

The Emergence of Modern Presidency in the United States of America: Presidential Power and Constitutional Shift.

By

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Abstract:

Since the emergence of the modern presidency in the United States of America, the office of the president has become so powerful beyond the expectation of the founding fathers. The founding fathers created a constitution that sets a mechanism where the different branches of government are expected to work independently but complementary from each other with limited powers, but the modern presidency has distorted this principle of separation of powers with president becoming very powerful. The unitary executive theory and the idea of presidential representation present the theoretical frameworks to assert the emergence of the modern presidency. This study presents a time frame of the emergence of the modern presidency and the characteristics of the modern presidency. The constitutional and institutional perspectives of the modern presidency are also addressed. The study concludes that the modern presidency is at odds with the constitution and for this to be corrected, Congress has to regain its role in policymaking from a constitutional perspective and the true interpretation of the constitution in terms of the power of the President is defined and respected.

Key words: Modern presidency, President, Founding Fathers', Constitution, Article II, Power.

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Introduction

Prior to the twentieth century, United States (U.S.) presidents were unable to provide strong leadership except in instances of national crisis and this was because the power of the president was constrained either by the constitution or the nature of the party system (Canes-Wrone et. al., 2008; Tulis, 1987; Cohen, 1999) where Congress was at the helm of governance (Tulis, 1987). According to Lowi (1979), the national government under the First Republic was clearly a Congress-centered government. This constitutional order was distorted with the emergence of the modern presidency and the establishment of the Second Republic where the President now dominates policy making with enormous powers (Lowi, 1979). Madison in Federalist paper #51 makes it clear that in a republican government, the legislative branch of government predominates the other branches (Hamilton, Madison, Jay, 1961) indicating that the founders had the intention of ensuring that the legislature constrain the presidency and the judiciary but this has not been the case with the present-day modern presidency where the president influences the policy making process in every area of the political system.

The founding fathers of the United States (U.S.) framed the constitution of the United States with the notion that the three arms of government (The Legislature, the Executive and the Judiciary) would be independent of each other guided by the principle of separation of powers and possess limited powers. This thought of the founders has changed over time considering that different interpretations of the constitution have been provided as to what the real meaning of the constitution is thereby deviating from that real notion of the founders (Rakove, 1996). These three arms of government were created to provide checks and balances for each other in an effort to adhere to the principle of separation of powers where Article I of the US constitution defines the powers of the legislature (Senate and House of Representatives); Article II defines the powers of the president (executive), and Article III defines the powers of the judiciary.

It is a fact that Article I, Section 7, Clause 2 of the US constitution which gives the president the mandate to veto laws that have been enacted by Congress helps make the president be even more influential in policy initiation couple to his additional powers provided by the modern presidency. It's based on such that

Lowi (1964) and Gormley (2007) held the view that presidents have enormous influence in policy making and Lowi (1979) decried that the presidency is at the center of the national government with Congress being relegated to the status of a consensual body that only delegates its policy making authority to the president and administrative agencies and these units will in return sub-delegate such powers.

Lowi (1979); Skowronek (2002); Tulis (1987); Rogowski (2015); Teten (2003); Greenstein (2004 & 2009); Rogowski (2015 & 2016); Neustadt, (1990); Cohen (1982); Moe (1985) have made it clear that the 20th century has witnessed a dramatic shift in the operational mechanism of the US presidency which use to be very conserved and always thwarted by Congress but it now exerts certain powers that are not defined by the constitution. Dickenson & Lebo (2007) decried the fact that the powers of the US president have unconstitutionally grown over the years because of growth in government size and reforms that brought about the growth in the size of the government. Organized interest groups and administrative agencies have also become major actors in the policy making process, making one have the impression that there is an unwritten constitution that is governing the country considering these developments (Lowi, 1979).

