

The Political Efficacy of Ideas: Budgeting versus National Security Reform in the Development of the Modern Presidency

John A. Dearborn*

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...the history of political ideas has been a story of oscillations, of attack and repulse and counter-attack. The dominant thought of one era exerts itself to achieve a political result; in the next, the shortcomings of the achievement invite audacious thinkers to insult an enthroned idol by unfavorable comparisons with old gods which it has displaced.

- John Dickinson¹

ABSTRACT

Scholars have long debated the role of ideas in political outcomes. Their causal significance is more often asserted than demonstrated. This paper sets forth attributes that, in combination, should help in demonstrating the efficacy of ideas. It then offers a comparison to show when a particular ideational account is required to explain a political outcome versus when an alternative explanation is sufficient. Specifically, I contrast Congress's creation of the institutional presidency in two policy areas, budgeting and national security. Considering both the choice of institutional arrangements and the durability of those reforms, I show that acceptance of the idea of presidential representation – an assumption that presidents possess and act based on a unique perspective due to their national constituency – was an essential precondition for presidential budgeting, while national security reform did not rely on this idea.

* Ph.D. Candidate, Yale University, Department of Political Science, P.O. Box 208301, New Haven, CT 06520-8301, john.dearborn@yale.edu. Thanks to Stephen Skowronek, David Mayhew, Ruth Bloch Rubin, Richard Bensel, Curt Nichols, Calvin TerBeek, Sharece Thrower, Joseph Warren, Ian Turner, and Annabelle Hutchinson for comments. Archival research for this project was supported by a Congressional Research Grant from the Dirksen Congressional Center, Pekin, IL and a Center for the Study of American Politics Grant from Yale University. Previous versions of this paper were presented at the 2018 Policy History Conference and 2019 Shawnee Trail Conference.

INTRODUCTION

“Ideas,” wrote John Maynard Keynes, “are more powerful than is commonly understood.”² Yet the role of ideas has faced skepticism in political science. The core tenet of rational choice scholarship, for example, has been that interests motivate political actors and politics.³ In some of these accounts, ideas may only be viewed as being used instrumentally, having “no independent causal weight.”⁴ As Alexander Wendt writes, “a key assumption of the traditional rationalist model is that beliefs have no motivational force on their own; they merely describe the world.”⁵ By focusing mainly on actors’ interests, rational choice emphasizes factors other than ideas, such as collective action problems, transaction costs, information, and first-mover advantages.⁶

Institutions and interests do structure political battles, but such contestations may also be mediated by political ideas. Indeed, ideas – beliefs and assumptions actors make about the world – can have an effect on political outcomes in their own right. Understanding the political efficacy of ideas is a key task for scholars of American political development. “More than other parts of the study of American politics,” write Suzanne Mettler and Richard Valelly, “APD scholarship also holds that political ideas matter – that is, that they are independent forces in politics and in the life of the American regime.”⁷ This paper takes up the analytic challenge presented by that assertion, setting forth criteria that can strengthen the case for the causal significance of ideas. These criteria can be separated into two categories: those that establish the role of ideas in institutional *choice* – ideational pervasiveness, assumptions, available alternatives, and resistance from an established ideational and institutional order – and those that show the influence of ideas on institutional *durability* – a changing context, questioning assumptions, and the rise of opposing claims.

As an illustration, I compare two cases of policy reforms from Congress's creation of the institutional presidency – budgeting and national security. This institutional presidency – the routinization of presidential involvement in legislative responsibilities and the augmentation of executive organizational capacities – was layered onto a preexisting constitutional structure of governing arrangements that had been, in part, meant to contain executive power.⁸ Much attention has been paid, in the media and in political science scholarship, to presidential demands for greater power.⁹ But the institutional presidency is not a result of presidential power; it is a creation of Congress.¹⁰ It was the cumulative product of congressional statutes across several policy areas, including the Budget and Accounting Act [BAA] of 1921 (requiring the president to submit an annual budget to Congress and creating the Bureau of the Budget [BOB]), the Reciprocal Trade Agreements Act [RTAA] of 1934 (allowing the president to enter into bilateral trade agreements without congressional assent), the Reorganization Act of 1939 (giving the president qualified authority to reorganize the executive branch subject to legislative veto), the Employment Act of 1946 (requiring the president to submit an annual Economic Report to Congress and creating the Council of Economic Advisers [CEA]), and the National Security Act of 1947 (creating the National Security Council [NSC]). At first glance then, the creation of the institutional presidency presents a puzzle. Why would Congress build up the legislative responsibilities and augment the organizational capacity of the presidency?

The predominant explanations for this apparent paradox come from rational choice, emphasizing the collective action problem faced by Congress and the role of information. First, scholars have pointed to the difficulties of acting with 535 members to explain the delegation of authority to and creation of institutional capacity for the presidency. Congress, James Sundquist argued, suffers from an “incapacity to act quickly,” “incapacity to plan,” and a lack of

“centralizing institutions,” necessitating a greater role for the presidency to help solve these problems.¹¹ Second, scholars have cited the role of information. According to Sean Gailmard and John Patty, Congress wants presidents to use quality information in exercising their authority. Therefore, it seeks to place organizations providing informational capacity directly under control of the president to ensure that the information will be utilized. Even if this is ultimately at Congress’s expense, their theory contends, it is worth it to Congress to have presidents more informed in exercising authority that they possess.¹²

But without accounting for the role of ideas, these explanations sometimes fall short. In many policy areas, such as budgeting, they cannot explain the specific choices that cumulatively created the modern presidency between 1921 and 1947 or subsequent changes to it that occurred in the 1970s and 80s. First, in budgeting, a collective action problem alone cannot explain the choice to delegate authority to and augment the organizational capacity of the presidency. Any explanation of the *design* of institutional reforms has to account for counterfactuals – the alternative arrangements not chosen. Other institutional reforms with precedent were available for Congress, such as the creation of stronger centralized committees, the development of new organizational capacities under congressional control, or the creation of independent agencies or commissions. Second, the role of information *can* explain Congress’s choice to augment the organizational capacity of the presidency in both budgeting and national security, but *cannot* account for a preliminary condition for that choice in budgeting: what made Congress grant the presidency new budgetary authority in the first place? Another explanation needs to account for why Congress decided it was first appropriate to delegate and formalize presidential responsibility in budgeting and what assumptions about presidential behavior Congress was relying on. These accounts also cannot explain the rationale for subsequent changes to the

institutional arrangements for presidential budgeting. Congress still possessed its purported collective action problem, yet in the 1970s it challenged the institutional presidency that it had earlier created, including in budgeting and national security.

Table 1. Congressional Votes on Presidential Budgeting and National Security Authority

Law	Party Control	House Votes (Yea – Nay)	Senate Votes (Yea – Nay)
BAA of 1921	Unified (Republican)	<i>House Bill: 346 – 9</i> <i>Conference Report: 335 – 3</i>	<i>Senate Bill: No recorded vote</i> <i>Conference Report: No recorded vote</i>
National Security Act of 1947	Divided (Democratic President, Republican House and Senate)	<i>House Bill: No recorded vote</i> <i>Conference Report: No recorded vote</i>	<i>Senate Bill: No recorded vote</i> <i>Conference Report: No recorded vote</i>
CBICA of 1974	Divided (Republican President, Democratic House and Senate)	<i>House Bill: 386 – 23</i> <i>Conference Report: 401 – 6</i>	<i>Senate Bill: 80 – 0</i> <i>Conference Report: 75 – 0</i>
WPR of 1973	Divided (Republican President, Democratic House and Senate)	<i>House Bill: 244 – 170</i> <i>Conference Report: 238 – 123</i> <i>Veto Override: 284 – 135</i>	<i>Senate Bill: 72 – 18</i> <i>Conference Report: 75 – 20</i> <i>Veto Override: 75 – 18</i>

Sources: *Congressional Record*, govtrack.us, voteview.com.

Note: Votes from lawmakers from minor parties are omitted.

Scholars might also turn to partisanship as the primary explanation for delegations or revocations of authority to the presidency, depending on conditions of unified or divided government.¹³ The expectation would be that during unified government, a shared partisan interest would lead the majority in Congress to grant new authority and resources to a co-partisan president. During divided government (likely depending on whether an opposing party controlled both chambers), partisan interests might then dictate that Congress rescind such authority and resources. But consider first the laws creating the institutional presidency, which in budgeting and national security were not partisan. The BAA of 1921, though passed during unified government, passed with a nearly unanimous bipartisan vote. The National Security Act of 1947 passed during divided government and was so widely bipartisan it was enacted without recorded votes. Second, consider the laws in which Congress pushed back against the institutional

presidency. Though both the Congressional Budget and Impoundment Control Act [CBICA] of 1974 and War Powers Resolution [WPR] of 1973 occurred during divided government, they passed with substantial bipartisan majorities and key congressional Republicans were amongst their most vigorous proponents. Simply put, partisanship is not a sufficient explanation for these occurrences (see Table 1).

