the War Powers Act meant only Congress could formally declare war, a power once held by the President. As a result the president must now persuade Congress over to his thinking if he wishes to declare a war that requires more than the few thousand "advisors" he can currently send without Congressional approval. The same is true for the ratification of treaties and appointments. While the President can sign treaties and nominate appointments for positions like the Supreme court it is still Congress who must approve these, and so Presidents must win over the support of people in the position to do so. For example the President had to hold many meetings with the Senate Defence committee before they voted to support the most recent incarnation of the START treaties with Russia, and even then the margin of victory was minimal.

However it would be naïve to simply dismiss all the Presidents powers as irrelevant. The President still has the power to hire and fire many key members of government. While these may indeed require Congressional approval, the Constitution actually states that Congress must only object if the nominee is truly not fit for the job, and not on the basis of ideological preference. For example many Republican members of Congress were criticised for opposing the nomination of Elena Kagan and Sonya Sotimayor to the Supreme Court based solely on their opposing political views and no legitimate reason why the president's nominations should not be confirmed. Essentially, the President should not have to "persuade" Congress to confirm the nominations as this should be done automatically unless there is a legitimate reason to object. Secondly the President can issue "executive orders" that have the same standing as treaties and these do not require the approval by Congress thus no need to persuade. An example includes the Kosovo war or 1999 which was initiated by executive order not by Congress. Thirdly the President does have significant power over legislation through the use of vetoes. Not only can he stop bills in the path by using either the regular veto or pocket veto but the simple threat of one can cause Congress to act in a different way, for example when Clinton threatened to veto any legislation that damaged healthcare in 1994, a move mirrored by Obama in his 2011 state of the union address. While the President may not have direct authority over the legislature or judiciary he is in command of the entire Executive which includes not just his position but the entire

Executive Office of the President and its thousands of staff members. These positions are important as they effectively control the White House and the agenda of the President, who as the head of State is effectively the figurehead and representative of America on the international stage during summits like the G8 and G20. He is, in effect “Mr. America”, and this leads onto a final point that while the President may be weak in domestic policy his is very strong in matters of foreign policy. In fact whole time-periods of foreign policy can be characterised by the sitting President such as Reagan and his cold war against the “evil empire” and Bush and his war on terror and the “axis of evil”. At the end of the day, it was Truman himself who said “I make Foreign policy”.

In conclusion the President does have other powers than just the “power to persuade” although these are limited and with increasing pressure and checks from Congress are increasingly rare. Like many things in US politics, it will be highly dependant on the specific make up of Congress. For example a Democratic President will find it much easier to operate on his own accord with a Democrat majority in Congress. It must also be remembered that the founding fathers specifically wanted the President to be more of a figure head than practical politically active law maker, thus perhaps the power to persuade is what the President is meant to use to rule. There is no doubt that strict interpreters of the constitution view the President as having far too much power above and beyond his power to persuade.