Following the emergence of the modern presidency and its subsequent developments, Lowi (1979) argues that the second republic has emerged where there is the abandonment of the rule of law in the delegation of authority by Congress to administrative agencies or to the president who later sub-delegates this authority to the agencies. To Lowi (1979) such action depicts the absence of a principled public philosophical guide to policy making considering that organized interest groups now dominate the policy making arena. He held that President Franklin D. Roosevelt's revolution in the 1930's which brought about the Second Republic distorts constitutional order in the USA. For this to be overcome according to Lowi (1979), there is a need for the adoption of new public philosophy which he calls "judicial democracy".

The Emergence of Modern Presidency: Theoretical Perspective

To show the emergence of the modern presidency, this study addresses two theoretical perspectives to present what rationale proponents of reforms and reorganization posed when advocating for the emergence of modern presidency. These theoretical tools also show how modern presidents make claims to increase their authority.

The unitary executive theory and the idea of presidential representation would serve as the theoretical bases for this work considering that these were the theoretical tools used by the executive branch in advocating for the enactment of the Reorganization Act of 1939 that brought about the transformation of the US presidency (Dearborn, 2017; Balley, 2019; Skowronek, 2009). At the eve of the emergence of the modern presidency, there was the need for reform to enable the president at the time to effectively address the challenges that were facing the American society. These theoretical tools were used to support reforms.

“The unitary executive theory” is a theory of the United States constitutional law which asserts that the President possesses all the executive powers prescribed in Article II of the US constitution, and he can control all the executive agencies and their officials at his will (Dearborn, 20017). This theory vests the executive power of the United States in the President thereby enabling the president to influence policy making in all executive agencies. Proponents of this theory use Article II of the United States of America constitution to argue that Article II, Section 1 states that “the executive power shall be vested in a President of the United States of America” thereby implying that it gives the president control of the executive.

Similarly, “the idea of presidential representation” asserts that the president is the unique representation of the entire citizenry considering that he is the only person (exception of his vice president) elected by the national constituency thereby enabling him to have a larger role concerning policymaking (Balley, 2019; Dearborn, 2017; Bailey, 2014; Smith, 1981; Prakash, 2015; Calabresi & Yoo 2008; Skowronek, 2009). Proponents of this school of thought attempt to create a singularly powerful presidency that would serve as a check on the people’s representative in Congress and in so doing counters the majoritarian approach (Bailey, 2019) by making the

president the people's sole representation. Both views were embraced by the President's Committee on Administrative Management (PCAM) in their proposal for reorganization in the 1930s. The Reorganization Act finally passed in 1939 where Congress accepted the implementation of some institutional adjustments that go in line with "the idea of presidential representation" (Dearborn, 2017; Balley, 2019; Bailey, 2014; Smith, 1981; Prakash, 2015; Calabresi & Yoo 2008; Skowronek, Stephen 2009). "Presidential reorganization authority" and "new executive assistants" (Dearborn, 2017) were two reforms that came with the reorganization that resulted in the emergence of the modern presidency which Lowi (1979) sees it as the birth of the Second Republic.

There has been no unanimous agreement as to the right time that the modern presidency was born but many have pointed to the fact that President Theodore Roosevelt sets the pace, President Woodrow Wilson set the precedents and President Franklin Delano Roosevelt (FDR) pushed for the steady growth and final emergence of Modern Presidency (Tulis, 1987; Greenstein, 2004). Based on the foregoing, the emergence of the modern presidency came up during the New Deal, World War II, and, The Great Depression and it was instituted by President Franklin D. Roosevelt (Lowi, 1979, p.273; Dearborn, 2017; Greenstein, 2004; Neustadt, 1990; Tulis, 1987; Skowronek, 2002; Skowronek, 2009; Cohen 1982; Moe 1985) where there was great expansion in presidential authority, greater influence of federal government, increased size of the national government – measured in budgetary terms, and increase of executive agencies and staff (Greenstein, 2004; Dearborn, 2017; Lowi, 1979). In the words of Lowi (1979, p.272), "the transition to the Second Republic began in earnest during the 1930's. A second Republic might well have come into being during the Roosevelt period if domestic developments had not been cut off by World War II". Dearborn (2017) work provides the foundation of the modern presidency and states that modern presidency emerged in the 1930's under FDR leadership and it was most pronounced with the realization of the Reorganization Act of 1939. In the course of seeking support for the reorganization of government, president Franklin D. Roosevelt states "we cannot call ourselves either wise or patriotic if we seek to escape the responsibility of remodeling government to make it more serviceable

to all the people and more responsive to the modern needs” (Dearborn, 2017, p.1); this indicates how influential FDR was towards the realization of the modern presidency.