Instead, sometimes ideas must be a central part of the story. As George Thomas asserts, “historical political developments are connected to and often rest on political thought.”¹⁴ In this paper, I use two cases of seemingly similar developments – the rise and alteration of the institutional presidency in budgeting and national security – to show when an explanation for a political outcome requires accounting for the role of a specific idea. In both cases, Congress formalized greater presidential responsibility in a policy area and provided new organizational capacities directly under presidential control.

Yet only one of these two developments was meaningfully influenced by a particular idea. In budgeting, as in trade, reorganization, and employment, the modern presidency built by Congress rested upon the *idea of presidential representation* – a claim that the president alone uniquely represents the entire American citizenry by virtue of being elected by a national constituency.¹⁵ Indeed, James Ceaser has noted that the perception of the presidency as a representative institution was vital to its development: “It seems clear... that the executive could never have attained its recent status without its first being proclaimed by so many as the nation’s only truly representative institution.”¹⁶ This idea anticipates institutional arrangements that, by degrees, depart from and stretch the institutional design of the written Constitution. An intellectual program of reform based upon the purported merits of presidential representation supplied the design idea for legislation addressing budgeting in 1921. And rising doubt about the

idea was a necessary condition for Congress to reconsider presidential budgeting in 1974. But in national security, the rational choice account that emphasizes the role of information is sufficient to explain the design of the National Security Act of 1947. Unlike in budgeting, the president was perceived to have substantial authority over national security as Commander in Chief, and the act thus rested upon that claim as opposed to an idea of presidential representation. Thus, as Gailmard and Patty assert, Congress wanted to ensure the president would utilize expertise in national security decision-making by placing new organizational capacities directly under presidential control.

My account of the rise and the durability of the institutional presidency considers the necessity of understanding the *ideational foundations* of institutions, laws, or policies to better make sense of both institutional *choice* and *durability*. By ideational foundations, I mean the implicit and explicit assumptions made by key actors about how particular institutional arrangements will function. The political efficacy of ideas on institutions can be broadly revealed in two ways. First, a particular institutional *choice* made by political actors – as compared to available alternatives – shows how an idea can affect or generate an institutional reform, even if the idea in itself is not the proximate cause of reform. Second, the reliance of an institution on an assumption is demonstrated by its *durability* in the face of doubt in its ideational foundations.

The paper proceeds as follows. First, I set forth attributes that, in combination, can be used to establish with greater plausibility the influence of ideas on institutional choice and institutional durability. Second, I offer an empirical demonstration of when ideas do matter to institutional development by contrasting the BAA of 1921 with the National Security Act of 1947. As I show, the idea of presidential representation proved crucial to Congress's creation of the institutional presidency in budgeting, but not in national security. Third, I demonstrate that

when the idea of presidential representation fell into disrepute, the institutional presidency became vulnerable to congressional pushback in both budgeting and national security. But this pushback was more effective in budgeting than in national security precisely because presidential budgeting had relied heavily upon the ideational assumption of presidential representation. When that assumption was questioned, the entire arrangement fell apart. Finally, I conclude by considering the institutional contingency that results from a reliance on political ideas in political development.

ESTABLISHING THE POLITICAL EFFICACY OF IDEAS

Many political science works have suggested that ideas matter to political outcomes. George Thomas, for example, suggests that ideas “may be the driving force in fashioning institutions and creating institutional change,”¹⁷ even going so far as to assert that “it is a fallacy to think that deep structural changes are not driven, at root, by a change in ideas.”¹⁸ Some of the most notable works in American political development have tended to address ideas through a broad focus on political culture.¹⁹ These works do not, however, directly take up the task of specifying how ideas can exert a causal influence on specific political developments. Rogers Smith’s recent “spiral of politics” model makes more progress in addressing how ideas influence politics by suggesting several stages of the process, including the role of changing political contexts and the capture of institutions by coalitions with shared ideas.²⁰ Still, in the crucial steps when actors adopt ideas and make institutional choices, the influence of their ideas is mostly assumed. Perhaps the most promising account of what effects may be caused by ideas is put forth by Mark Blyth, who asserts that ideas reduce uncertainty, influence the building of coalitions, push against existing institutions or policies, and contribute to stability by generating shared

expectations about how institutions should function.²¹ But while this suggests potential outcomes that should be of interest to a researcher, the particular attributes that conclusively demonstrate this causal influence for each outcome are less apparent.

Demonstrating causality is a central issue in determining that ideas matter to specific reforms. Several problems stand out: showing that actors did not just use an idea instrumentally to advance their own interests, ruling out other alternative explanations for institutions that do not require ideas, and establishing that an institution relied upon a particular idea. Thus, as one review of this literature suggests, “more attention needs to be paid to articulating the causal processes through which ideas exert effects.”²² Indeed, Karen Orren and Stephen Skowronek caution scholars that ideas “may have no effect on” institutions, “and whatever effect they do have will be an empirical question.”²³ Any argument that ideas are responsible for a particular political development, they note, must meet “high demands on specificity, on precisely determining the empirical referents of ideals and on careful scrutiny of the manner in which they are, or are not, accommodated by government.”²⁴

Examining how ideas influence political development also suggests the need to consider a broader temporal range than one single moment of institutional choice. If “political development[s]” are “durable shift[s] in governing authority,” then one must ask how ideas contribute both to an initial institutional *choice* and the *durability* of the new arrangement.²⁵ The work of an idea in contributing to reform presumably does not end the moment a particular outcome is achieved. Rather, the idea itself may hold the key to how the durability of the revised set of institutional arrangements.

So what is necessary to move beyond asserting that ideas matter and to empirically demonstrate the influence of ideas on institutional change over time? Here, I suggest a series of

attributes that can, in combination, demonstrate the role of ideas in political development – both institutional *choice* and institutional *durability*. These attributes can most effectively be demonstrated through a combination of cases studies and process tracing.²⁶

Institutional Choice

One task is to demonstrate that *an idea is responsible for the choice of a particular set of institutional arrangements*. Several attributes should be present in a case to effectively demonstrate the influence of an idea on institutional choice.

Ideational Pervasiveness. If an idea exercises influence on an institutional choice, that choice should occur within a context in which the relevant idea is popularized, apart from any specific reforms. Because political institutions are inevitably intertwined with ideas, inquiry into the subject is fraught with issues of endogeneity. As Rogers Smith notes, it can be hard to pinpoint which “comes first, the ideas or the institutions.”²⁷

Therefore, to show that an idea was the key independent influence on a particular institutional choice, rather than the idea simply being invented for a specific purpose, the political context in which the idea was popularized must be specified and its diffusion documented.²⁸ The “political discourse,” suggests John Campbell, “affects the degree to which policy ideas are communicated and translated into practice.”²⁹ Importantly, the idea itself does not have to be new. Ideas, as Stephen Skowronek demonstrates, can be reassociated with different purposes or reforms over time.³⁰ The essential criterion is that the relevant idea should be independent from the particular outcome of interest.³¹ At the very least, the idea should be more broadly applicable than just one specific institutional innovation.

Ideational Assumptions. The impact of a particular idea is revealed when a variety of actors who are in a position to influence an outcome cite the relevant idea as a basis for specific reforms.³² The actors should not simply have a set of common interests. They may not have obvious incentives to cite the idea. Even better, their formal institutional incentives may lean against the reforms inspired by the idea. Such conditions lead to greater confidence in the sincerity of their beliefs.³³

Any set of institutional arrangements will rely on certain ideational foundations – assumptions about how such arrangements will function that are at the core of their legitimacy.³⁴ Ideas, as Mark Blyth notes, provide actors with “interpretive frameworks” to reduce uncertainty.³⁵ Such assumptions are “beliefs about cause-effect relationships,” which have influence because they “derive authority from the shared consensus of recognized elites.”³⁶ George Thomas illustrates this in showing that the framers assumed that an educated populace would be needed to make the government established by the Constitution work.³⁷ Importantly, there may be multiple assumptions that undergird an institutional change. For example, when Andrew Jackson began to veto congressional measures on policy-based grounds only, breaking from the practice of only issuing vetoes over the constitutionality of legislation, he was able to draw for ideational support upon *both* his nascent idea of presidential representation *and* Article I, section 7 of the Constitution.³⁸

Choice amongst Alternatives. The influence of an idea on an institutional choice is also demonstrated when a solution that involves the relevant idea is specifically chosen over other alternatives that do not involve the pertinent idea, even if these victories may be only partial due

to compromise.³⁹ Multiple institutional solutions can be imagined and devised for the purpose of solving some perceived problem, but such alternatives must also have some plausible claim to solve problem. In determining whether an idea influenced an institutional choice, leverage can be gained from examining the other alternatives available to political actors in a given period. Ideas may act mainly as constraints on what choices are considered feasible.⁴⁰ But to show the influence of an idea on a particular reform, the relevant notion must exercise influence at key moments of choice.⁴¹ The stimulus for the *creation* of a new set of institutional arrangements may be a crisis or some other impulse, but the *design* should be the result of a choice made by key political actors. As Judith Goldstein and Robert Keohane note, ideas can serve as “road maps.” When actors believe “in the causal links” that an idea suggests, the menu of alternative choices available for reform will be constrained.⁴² The ideas that underpin these choices are then the ideational foundations for the chosen arrangements.

Overcoming Established Order. The role of an idea in institutional choice is further revealed when the relevant idea anticipates reforms that push against some existing set of institutional arrangements and associated ideas.⁴³ This makes it clear that any new arrangements will rely on the idea as an ideational foundation, continually supporting that new set of arrangements against the potential counterclaims of alternative ideas. For example, Jeffrey Tulis and Nicole Mellow show that the successful creation and ratification of the Constitution required prevailing over the contrary political ideas of the Anti-federalists.⁴⁴ And as Howard Gillman also demonstrates, the early twentieth century featured a “clash [of] opposing truisms,” in which the newer idea of a living, flexible Constitution had to overcome the traditional formalist reasoning of constitutional originalism.⁴⁵

Institutional Durability

Ideas that influence institutional choice become the foundations of those institutional arrangements, with an impact that “may be prolonged for decades or even generations.”⁴⁶ But that is not the only role ideas play. As both Karen Orren and Rogers Smith have both suggested, institutions and their accompanying ideas may not be equally durable.⁴⁷ Thus, a question arises: can a set of institutional arrangements continue to function and last in the same form even as the ideas that once reinforced it have weakened?

Ideational foundations provide the link between institutional choice and institutional durability. In considering the role of ideas in political development, a second task is to show that *the durability of a set of institutional arrangements relies on the continued perception of the legitimacy of its ideational foundations*. If the underlying idea itself falls into disrepute, the institutional arrangements themselves will inevitably be altered.

Changing Ideational Context. An institution’s durability is affected by perceptions of its underlying ideas. Political change, argues Robert Lieberman, “arises out of the ‘friction’ among mismatched institutional and ideational patterns.”⁴⁸ If belief in the foundational idea providing continuing support for a set of institutional arrangements weakens, change becomes more likely. Therefore, the context in which the idea itself falls into disrepute must be described.⁴⁹

Questioning Assumptions. When an idea that provides support for a set of institutional arrangements faces growing doubts in its legitimacy, the arrangements themselves may be subject to change.⁵⁰ Such change is more likely if general doubt in the relevant idea is aimed at

specific relevant institutional reforms.⁵¹ In questioning the existing institutional arrangements, a variety of actors without a common interest across cases should invoke doubts about the relevant idea itself. Regardless of the assumptions made about how an institution would work, actors may ultimately find that it has functioned in unexpected ways.⁵² For example, according to Samuel Huntington, a “gap between political ideal and political reality” in America has been a constant source of cognitive dissonance leading to bursts of political change during recurrent “creedal passion periods.”⁵³

Influence of Opposing Claims. Changes to a set of institutional arrangements are more likely still if the weakening of the relevant idea is accompanied by an increased leveraging of opposing ideas. The opposing ideas might be claims that had been overcome earlier, but that are resurgent in the face of weakness of the principal idea supporting the institution.

When one of the core assumptions behind a set of institutional arrangements falls into disrepute or is seriously challenged, the institution is left to grasp at other ideas for continued support. But these alternatives may only provide partial support for the institution to continue to function as before. If the only other alternative ideas an institution can rely upon do not provide legitimacy for the *entirety* of its functions, then the nature and working of the institution itself will unavoidably be altered. Because of ideational intercurrency, if the principal idea supporting an institution is weaker, opposing ideas may then gain more influence. For example, the decline of the idea of “neutral competence” impacted the authority and role of the Bureau of the Budget, and an opposing expectation of “responsive competence” took hold in the reformulated Office of Management and Budget instead.⁵⁴ Rogers Smith’s “multiple traditions” thesis further suggests that the intercurrency of opposing political traditions in America can lead to provisionality in any

achievement. While the liberal tradition might seem predominant in political culture, the ascriptive tradition can be resurgent at various times.⁵⁵ And Jeffrey Tulis and Nicole Mellow show that the ideas that lose in key moments in American politics – the Anti-federalists at the Founding, Andrew Johnson during Reconstruction, Barry Goldwater in 1964 – can ultimately have a substantial political impact, providing the blueprint for later political changes.⁵⁶

INSTITUTIONAL CHOICE: BUDGETING VERSUS NATIONAL SECURITY

Distinguishing between when a specific idea does or does not play a crucial role in the choice of a particular set of institutional arrangements is ultimately an empirical question. This section considers the role of the idea of presidential representation in the development of the institutional presidency. Both the BAA of 1921 and the National Security Act of 1947 were statutes in which Congress consciously enhanced presidential responsibilities and organizational capacities. Yet, I argue, only in the BAA of 1921 did the idea of presidential representation play a crucial role in Congress's institutional choice. Because of their similarity, these cases are ideal for showing when an ideational account is required for explaining a political outcome. I will consider each of these laws according to the attributes for institutional choice.

To demonstrate that the idea of presidential representation was the ideational foundation of a particular law, I would need to show (1) that presidential representation was an idea prominent in elite political discourse during this period, (2) that presidential representation was cited as the assumption behind a specific law, (3) that reforms involving the president were chosen over other alternatives seemingly more conducive to Congress's institutional interests, and (4) that the idea of presidential representation pushed against existing institutional arrangements. The predominant alternative explanations for laws creating the institutional

presidency are Congress's collective action problem and the role of information. As I show, these factors do not explain the design of the BAA of 1921, but the informational account is sufficient to explain the National Security Act.

Ideational Pervasiveness: Faith in Presidential Representation

For an idea's influence to be revealed persuasively, it is necessary to demonstrate that an idea existed apart from the particular cases of interest. Here, I establish that the laws that cumulatively created the institutional presidency, including both the BAA of 1921 and the National Security Act of 1947, were passed in a political context in which the idea of presidential representation was being popularized. The claim that presidents best represented the nation was pervasive in elite political discourse, existing apart from the specific laws it was later applied to. It was within this context that efforts toward reform in specific policy areas occurred.

In the early twentieth century, Progressives sought to better orient government toward the achievement of the common good by attempting to overcome parochial and partisan interests. "National unity" was the "transcendent problem" of American politics.⁵⁷ A nation that was "acquiring a national public sentiment," in journalist William Allen White's phrase, needed political leadership concerned with national problems.⁵⁸ With more attempts to direct policy and rally public support for legislation by governors and presidents around the turn of the century, reformers believed executives were the means for gaining this focus on the whole.⁵⁹

Many reformers relied on the purported logic of presidential representation to rework constitutional relationships. Drawing forward certain nineteenth-century Jacksonian claims, they posited that the president, representing a national constituency, was the only truly nationally-oriented political actor and should, on that basis, have more influence on policymaking. The

professed benefits of presidential representation were repeatedly contrasted with the supposed ills of congressional representation in elite political discourse. Presidents, of course, had an interest in making this claim.⁶⁰ But the idea advanced in other quarters as well. Soon after leaving office and even with a Democratic administration in place, the former Republican Secretary of War Henry Stimson scribbled in his handwritten notes as he drafted a speech, “the Executive by nature of Election represents nation at large.”⁶¹ Yale President Arthur Twining Hadley lambasted a Congress in which “equity between the different parts becomes in their minds a more prominent consideration than the general interests or safety of the whole, which they are willing to trust Providence to take care of.”⁶² Because the president could “capture the public imagination,” argued Jeremiah Jenks, he could check the perceived localism of Congress.⁶³ “No one else represents the people as a whole,” concurred then-Princeton president Woodrow Wilson.⁶⁴ If responsibilities for leadership were placed “upon one man who represents the dominant phase of public opinion,” posited Herbert Croly, then “majority rule” would be able to occur “as it has never yet been developed and consolidated in the history of democracy.”⁶⁵ Representative Samuel McCall (R-MA), a defender of congressional prerogatives, lamented, “The claim of President Jackson that the President was the direct representative of the whole people is to-day very often heard.”⁶⁶ Because lawmakers were “parochial” and their actions were “determined by the wishes, and often by the whims, of their limited constituencies,” summed up one newspaper, the “nation [had] come to conceive of a President as the one man in Washington who represents the people as a whole.”⁶⁷

But the Progressives’ ambitions went beyond simply deploying the claim developed in the nineteenth century that presidents uniquely represented the entire nation. They sought to institutionalize it. As Henry Jones Ford wrote, “While the presidential office has been

transformed into a representative institution, it lacks proper organs for the exercise of that function... no constitutional means are provided whereby he may carry out his pledges.”⁶⁸ While not agreeing on all proposed remedies, most reformers focused on bolstering the president’s authority to initiate legislation and augmenting the president’s executive organizational capacity.