The Modern Presidency at odds with the U.S. Constitution

Tulis (1987) provides an explanation of the modern presidency and the constitutional Presidency and decried the fact that they are at odds with each other because the modern presidency has encroached on the constitution. Rakove (1996) in “Original Meanings” held that, meaning, intention and understanding of the USA constitution are three important elements that elucidate what founding fathers thought and meant at the time of framing the constitution, compared to how the constitution is presently being interpreted and applied. The founding fathers of US aimed at preserving the union with principles that could be sustainable and as well adapt to the changes that come with time. It is based on this that Madison in his speech on July 26th, 1787 in Philadelphia emphasized that “in framing a system which we wish to last for ages, we should not lose sight of the changes which ages will produce” (Rakove 1996, p. 35-36). By making this statement, Madison understood that as time passes, society will embrace new ideals/change that might call for amendment of the constitution. This conceptual view of Madison like that of the other founders never wished for a day that constitutional amendment or innovation will erode institutional norms that were put in place to sustain the Republic as we see today with the modern presidency that has relegated Congress to the background in policymaking. Congress, an arm of government that the founders created with the view of operating as the dominant unit of government (Tulis, 1987) has become so weak today under the modern presidency considering that the presidency directly influence the policy making process without necessary passing through Congress.

The modern presidency is a violation to the constitution because it provides the president with powers that are not enshrined in the constitution and the use of these powers by the president has placed the president at the forefront of policy making. Other informal policy stakeholders like organized interest groups now play dominant role in the policy making process with their egoistic aim, something that has no legal basis, but it has

become a norm. The rule of law has limited role to play when it comes to the effective operation of the three arms of government as a result of the modern presidency considering that all the three arms now act as legislative organs while carrying out other duties.

Characteristics of Modern Presidency

The characteristics of modern presidency show how the other branches of government are greatly influenced by the contemporary presidency. In the late 1930's, the American presidency acquired new, expansive views of presidential power under the Reorganization Act of 1939 (Dearborn, 2017; Lowi, 1979; Lowi 1886). Modern Presidents use the power of the "bully pulpit" to shape public opinion and influence public policy. This is contrary to the principle of separation of powers. The presidency of the United States of America is an institution that has remained very popular and influential since it came to existence. Different presidents have used their constitutional powers and as well-made attempt to use implied powers to influence policies depending on the era or cycle, they find themselves (Skowronek, 1997). Conscious of the fact that the American presidency pose much influence on both national and global scale, the occupant of the White House at any given time always strive to disrupt the political status quo through the authority it has (Neustadt, 1960; Neustadt, 1990; Tulis, 1987; Skowronek, 2002; Skowronek 2009). Skowronek (2002); Skowronek (1997) Skowronek (2009) asserts that the power of an American president is dependent on the resources the president has at his disposal at any given time; implying that president with limited resources do not pose much influence like those with much resources. It is on this basis that modern presidents make use of the resources available to them by the institutional framework of the political system to pose greater influence.

The immediate discuss on the characteristics of modern presidency would provide highlight on all the different aspects of modern presidency as seen below while the subsequent section will address the constitutional and institutional perspectives of the modern presidency.

The characteristics of the modern presidency could be seen in various such as:

- the ability of presidents to initiate, acquire support for legislative action and to veto legislations they do not support;
- presidential ability to act unilaterally;
- the large and enormous staff at the disposal of the president, with different policy specialization to aid presidential policy agenda; and,
- the changes in the quantity and quality of attention incumbent presidents receive, either to measure their performance or to provide support for them to achieve their proposed policy objectives (Greenstein, 1978; Neustadt, 1990; Weko, 1995).

Skowronek (2008) asserts that the institutional power of American presidents almost always exceeds their political authority.

Since the formal establishment of the US as a republican institution in 1787, many presidents have made attempts in one way or the other to use their implicit and informal presidential powers to initiate policies to enhance their influence and power. Their implied powers are assumed to be guaranteed under the constitution although not explicitly listed; for example, some past presidents have declared war without necessary going through congressional approval. This depicts the operational character of the modern presidents in contemporary era. "The United States is said to be a government of laws and institutions rather than individuals" Greenstein (2004, p. 2), but modern presidents exert much power on the political status quo than what is guaranteed by the constitution. Because most earlier presidents lack the necessary resources to wield power beyond constitutional provision, their attempt to act unconstitutional failed; reason why Skowronek (2002& 1997) held that the power of an American president is dependent on the resources at his disposal at any given time. Power and authority are an important elements addressed by Skowronek (2002) to show how modern presidents may have the resources to use power and implement their policy agenda but if the power to

use resources is not backed by authority it becomes a problem; the modern president in some circumstances does not see the lack of authority as a problem because in many instances modern presidents have used powers not backed by authority but they go free without having problem. They can enforce such power because they have the resources at their disposal although they don't have the authority to do so; for example, the recent case of President Donald Trump and the "wall" where Congress didn't authorize him to build the wall but he has to get money (resources) from elsewhere and ensure that this project is accomplished. It is based on such that Skowronek (2002, p.18) asserts that "Presidents exercise power by husbanding these resources and deploying them strategically to effect change" so as to attain their policy agenda. The modern presidency is a change agent who seeks transformation and restructuring as important goals.

The founders placed much powers on the legislative branch of government thereby making the president not to be so powerful (Tulis, 1987) but this has not been the case in the contemporary era where modern presidents exert a lot of influence on the policy making process (Neustadt, 1990; Lowi, 1979). Greenstein (2004) and, Greenstein (1978) state that since the emergence of the modern presidency, "the chief executive became the principal source of policy initiative, proposing much of the legislation considered by Congress. The president became the most visible landmark in the political landscape, virtually standing for the federal government in the minds of many Americans" Greenstein (2004, p.3).

The modern presidency has made the US presidency to undergo "fundamental transformation replacing Congress as the principal energy source of the political system" (Greenstein, 2004, p. 13; Neustadt, 1990; Lowi, 1979; Rogowski, 2016; Greenstein, 1978). Neustadt (1990); Greenstein (2004); Greenstein (2009) held that, the modern presidents have become so powerful such that Congress is not relevant in some important policy issues and this has made the presidency to become the main source of authority in the political landscape of the country due to the power the president exert. The emergence of the modern presidency comes with the creation of the Executive Office of the President that was created to carry out the duty of the president. The power wield

by the modern presidency has made the presidency of the US to undergo “fundamental changes that increase the likelihood that the personal attributes distinguishing one White House incumbent to another” (Greenstein, 2004, p.3).

Greenstein (2004) presents an account of the qualities of modern presidents where he outlined six factors that can either make a modern president successful or unsuccessful. These factors are:

- Vision;
- Cognitive ability/style;
- Organizational capacity/ability to communicate to the public;
- Political Skills; and,
- Emotional intelligence (Greenstein, 2004).

According to Greenstein (2004) these factors are tools use to assess the weaknesses and strengths of these presidents during their time in office where he concluded that the lack of mastery on how to manage emotional intelligence by modern presidents is the most important element that can make them to be unsuccessful. Four modern presidents (Lyndon B. Johnson, Richard Nixon, Jimmy Carter, and Bill Clinton) were listed as not having strong emotional intelligence and this led them to have some limitations while in office (Greenstein, 2004). He goes on to asserts that, even if presidents have good mastery of the other five qualities but lack emotional intelligence, they are bound to fail in their leadership pursuits. Nelson (2014) held that the worth of a modern president can make him more successful such that the perception the public has on a president about his competency and character makes him more successful. Most successful modern presidents have been very charismatic, reason why Greenstein (2004, p. 17) held that “no other president had been more politically proficient than Franklin Delano Roosevelt” and this was due to the competence that FDR possess in the craft of presidential leadership.