With prescribed agenda setting authority, the president, through a more formal connection to Congress, would propose bills that would purportedly best consider the needs of the whole country. As Walter Lippmann argued, “the remedy” for parochialism in a legislature was granting an executive more agenda setting authority: “the initiative is transferred from territorial delegates who represent local and special interests to the executive who in theory represents the whole nation.”⁶⁹ Harold Laski agreed: “The only person responsibly charged with thinking and planning in terms of the whole Union is the president.”⁷⁰

But in order to maximize the potential of that agenda setting authority, the president needed to be placed at the head of a more unitary executive branch. The separate departments and agencies were perceived as uncoordinated, and they could communicate views to Congress that did not necessarily reflect those of the president. Therefore, greater organizational capacity was necessary to manage the executive branch, provide access to more expertise and information to be informed about national problems, and ensure that Congress would consider only presidential proposals. As Croly argued, executives needed “all the necessary weapons and instruments of leadership.”⁷¹ Moreover, it was assumed that executives would feel akin to experts in focusing on the whole nation. Economists and other experts, in Hadley’s view, would have “a corresponding advantage in advising the executive,” who “regards himself as a representative of the whole people rather than of small sections of the people.”⁷²

Such reforms had obvious constitutional implications. Creating more organizational capacity could plausibly claim support in the executive power invested in the president by Article II, but it would be necessary for Congress to bring it about. Providing such informational expertise to presidents would also inevitably give their proposals greater weight. Moreover, while the president had authority from Article II to recommend measures to Congress, the push to have presidents set the congressional agenda – to institutionalize presidential initiative – directly challenged legislative prerogatives. Importantly, proponents of such authority even acknowledged that the president’s legislative powers from the Constitution were insufficient to ensure a national perspective went before Congress. Some sought what amounted to an inversion in the legislative process: the president would propose legislation, and Congress would decide whether to accept it.⁷³

Because the reforms associated with presidential representation, to varying degrees, stretched from the original constitutional frame, they were dependent on a corresponding notion that the Constitution was a “living,” flexible document.⁷⁴ Far from minimizing this connection, Ford celebrated it: “The greatness of the presidency is the work of the people, breaking through the constitutional form.”⁷⁵ But the implication was profound: if presidential representation involved breaking through the constitutional form, any corresponding reforms inspired by the concept would be particularly dependent on it for ideational support.

Ideational Assumption: The President’s National Perspective

For a relevant idea to influence an institutional choice, it must also be explicitly cited as the logic behind reforms by a variety of actors, including those who do not necessarily have an obvious interest in promoting the idea itself and may even have institutional reasons to resist it. In

budgeting, I show that actors from a variety of positions with different institutional interests – presidents, members of Congress from each party (including committee chairs), academics, journalists, and other reformers – embraced the idea of presidential representation. In national security reform, however, the idea of presidential representation was only ancillary. As Gailmard and Patty’s informational account contends, the key notion for actors designing that law was the president’s perceived preexisting authority as Commander in Chief.

Budgeting. The BAA of 1921 assumed that the president would propose a budget more reflective of the needs of the nation as a whole than would Congress or the individual executive departments.⁷⁶ At all stages of the reform process and through various specific proposals, a variety of key actors put forth this claim, making it an integral part of the final statute. Ford, an academic, argued that a presidential budget was necessary “to subordinate particular interests to the general interest.”⁷⁷ The Republican president, William Howard Taft, believed that being “the one whose method of choice and whose range of duties have direct relation to the people as a whole and the government as a whole,” any president would likely “feel the necessity for economy in total expenditures.”⁷⁸ The President’s Commission on Economy and Efficiency [PCEE], set up by Taft to study the question of a national budget, argued that the central problem of not having an executive budget was that the president lacked a tool to keep in touch with popular feeling: “without a definite method of getting his concrete proposals before the country the Executive, as the one officer of the Government who represents the people as a whole, lacks the means for keeping in touch with public opinion with respect to administrative proposals.” By contrast, an executive budget would “enable the *President, as Chief Executive and representative of the people at large*, to get before the country a definite proposal.”⁷⁹ Proposing a plan for a

national budget as part of the Institute for Government Research, William Willoughby argued that an executive budget would force Congress to consider “the general interests of the government as a whole” and allow citizens to exercise “a real popular control” upon “their representatives, legislative and executive.”⁸⁰ But under the existing system, as Charles Wallace Collins concluded in a congressional report commissioned by Senator Medill McCormick (R-IL), “local influences – influences which each Member feels from his own district or his own State – permeate our financial methods.”⁸¹

These claims about a presidential budget were not just made in academia and in reform proposals; they were prominent in Congress. As one private congressional memo on budgeting stated, “Advocates of a budgetary system for the United States are agree on the point that the President... should be made responsible to the people for the preparation of the budget estimates and for the financial programs embodied therein.”⁸² Testifying on the proposed bill, Frederick Cleveland, the former chair of the PCEE, described the logic of presidential representation: “the assumption... is this: ...the Executive is the one man that is elected by the people at large and represents the whole country.” Because “the viewpoint of his vision must be countrywide,” the president “must be in a position of coming to have some definite program or plan that is comprehensive.”⁸³ Henry Stimson also argued for a presidential budget because “the Executive brings to bear... the viewpoint of the Nation as a whole as against the [legislature’s] view of an aggregate of disputants.”⁸⁴ In floor debate, Representative Joseph Byrns (D-TN) emphasized that, under the proposed budget bill, “the President... an elective officer of the United States, is made responsible to Congress and to the country.”⁸⁵ Congress, Byrns explained, was “at fault” for budget deficits because “in the last analysis Congress is responsible for all the appropriations that are made.”⁸⁶ Most notably, the architect of the bill and chairman of the powerful

Appropriations Committee, Representative James Good (R-IA), emphasized that the bill “assumed that the President, being the only official of the United States that is elected by all the people... must lay out a work program for the Government, and the appropriations that would necessarily follow.”⁸⁷

The significance of political ideas is shown by the fact that the institution we would most expect to resist presidential representation – Congress, “the people’s branch” – chose presidential budgeting. In congressional debates and hearings, key members of Congress who were most responsible for these laws, including committee chairmen and chamber leaders, endorsed the concept of presidential representation. None of the alternative explanations on offer – the collective action problem, the role of information, or partisan or regional interests – can on their own adequately explain the choice to involve the president in budgeting, which was based the particular assumption of how presidents were likely to act in the national interest. Moreover, if lawmakers were only acting instrumentally or trying to hide to their real motives, choosing to openly emphasize presidential representation and power would be an odd strategy.

National Security. At first glance, it might appear that the development of the institutional presidency in national security policy would also largely rest on an assumption of presidential representation. The effort to reform the national security system reflected an elite consensus that a broad perspective, focusing on the needs of the nation as a whole, needed to be privileged in the formation and implementation of foreign and national security policy. National security was just that – *national*. Reformers “talked more expansively about the national interest” and “used the phrase ‘national security’ more frequently than ever before.”⁸⁸ This obsession with taking an

“overall” view was apiece with similar calls for a holistic perspective on budgeting two decades earlier.

Some actors did indeed cite the idea of presidential representation in national security debates. The principle of civilian control over the armed forces through the president, according to Senator Raymond Baldwin (R-CT), relied on the assumption that “the President of the United States is bound to be, as he should be, responsive to the will of the people.”⁸⁹ Political scientist Pendleton Herring, one of the chief architects of national security reform, frequently contrasted the alleged ills of congressional representation with the benefits of presidential representation.⁹⁰ Criticizing lawmakers for being responsive to organized pressure groups and allowing for the “neglect of the national welfare of the country,” Herring praised the president as the “chief representative” of the people, responsible to “an over-all constituency whose mass verdicts often differ from the dictates of pure localism.”⁹¹ And in 1949, the Commission on the Organization of the Executive Branch of the Government (known as the Hoover Commission), pushing for a reorganization of the recently-created National Military Establishment and National Security Council, emphasized that “the President, as the single member of the executive branch answerable to the electorate, is ultimately responsible to the American people for the formulation, execution, and coordination of foreign policies.”⁹²

But while the idea of presidential representation was referred to in debates over national security reform, it was not the core assumption behind the passed law. It was neither invoked as frequently nor as meaningfully in national security reform debates as it had been in disputes over budget reform. Instead, the consistent focus was on the president’s purported authority over foreign affairs by the Constitution.⁹³ As Fleet Admiral E. J. King testified to Congress, the president was perceived to already possess substantial constitutional authority over national

security and foreign policy: “The key idea in my mind... is that after all this whole set-up is to improve our national security, and by the Constitution, the President has that responsibility.”⁹⁴

In debates leading to the passage of the National Security Act, lawmakers of varying institutional positions and from both parties left no doubt that they viewed the president’s constitutional authority in foreign affairs as the key assumption behind the law. Senator Baldwin noted that the Founders had “provided that the civilian head of State, the President, should be the Commander in Chief of the armed forces, as he still would be under this bill.” Whatever reforms Congress might desire, it could not “change the Constitution” in that respect.⁹⁵ Representative James Wadsworth, Jr. (R-NY) declared that “under the Constitution,” the president “conducts the foreign relations of the United States” and “is Commander in Chief of the armed forces.” Thus, the National Security Act, in his view, did not amount to a delegation of authority to the president, but rather was an “attempt to set up an organization which will assist the President in the performance of those two special functions, the conduct of foreign relations, and his function as Commander in Chief of the armed forces.”⁹⁶

To be sure, Congress had constitutional authority to organize the executive branch and provide for the raising of the armed services, but the consistent refrain centered on the president’s presumed authority as Commander in Chief.⁹⁷ These perceptions of the president’s constitutional role in foreign policy and national security directly influenced the design of the National Security Act.⁹⁸ Because Congress’s motivation for placing new organization capacities under presidential control was its assumption that the president already possessed constitutional authority in this policy area, the informational account alone is a persuasive explanation for the creation of the institutional presidency in the case of the National Security Act.

Choice amongst Alternatives: Involving the President

To demonstrate that an idea influenced a reform, it should also be shown that a specific choice involving the relevant idea is made over other potential alternatives not associated with the idea. Even if an unrelated impulse causes the perceived need for reform, the idea is thus shown to be directly behind the *design* of a reform. In budgeting, I show that, though the impulse for reform was rising debt after World War I, the major elements of the BAA of 1921 corresponded to what key actors claimed was necessary to appropriately reflect assumptions about presidential representation. Moreover, the law's design was chosen over other alternatives that would not have corresponded to the idea of presidential representation, even if they competed more directly with actors' institutional interests. Conversely, while the National Security Act of 1947, responding to the onset of the Cold War, also featured the choice of a presidency-oriented reform with the creation of the NSC, this choice did not correspond to the idea of presidential representation. Rather, it was influenced principally by the perception that the president had constitutional authority over national security as Commander in Chief.

Budgeting. Before passage of the BAA of 1921, presidential budgeting was not the only institutional arrangement that was feasible or proposed to address rising debt. Other arrangements that would not have involved the president were considered and had precedent. Thus, the fact that a solution involving the president was chosen is another indicator of the efficacy of the idea of presidential representation. Some in Congress, particularly in the House, had proposed legislative budget alternatives instead, including either a committee that would report estimates of available revenue or a centralized single appropriations committee in each chamber.⁹⁹ Speaker Champ Clark (D-MO) privately admitted to Representative J. Swagar

Sherley (D-KY) that he wanted to find “some kind of a budget arrangement,” but, even with a Democratic president, he was “not in favor of turning the whole thing over to the Executive Department.”¹⁰⁰ In addition to considering addressing the issue solely through changes to the committee process, Congress nearly gave authority to prepare budgets to the Treasury Secretary – an office with which Congress historically had a close relationship.¹⁰¹ Some states and cities had commissions to propose budgets, rather than the elected executive, an alternative discussed in congressional hearings.¹⁰² Congress could also have considered creating its own resource for budgeting like the later Congressional Budget Office.

Instead, not only did Congress choose to involve the president in budgeting formally for the first time, it provided a budget director and Bureau of the Budget under presidential authority (even if it was initially located in the Treasury Department until 1939). Congress did reject granting the president a supermajority agenda-setting power, revealing the limit to which it was willing to empower the president. But the choice to involve the president cannot be fully explained without accounting for the role of ideas.

National Security. In national security, a presidency-oriented alternative was also chosen – the creation of the NSC – as the solution to a perceived problem. But while the annual presidential budget and creation of BOB were directly associated with claims of presidential representation, the NSC did not rely on this idea. Arising as a compromise to a dispute between the interests of the Army versus the Navy, the NSC was placed under presidential control solely because such authority over national security was already perceived to belong to the president. Presidential control over the NSC – signified by the decisions to not allow congressional access to NSC reports, not place the new Secretary of Defense as the chair of the NSC, and not forcing the

president to chair meetings and be bound by NSC decisions – was a way to reconcile this new institutional creation with existing claims of the Commander in Chief authority. There was little need of or role for the idea of presidential representation.

The NSC emerged as a compromise out of the primary battle over national security reform, concerning unification – whether and to what extent the military services would be placed under one department and one secretary. Democratic President Harry Truman, the Army, and the Army’s patrons in Congress pushed for unification, while the Navy and its congressional patrons opposed unification and sought to enhance coordination amongst the services instead.¹⁰³ Recognizing the need to not simply oppose Army’s unification plan, Secretary of the Navy James Forrestal commissioned businessman Ferdinand Eberstadt to produce a report outlining a Navy alternative for national security reform.¹⁰⁴ Arguing that a single unified department would not improve national security, Eberstadt proposed a council on national security that would coordinate among the three military services to help the president in determining foreign policy. The NSC “would be the keystone of our organizational structure for national security.” It would integrate foreign and military policy, being “charged with the duty of (1) formulating and coordinating over-all policies in the political and military fields, (2) of assessing and appraising our foreign objectives, commitments and risks, and (3) of keeping these in balance with our military power, in being and potential.” The NSC “would be a policy-forming and advisory, not an executive, body.” But unlike the existing BOB, the president was initially envisioned to be a member of the Council itself as chair, alongside permanent members that would include the Secretary of State and the three service secretaries. The Council would also have a “permanent secretariat” for informational and staff capacity, and the Council would supervise a newly-formed Central Intelligence Agency.¹⁰⁵

While the provision for the NSC was the result of the Navy's strategic attempt to hold off its least desired outcome, it soon came to be an uncontroversial and core feature of the National Security Act. But in contrast to presidential budgeting, the NSC was viewed only as bolstering the president's purportedly privileged constitutional foreign policy authority, not as delegating new power.¹⁰⁶ In fact, skepticism that the NSC might infringe upon the president's constitutional authority had to be overcome. Reflecting such concerns, President Truman and the BOB thus worked to change the proposal from NSC being policymaking to just advisory.¹⁰⁷ Moreover, while the Senate version of the bill initially put the Secretary of National Defense in charge of the NSC, rather than the president, the House changed this provision to affirm presidential control.¹⁰⁸ But none of these choices made to privilege the president's perspective were associated with the claim of presidential representation.

Congress viewed the NSC as helping the president fulfill constitutional functions. Senator Chan Gurney (R-SD), chair of the Armed Services Committee, emphasized that the NSC "reports directly to the President," not to the new Secretary of National Defense.¹⁰⁹ Explaining why the Secretary of National Defense was not made chair of the NSC, Senator Gurney cited the president's constitutional role: "We do not wish to take away from the President, in any shape, manner, or form, his constitutional duty as Commander in Chief of the armed forces." The Secretary should not have "overall authority," since the NSC's purpose was "to advise the President."¹¹⁰ Senator Baldwin also explained that he had changed his mind from wanting the Secretary of National Defense to chair the NSC.¹¹¹ Subsequent developments confirmed that the NSC was responsive to the president, not Congress or the bureaucracy. These included the Congress's removal of the service secretaries from the council in 1949, the placement of the NSC in the Executive Office of the President by Truman in 1949, the use of the NSC staff by the

president to gain information and recommendations that were not from a departmental perspective, and, finally, the creation of the position of Assistant to the President for National Security Affairs [APNSA] by President Dwight Eisenhower in 1953.¹¹²

The informational account alone is persuasive to explain the creation and design of the NSC. Its design was not meaningfully influenced by the idea of presidential representation. Emerging initially as a compromise gambit between Army and Navy interests in the unification debate, once the NSC was on the table as a reform, the chief aim of lawmakers was not to delegate new authority to the president in national security but rather to reconcile the new institution with the president's perceived existing constitutional authority. Indeed, Congress focused on presidential supremacy so much that, as Harold Koh argues, the 1947 law's "most glaring omission" was the "failure" of Congress to specify either its own role or that of the courts in foreign policy.¹¹³

Overcoming Established Order: Constitutional Stretches

The reliance of an institutional innovation on an idea is also shown when the relevant idea anticipates reforms that push against a set of established institutional arrangements and associated ideas. The idea of presidential representation anticipated institutional arrangements that, by degrees, stretched from constitutional foundations. In budgeting, the change in the relationship between the president and Congress departed from what was anticipated by the written constitutional frame. Actors who resisted the idea were able to draw upon claims from an opposing tradition of congressional representation that was sanctified with a constitutional gloss. Perceived as making a departure, the BAA of 1921 was thus particularly reliant on the perceived legitimacy of the claim of presidential representation for ideational support. By contrast, the

National Security Act of 1947, though also making a new departure in presidential policymaking by creating the NSC, was nonetheless perceived as dealing with a policy area that already belonged to the president under the Constitution. Thus, that act did not rely upon a claim of presidential representation for legitimacy.