Sullivan (1991); Mayer (1999); Theodoulou and Cahn, (1995) when addressing presidential bank account state that presidents (most especially the modern presidents) always seek for prestige and status where they make every attempt to use the resources at their disposal to pursue their policy agenda upon assuming office so that they can gain high public rating and approval thereby enabling them to better influence the society. The Presidential bank account theory is a theoretical perspective that postulates that president has limited resources with them and they want to maximize these resources once they assume office to implement their policy agenda and gain the trust of the public and Congress (Sullivan 1991). It is assumed that if president don't act fast upon coming into office, their power will start dwindling thereby making the presidential bank account to start reducing (low rating/prestige) so they have to protect their bank account by ensuring that they act fast once they assume office; reason presidents strive to always act fast to overcome such problem. President always strive to maximize their power and influence to gain high rating. The presidential bank account theory postulates that presidents with high ratings and approvals highly influence the policy process because they can easily work with other policy stakeholders to effect presidential policy agenda while those with low ratings and low approvals do not have high influence on the policy process (Sullivan, 1991; Mayer, 1999; Theodoulou & Cahn, 1995). An example can be drawn from President Lyndon Johnson (Sullivan 1991, p. 686-687) after assuming office when he encouraged his staff to act rapidly in pursuing or implementing his policy agenda when his rating was still high considering that as time passes and his recommendations start coming up, he will not have much support because his "bank account" will keep reducing thereby bringing down his ratings and approvals.

The modern presidency uses persuasion and bargaining to influence other policy stakeholders. Neustadt (1990, p.11) held that "presidential power is the power to persuade". The persuasive power of the president is also the power to bargain and presidential status and authority yield better bargaining advantages (Skowronek, 1990). It should be noted that "the essence of a president's persuasive task is to convince such men (policy stakeholders) that what the White House wants of them is what they ought to do for their sake and on their

authority” (Neustadt, 1990, p.30). Neustadt (1990) asserts that the authority, professional reputation, and public prestige of a president all join to complement a president’s constitutional power and determine or produce the power he possesses. Neustadt (1990, p. 50) held that “a president’s persuasiveness with others in the government depends on something more than his advantage for bargaining. The men he would persuade must be convinced in their own minds that he has skills and will enough to use his advantages. Their judgement of him is a factor in his influence with them”. That is, for the president to be able to persuade, his reputation must be worthy of trust in those he is trying to persuade. Prestige or the public perception of the president is a great source of influence that accompanies the president influence especially during bargaining (Neustadt, 1990). Presidents with good prestige wield greater influence and are able to easily persuade policy stakeholders than those with poor prestige.



The Constitutional and Institutional Perspectives of Modern Presidency

Constitutional Presidency

The constitution of the U.S. in Article II, Section 2 defines the powers of the president and it is expected that presidents strictly adhere to the constitution as they discharge their duty. Amongst these powers are:

- The President is the Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States in the U.S.
- Controls the military forces as well as the national and foreign policy in war and peacetime.
- Has the power to make treaty.
- Has the power to grant reprieves and pardons for offences against the U.S., except in cases of impeachment.

- Appoints ambassadors, Consuls, Judges of the Supreme Court, Ministers.
- Receives foreign ambassadors, other foreign public officials (The Constitution of the United States of America 1787; Hamilton, Madison, Jay, 1961).

It should be noted that according to the founding fathers, the constitution provides that most of the presidential powers are subject to confirmation by the Senate (2/3).