Budgeting. Presidential budgeting was vulnerable to charges that it would interfere with the power of the purse that belonged to Congress and especially to the House of Representatives. At the Founding, the connection between finance and representation that had developed in the Anglo-American political tradition was formalized in Article I, as revenue bills would originate in the House of Representatives, giving the power of the purse to the chamber perceived as closest to the people.¹¹⁴ As James Madison famously argued, “This power over the purse, may in fact be regarded as the most compleat [sic] and effectual weapon with which any constitution can arm the immediate representatives of the people.”¹¹⁵ Treasury Secretaries had wielded some influence early on, but any presidential influence over executive branch estimates before the 1921 act was irregular and not formalized.¹¹⁶ Thus, the innovation of a presidential budget – even if it was fully amendable by Congress – was a notable departure.

Significantly, the key actors in the reform process recognized this. Henry Jones Ford viewed budgetary problems as a “constitutional disease,” suggesting the need for adjustments to the fundamentals of the constitutional structure.¹¹⁷ The PCEE admitted its vision for a presidential budget departed from American precedents, citing other nations for granting strong budget initiative to executives, rather than legislatures.¹¹⁸ Of course, the president’s Article II authority to recommend measures gave some constitutional cover for this new procedure. As Representative Good noted in the debate over the bill, the president was “the only official who is

designated by the Constitution to give Congress, from time to time, information on the state of the Union”¹¹⁹ But critics were still able to portray the presidential budget as a threat to Congress’s prerogatives, and Congress initially took this view.¹²⁰ Representative J. Swagar Sherley (D-KY), for example, called Congress “the only logical representative of a free people.”¹²¹ Former House Speaker Joseph Cannon (R-IL) warned, “I think we had better stick pretty close to the Constitution with its division of powers well defined and the taxing power close to the people.”¹²² Notably, the PCEE itself had even deemed the Article II provision for the president to recommend measures as insufficient: “The annual message of the President to the Congress in no sense has been a budgetary statement.”¹²³ Rather, a formalized authority was necessary. Ultimately, despite earlier resistance that cited constitutional claims, rising debt from World War I made legislators more receptive to the need for change, and reformers who had been agitating for a presidential budget based on an assumption of presidential representation had a solution at the ready.

In the budgeting case, the role of ideas is further clarified by the resistance reforms faced from the established sets of institutional arrangements and related ideas. Such resistance sometimes had effects; compromises were sometimes made that blunted potentially even more transformative change. But on the whole, the impact of the idea of presidential representation is most clearly seen in the arrangements and ideas that had to be overcome to achieve change.

National Security. The National Security Act of 1947 did overcome some of the interests resistant to unification, but the achievement was not associated with the claim of presidential representation. Rather, a key aspect of the law was ensuring it did not infringe on perceived

presidential authority, which resulted in giving Congress minimal influence over national security deliberations in the executive branch.

Different interpretations of where foreign policy authority most prominently resided under the Constitution were certainly possible.¹²⁴ “The Constitution is not at all precise in its allocation of foreign affairs powers between the two branches,” noted the Hoover Commission in 1949.¹²⁵ But the perception that foreign policymaking was to be led by the executive under the Constitution was readily apparent in debates over national security reform.¹²⁶ Unlike in budgeting, presidential authority over foreign affairs had a long history, even if such authority had been disputed. In 1800, then-Representative (and future Supreme Court Chief Justice) John Marshall (F-VA) famously told Congress that the president was the “sole organ of the nation in its external relations, and its sole representative with foreign nations.”¹²⁷ In *U.S. v. Curtiss Wright Export Corp.* (1936), Justice George Sutherland’s opinion affirmed the same “very delicate, plenary and exclusive power of the President as the sole organ of the federal government in the field of international relations – a power which does not require as a basis for its exercise an act of Congress.”¹²⁸ To be sure, members of Congress did not inherently buy into these sweeping claims, but they did largely perceive the president as having unique authority due to being Commander in Chief.

This posed an issue for the creation of the NSC. Despite wide agreement on its utility, there were potentially problematic constitutional implications to Eberstadt’s original vision. Eberstadt had envisioned the president participating in meetings of the NSC and also viewed it as a policymaking body. But if the president participated in all NSC meetings, it could be seen as trying to bind the president to the NSC’s collective decisions, a potential infringement on the president’s constitutional authority.¹²⁹ Moreover, Eberstadt’s provision that the NSC would

produce “annual reports to the President and to Congress,” posed potential issues of control.¹³⁰ Congressional access to such reports raised the prospect of the NSC not only serving in an advisory role for the president. In the end, consistent with the informational account, the NSC was reconciled with claims of Article II authority by placing it firmly under presidential control.

The easy assumption that the NSC was meant to be a presidential institution alone did face a limited challenge on the floor in Congress. Representative Thomas Owens (R-IL) expressed concern that Congress would not be involved in presidential decision-making on foreign policy with the NSC. He also noted that some lawmakers had wanted to place members of Congress directly on the NSC. Seeking to increase congressional involvement, Owens proposed an amendment to make any NSC recommendations and reports available to the House Speaker and President of the Senate. Notably, Owens defended this proposal on the grounds of congressional representation, referring to the Speaker and Senate President as “close to the people.” Owens noted that, contrary to originalist assertions about the president’s authority as Commander in Chief, the “bill would create a council such as we have not had in the history of our Government.” And he complained that “there has not been one word said about the Congress, the representatives of the people themselves, having one word to say about the plans that are being made 1 year or 2 or 3 or 4 years ahead.” The amendment would be “a safeguard which the people need.” But his efforts were in vain, as the amendment was rejected.¹³¹

Instead, presidential supremacy over the NSC was affirmed, but not under the influence of the idea of presidential representation. Essentially severing the NSC from congressional control, Congress placed the NSC under the executive because it wanted to ensure that, even in a policy area perceived to be under presidential authority, presidents would utilize the information and expertise that would be available.¹³²

INSTITUTIONAL DURABILITY: BUDGETING VERSUS NATIONAL SECURITY

This section focuses on how to empirically determine if the durability of a set of institutional arrangements rests upon the continued perception of the legitimacy of a particular ideational foundation. When core ideas that an institution relies upon fall into doubt, the institutional arrangements face rising pressure for alteration. In the 1970s, Congress reconsidered its earlier development of the institutional presidency, making changes in the same policy areas through a series of laws. Among these were the CBICA of 1974 (creating a separate congressional budget process and new Congressional Budget Office [CBO]) and the WPR of 1973 (attempting to constrain presidential war powers).

Notably, pushback by Congress is not what would be predicted by the two prominent explanations for the rise of the institutional presidency. Congress, composed of 535 members, still had a collective action problem. And despite predictions that Congress would always want to place organizational capacity under the president to ensure its use, in budgeting, Congress decided to instead enhance its own informational resources with the establishment of the CBO. The most obvious alternative explanation for the friction between Congress and the presidency in this period would thus be partisanship and divided government. But both laws in budgeting and national security were widely bipartisan.

To demonstrate that rising doubts in the idea of presidential representation influenced changes in the arrangements of the institutional presidency, I would need to show (1) that the idea of presidential representation faced rising criticism and doubts in elite political discourse during this period, (2) that the assumptions embodied in earlier reforms were increasingly questioned, and (3) that opposing claims about congressional authority and constitutional

legitimacy were more influential in a context in which claims of presidential representation were perceived as weaker. In budgeting, this was the case. Presidential budgeting, while not eliminated, would no longer be as privileged, as Congress, declaring itself the superior representative and appropriate constitutional locus of budgeting, developed its own budget process and informational capacities. These representational and constitutional claims were also used to push back against presidential control of national security decision-making and war powers. But, like in debates over the National Security Act, the perception of the president's authority as Commander in Chief significantly influenced the final resolution, ultimately constraining Congress's willingness to reclaim authority and, ironically, providing a statutory basis for broad presidential power over war.¹³³

Changing Ideational Context: Criticizing Presidential Representation

To show that institutional arrangements were altered due to the declining influence of a core idea, it is first necessary to demonstrate that the relevant idea had fallen into disrepute. In the case of the institutional presidency, affecting policy areas including budgeting and national security, the political context had indeed changed. The presidential credibility gap that developed from the prolonged Vietnam War and the Watergate scandal combined to undermine faith in the presidency as a force for good government.¹³⁴ To be sure, claims of presidential representation did not disappear. But, as Pierre Rosanvallon has argued, "truthfulness" and "integrity" are concepts inherently related to maintaining belief that a political actor acts in the general interest.¹³⁵ With the claim of presidential representation increasingly criticized in elite discourse, the idea was more susceptible to challenges from opposing ideas about congressional representation and constitutional structure. This had consequences, raising questions of

legitimacy around the institutional presidency that rested on the idea of presidential representation. A new generation of reformers dismissed the idea as naïve and argued that Congress needed to reclaim its constitutional powers.

The rising doubts about the idea of presidential representation were chronicled by scholars. “It is impossible for one President to represent the whole country,” political scientist Andrew Hacker told students at Occidental College.¹³⁶ The presidency, said Samuel Huntington, had “since Theodore Roosevelt... been viewed as the most popular branch of government.” But “in the 1960s... the tide of opinion dramatically reversed itself: those who previously glorified presidential leadership now warn of the dangers of presidential power.” To Huntington, “probably no development of the 1960s and 1970s [had] greater import for the future of American politics.”¹³⁷ Theodore Lowi agreed, reporting that “faith in the presidency as a representative majority rule came almost completely unstuck during the late 1960s and thereafter.”¹³⁸ Thomas Cronin, both a political scientist and a former White House staffer, likewise concluded: “Too much has been made by too many presidents and by too many scholars of that ancient but partial truth that only the president is the representative of all the people... [Congress’s] two houses collectively represent them also and in ways a president cannot and does not.”¹³⁹

Significantly, symptoms of this declining faith in the presidency tended to be accompanied by calls for returning to the Founders’ intent for the separation of powers and a rehabilitation of the idea of congressional representation. In his famous “Time for Choosing” speech, Ronald Reagan criticized the view that the president “must be freed” from “the restrictions” imposed by an “antiquated” Constitution “so that he can do for us what he knows is best.”¹⁴⁰ For the first time, in 1966 the opposition party delivered a response to accompany a

presidential State of the Union address, implicitly signaling a decline in the view of the president as the embodiment of a national consensus.¹⁴¹ In January 1973, after a presidential election in which Richard Nixon won 49 states (theoretically bolstering his claim to represent the whole nation), *Time* nonetheless featured a cover on the “Crisis in Congress,” describing the problem of presidential authority as “the crack in the Constitution.” Drawing a contrast between congressional and presidential representation, *Time* editor in chief Hedley Donovan, asserted that the stakes were “whether a democratic society puts some value on collective wisdom as opposed to centralized individual [presidential] wisdom, and whether the Congress can make a more constructive contribution to public policy.”¹⁴² The next year, the Congressional Research Service sponsored an intercollegiate debate topic about rising doubts in presidential authority: “Resolved: That the Powers of the Presidency Should Be Curtailed.” Included in the accompanying reading materials was a critique of presidential representation by Louis Fisher: “It is a crude generalization, of course, to depict Congress as the servant of selfish interests while idealizing the President as the one who acts for the nation as a whole.”¹⁴³ The Yale Law School professor Alexander Bickel told Congress: “We have tended to tell the people that we govern by plebiscite. That is not the case. It ought not to be. This is a constitutional government and we are engaged in the long-range effort to restore it.”¹⁴⁴ The old view of lawmakers being parochial was outdated, asserted journalist David Rosenbaum. Lawmakers in the 1960s and 70s were “a different breed from their predecessors,” being “less parochial” and now “elected as much on national and international issues as they are on local matters.”¹⁴⁵ The *New York Times* drew its readers’ attention to the separation of powers by printing specific provisions of the Constitution from Articles I and II about presidential and congressional authority.¹⁴⁶ Most famously, Arthur Schlesinger, Jr. pointed to Vietnam and Watergate, criticizing the “imperial presidency.”¹⁴⁷

Presidents certainly did not just give up the claim of presidential representation, and the idea remained a regular feature of American politics. But the transformative ambitions associated with the idea had been blunted. By the 1980s, the Reagan administration implicitly acknowledged this. Recognizing the deterioration in the perceived legitimacy of the idea of presidential representation, Reagan and his administration decided to make a sharper “distinction between his political role as the chief representative of the people and his constitutional duty to protect the office of the presidency,” including emphasizing the newly-popularized unitary executive theory.¹⁴⁸

Questioning Assumptions: Doubting the President’s National Perspective

The relevance of the core idea to the durability of a set of institutional arrangements is revealed when key assumptions are directly questioned by a variety of actors. In this case, a loss of faith in the ideational foundation of the modern presidency – presidential representation – led to alterations in the institutional arrangements between the presidency and Congress in policy areas, such as budgeting, that relied on the idea of presidential representation. Conversely, while the deterioration of the idea also led to a challenge to the president’s national security authority, the degree to which Congress successfully took back authority was markedly less. Presidential authority in national security policymaking had not been uniquely reliant on the claim of presidential representation, but instead was rooted in congressional perceptions of the meaning of the Commander in Chief clause of Article II.

Budgeting. In budgeting, Congress reconsidered the role of the president and passed the CBICA of 1974, creating a congressional budget process, establishing the CBO, and limiting presidential

impoundments. Showing recognition that the president's role in budgeting had been based on an ideational assumption of presidential representation, Republican President Richard Nixon had tried to defend presidential budgetary authority – including his bold use of impoundments – by asserting his purported unique national perspective. “Congress represents special interests,” he argued, but “I am going to stand for that general interest.”¹⁴⁹

But lawmakers of both parties were no longer buying it. Senator J. William Fulbright (D-AR) chided Nixon, saying that if he were serious that only the president truly represented the national interest, “he ought to propose a constitutional amendment and say just what he is saying here, that the Congress no longer represents the country [and] it represents special interest[s], therefore, we abolish the right of Congress to determine policy.” Senator Sam Ervin, Jr. (D-NC) asked rhetorically, “Aren't Members of the Senate and the Members of the House elected by exactly the same people that elected the President?” Fulbright replied simply, “That is my impression.”¹⁵⁰ Similarly, Senator Edmund Muskie (D-ME) took Roy Ash, Nixon's budget director, to task for repeating Nixon's claim about presidential representation. Asserting that Congress represented the national interest as well, Muskie said that, contrary to claims of presidential representation, presidents could in fact be beholden to special interests:

Now, would the President demand executive power on the grounds that this Congress is influenced by special interest groups? I resent that. And I must say that a statement on your part is a temptation to me to pursue that line with respect to examples of special influence in the executive branch... I want to say at the outset I resent it. On my part I believe we are motivated by the general interest, as anyone in the executive branch, and I think it ill becomes the executive branch beginning with its principal spokesman, the

President, to accuse Congress of being primarily motivated by such special interest considerations.¹⁵¹

Senator Bill Brock (R-TN) argued that Congress, not the presidency, was “the branch of government which is most directly reflective and responsive to the American people.”¹⁵²

Moreover, not only lawmakers dismissed the idea of presidential representation. For example, Jack Nixon, the Georgia Superintendent of Schools, directly rebutted Nixon’s claim: “I know the President has said that ‘the Congress represents special interests,’ and that he ‘represents the nation’s general interest.’ I suggest that the President’s impoundment of these particular [education] funds is testimony that the opposite is true.”¹⁵³

On a bipartisan basis and during both divided and unified government, lawmakers expressed increasing doubts in the idea of presidential representation. The congressional pushback against presidential budgeting cannot be adequately explained without accounting for the changing perceptions of its underlying ideational foundation.