The constitutional presidency shows a departure of the strict adherence to Article II powers of the U.S. constitution by modern presidents. This is because, modern presidents engage in policy areas not prescribed in the constitution and this has made these presidents exert enormous power not enjoyed by other presidents prior to the emergence of the modern presidency (Lowi, 1979). Lowi (1979) states that the modern presidency has distorted the constitutional principle of the founding fathers as well as a democratic theory because it has shifted from the intents of the founding fathers. The founding fathers intended that Congress should be directly linked to the public and the presidency has to go through Congress to access the public (Tulis, 1987). This has changed over time as the president now accesses the public directly (Tulis, 1987; Skowronek, 2002; Teten, 2003). The founders' aimed at limiting the power of the office of the president thereby making the president not to be able to influence other branches of government (Hamilton, Madison, Jay, 1961); this has been reversed under the modern presidency because presidents now influenced policy change in different domains independently.

Rogowski (2016) held that, the earlier subjective nature of the president before the emergence of the modern presidency makes presidents to be viewed as servants of Congress but in the contemporary age, modern presidents exercise a lot of influence on the policy making process in the US more than even Congress. According to Neustadt (1990), the US Constitutional Convention of 1887 was supposed to create a government of separate powers, but it rather created a government of separate institutions sharing powers. This has made many presidents think that they are part of the legislative process like Eisenhower often said in 1959 "I am part

of the legislative process” as a reminder of his veto (Neustadt, 1991, p.29). Both separation of institutions and the sharing of authority prescribe the terms on which a President persuades (Neustadt, 1991).

The Reorganization Act of 1939 increases the scope of presidential powers to include constitutional areas that the founders never envisaged (Dearborn, 2017) thereby causing fundamental changes in institutional relationships and in public philosophy (Lowi, 1979, p.274; Dearborn, 2017). This Act enabled the federal government to exercise policy power and manipulate the economy (Lowi, 1979, p.274) and an example of such manipulation is the irreversible change from a Congress-centered government to an Executive centered government (Lowi, 1979, p.274). The Congressional delegation of authority to executive agencies and the president who could also subdelegate such authority to other units gradually made Congress be more of a quasi-legislative body. The growth of the rhetorical president also brought about an institutional shift where the president carry out certain public functions without going through Congress (Tenen, 2003; Tulis, 1987).

A clearer understanding of the presidential rhetoric in the nineteenth-century American politics would lead to four theoretical concerns that were of great concerns to the founders in an attempt to preserve the republic; these are: demagoguery, republicanism, independence of the executive, and separation of powers (Tulis, 1987, p.27) but with the present era of the modern presidency, once could conclude that the wish of the founders has not been respected because of the enormous powers the president has.

Institutional Presidency

The emergence of the modern presidency made the presidency of the U.S. become an institution on its own with so many staff employed to assist the president to realize his policy agenda and also accomplish the task of the New Deal (Dickenson & Lebo, 2007; Dearborn, 2017). The institutional presidency deals with the president and the staff working for the president; it deals basically with the White House Office (WHO) and the Executive Office of the President (EOP). Presidents make every effort to politicize these staff so that their

political views can be aligned with that of the president thereby assuring loyalty to the president (Dickenson & Lebo, 2007; Wood & Waterman, 1999; Kenedy, 2015; Walcott & Hult, 2005) so that he can easily influence them considering that he commands control from the top of the hierarchy. It is for this reason that modern presidents are very careful with the institutional pattern of the White House because it can lead to the isolation of the president if some staff become so powerful.

Walcott & Hult (2005, p.316) holds that the structural pattern of White House Staffing has become a Standard Model that has formed a formalized decision-making process where the president's preference controls the outcomes. The institutionalization of staff in the White has become a standard model that has grown since the inception of the modern presidency (Walcott & Hult, 2005; Dickenson & Lebo, 2007; Dearborn, 2017). Presidents over the years have made efforts to keep the standard model but they effect certain changes that best suit them (Walcott & Hult, 2005, p.308) with the pattern of staffing (either by reducing or adding the staff number) like the case of Richard Nixon who added the White House staff from 300 to 450 and, Lyndon Johnson who added the staff load to as many as 560 during his first two years in office; and Ford who reduced the staff load after succeeding Nixon (Walcott & Hult, 2005, p.306). The individual managerial style of Presidents is very important in assessing how the president coordinates the White House; a reason why Nixon believed secrecy was the best approach to succeed when Congress is ruled by the opposition party in both houses (Walcott & Hult, 2005). This network of modern presidents with a stream of people indicates that presidential success is not attained by the president alone because his team of staff greatly helps him do his job. It is for this reason that this work address below the presidential policy stream to give a theoretical perspective of the institutional presidency.

The Presidential policy stream asserts that presidential success in policy process "is the product of a stream of people and ideas that flow through the White House" (Theodoulou & Cahn 1995, p. 204; Theodoulou & Cahn, 2013, p.221). This stream of people helps to identify problems and solutions within public policy and

these issues are included as part of the president's agenda (Theodoulou & Cahn 1995). These collaborators of the president strictly adhere to the presidential agenda by propagating the content of the agenda to become policies. These people are at times seen as coalition leaders who ensure that issues in the presidential agenda feature in congressional agenda where they lobby for support to ensure that such issues become policy.

Immediately the President resumes office, the policy stream is often very large with numerous campaign promises and competing issues, but the major task of the president is to narrow it down to a policy agenda that can be managed. As the president's term is coming to an end, the stream is reduced to a trickle with the major task of the president being to pass the initial programs and be reelected into office.

The stream deals with four currents that follow the president to the White House and these are:

- problems (the problems each administration encounters during the term in office);
- Solutions (these are the solutions that are brought in to address the problems);
- Assumptions (these are those elements that define the problems and solutions); and,
- Players (this deals with the participants in the presidential policy debate) (Theodoulou & Cahn, 2013, p. 221).

These four currents flow together before they get to the presidency and at that stage; problems find players; solutions find assumptions, problems find solutions, and so on.

These four streams are narrowed down into two filters to effectively address the presidential policy agenda. These are resources and opportunities. "Resources are needed to make and market the president's agenda; they include time and energy to make decisions, information and expertise to evaluate choices, public approval and party seats in Congress to win passages, money and bureaucrats to implement final legislation. Opportunities are needed to present the national agenda to Congress and the public; these depend upon the ebb and flow of the major policy calendars and upon presidential cycles of increasing effectiveness and decreasing influence" (Theodoulou & Cahn, 2013, p.221).

Conclusion

The modern presidency is said to be at odds with the U.S. constitution because the emergence of the modern presidency distorts the strict adherence of the constitution as intended by the founding fathers. The president under the modern presidency exerts enormous powers not defined in the constitution. The founding fathers of the US understood that the passing of time will embrace certain elements of change in the republican state they created. They understood that the change that may come with time might affect presidential power; the reason why they established and ratified a rigid constitution with the aim of preserving the union with principles that could be sustainable and as well adapt to the changes that will come with the passing of time (Hamilton, Madison, Jay, 1961; Rakove, 1996). With this consideration in mind, Madison in his speech on July 26th, 1787 in Philadelphia emphasized that “in framing a system which we wish to last for ages, we should not lose sight of the changes which ages will produce” (Rakove 1996, p. 35-36; Hamilton, Madison, Jay, 1961). Over the years, the American presidency has become so powerful such that the president now stretches his power beyond institutional norms where the constitution does not dictate his actions as intended by the founders (Lowi, 1979; Skowronek, 2002; Skowronek, 1997).

The unconstitutional powers that the modern presidency exert have made Skowronek (2009) & Skowronek (1997) to feel that the constitution's role in the presidency is far from decided. The emergence of the modern presidency made Congress to be viewed as a broken branch because it no longer plays its strict constitutional role as intended by the founders. This can be corrected if Congress regains its role in policymaking from a constitutional perspective and the true interpretation of the constitution in terms of the power of the President is defined and respected.

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