National Security. Congress also reconsidered the president’s authority over national security in the early 1970s, specifically questioning the president’s use of war powers in the wake of Vietnam. These debates reflected the growing doubt about presidents as national representatives. Lawmakers asserted that Congress’s preeminence in war was not only constitutionally necessary, but was also vital because of the purported superiority of collective congressional representation as a reflection of the national will. But unlike in budgeting, presidential authority over national security had not been perceived as resting on an ideational foundation of presidential representation. Instead, the perception that the president’s constitutional authority as Commander in Chief included inherent authority over national security and foreign affairs acted as a

constraint on the scope of congressional efforts to pushback against presidential war making. Indeed, that the position of APNSA was so prominent in the presidential foreign policy of the 1970s – even as Congress pushed back against presidential authority – is instructive.

Doubts in the idea of presidential representation were expressed repeatedly in Congress. Senator John Tower (R-TX), referring to President Nixon's overwhelming reelection victory, did attempt to defend the idea, criticizing the war powers bill for "flying in the teeth of the mandate conferred by the American people on the President of the United States," who had "expressed at the ballot box their confidence in his ability to formulate and implement a foreign policy that is in the best interest of the United States."¹⁵⁴ But Tower's plea faced significant pushback. His fellow partisan, Senator Pete Domenici (R-NM), defied party loyalty in declaring presidential representation to fall short of actually reflecting the national will. Stating that the Founders believed "that the decision to declare war was so awesome that the President needed the advice of the people's representatives," Domenici argued, "We have learned the hard way that when the American people through their elected Representatives do not share in a decision to go to war, they do not bring to it their full support and sense of personal obligation. The spirit of patriotism is absent." By contrast, "the principle established by the war powers bill is that this country should not be committed to war without the sanction of the American people through their elected representation."¹⁵⁵ Bill sponsor Senator Jacob Javits (R-NY) declared, "Nor, Mr. Chairman, can we assume that one man alone knows the national interest."¹⁵⁶

Presidential representation was also judged to fall short in signaling the nation's resolve to adversaries. Representative Ogden Reid (D-NY) argued that a congressionally-declared war would "carry more weight overseas than a unilateral act of a President which is not necessarily supported by the people." Reid further posited that "the Soviets... are fully sensitive, for

instance, to the distinction between a broad national mandate and a decision that does not imply broad support.”¹⁵⁷ Similarly, Senator Hubert Humphrey (D-MN) argued that “the act will send a signal to the Soviet Union and to anyone else that we in the Congress... as the duly elected representatives of the American people... share in the responsibility for national security decisions.”¹⁵⁸

In national security, then, one of the conditions showing the potential influence of an idea on reform was present. Those pushing for war powers reform specifically invoked doubts in the idea of presidential representation. However, just the expression of these doubts is not sufficient to show the president’s national security authority was vulnerable because of a reliance on an assumption of presidential representation. Congressional perceptions of the president’s role as Commander in Chief, rooted in the Constitution, had instead been the key assumption behind presidential responsibility for national security decision-making and the construction of the national security apparatus under presidential control.

Influence of Opposing Claims: Questioning Constitutional Relationships

When the idea that a set of institutional arrangements relies on for legitimacy falls into disrepute, opposing ideas and claims become more influential. With presidential representation in doubt, earlier reforms were left susceptible to charges of illegitimacy and more reliant on the Constitution for ideational support. But not all aspects of the institutional presidency could easily rest on that basis. The variation in pushback reflected degrees of vulnerability to a constitutional critique. Reforms that could better retreat to a constitutional foundation proved more durable, while those that stretched furthest from the original design proved more vulnerable. Presidential budgeting, perceived as intruding on Congress’s Article I legislative powers, faced relatively

significant pushback with the creation of a separate congressional budget process. By comparison, though war powers of course fell under Article I as well, the president's national security authority was still viewed through the lens of Article II by many members of Congress, resulting in a less successful pushback.

Budgeting. Beyond just criticizing the rise in presidential impoundments, lawmakers in both parties questioned the constitutional wisdom of the entire system established by the BAA of 1921. Senator Edward Gurney (R-FL) placed blame for presidential budgetary pretensions on congressional delegation: "The blame for the crisis of power in which we find ourselves must be placed upon ourselves, the Congress. We have given discretionary budget authority to the executive through such legislative precedents as... the Budget and Accounting Act of 1921."¹⁵⁹ Similarly, Senator Robert Byrd pointed to the BAA as the genesis of the slippage of congressional spending powers: "In the more than 50 years since the Budget and Accounting Act was passed the Congress has permitted its 'power of the purse' under the Constitution gradually to slip away or diminish."¹⁶⁰ While "the Executive branch has acquired almost the whole of the initiative in matters involving coordination of federal financial policy," noted Senate Majority Leader Mike Mansfield (D-MT) in a meeting of Senate Democrats, "that is not as it should be under the Constitution."¹⁶¹

Indeed, with the claim presidential representation losing legitimacy, the constitutional claim that Congress had been granted the power of the purse, being the branch closest to the people, was resurgent. Congress, noted Senator Russell Long (D-LA) privately to Mansfield, was the branch "charged with determining national priorities."¹⁶² Numerous members of Congress echoed this refrain publicly. "We have the opportunity now," argued Senator Brock, "to restore

congressional prerogatives of the people's branch. It is the people's branch." He called for reforms that would ensure it would be "truly the legislative branch that does establish the national priorities of this Nation."¹⁶³ "The power of the purse," concurred Senator J. Glenn Beall, Jr. (R-MD), "is probably the most important power of Congress."¹⁶⁴ Congress needed "to restore to itself its separate power to determine and declare priorities in national spending," its "traditional prerogative."¹⁶⁵ Senator Kennedy – brother of a president who had championed the view of representing all the people – asserted that the 1974 act would be "a centerpiece in the continuing efforts by the Senate and the House to assert their long-dormant fiscal responsibilities and prerogatives under the Constitution."¹⁶⁶ Senator Charles Percy (R-IL) described the 1974 act as aiming to be "a reversal of the accelerating erosion of the congressional purse power, a reassertion of our correct role in the American plan of government."¹⁶⁷ This meant no longer deferring to the president's budget proposal, which had, according to Representative Jack Brooks (D-TX), "all too often become equivalent to a determination of national priorities."¹⁶⁸ Instead, to "perform effectively its constitutional function of power of the purse," asserted Senator Hubert Humphrey (D-MN), Congress "must be in a position to act independently, to make our own choices, gather our own data, do our own analysis, and propose our own policy alternatives."¹⁶⁹ Hence Congress needed its own legislative budget proposal and a CBO to provide informational capacity and expertise.

Unlike the claim of presidential representation, congressional representation was perceived as being enshrined in the Constitution. In a letter on his position on budget reform to Mansfield, Senator Harrison A. Williams, Jr. (D-NJ) stated, "Certainly, Congress' position should be preeminent in this process as was intended under the Constitution."¹⁷⁰ Representative Jamie Whitten (D-MS) equated Congress's constitutional prerogatives with popular

representation: “when the rights of the Congress are in any way impinged upon, it is the rights of the people that are being affected. We represent the people.”¹⁷¹ Likewise, Representative William Moorhead (D-PA) connected the power of the purse to closeness to the people: “the power of the purse is all that we have and we are the people’s representatives.”¹⁷² Nor did only lawmakers make this point. Arthur Burns, the chairman of the Federal Reserve (and a Nixon appointee), told members of Congress, “If you can develop procedures that will enable Members of Congress to vote on an overall fiscal policy that adequately reflects congressional priorities, you will revitalize representative government in this country.”¹⁷³

These claims of congressional representation and constitutional intent that was aimed at budgeting were not just used instrumentally. Rather, for lawmakers of both parties, they reflected a reassertion of the very notions that proponents of the idea of presidential representation had, with substantial success, pushed against decades before. The debates were over fundamental questions of institutional design. With greater doubts in the idea of presidential representation, those earlier institutional changes were more susceptible to those counterclaims.

National Security. Claims of congressional representation and constitutionality were also used to attempt to push back against presidential authority in war making, but with presidential authority in national security resting on a constitutional perception of the Commander in Chief clause, their use met with less success. Senator Javits, even as he acknowledged that lawmakers were creatures of their states and districts – “the representatives of the people at the State level in the Senate” and “local level” in the House – praised the bill for “giving the broad representation of the people in the Congress a voice.”¹⁷⁴ Senator Lawton Chiles (D-FL) concurred: “With the war powers bill, we put the dog of war back on the people’s leash, where it can only be turned loose

through the people's representatives."¹⁷⁵ "Under this legislation," stated Senator Walter Mondale (D-MN), "the Congress – and through us, the American people – are brought back into the decisionmaking process in those decisions which most vitally affect our future as a nation."¹⁷⁶ Representative Michael Harrington (D-MA) turned criticism of lawmakers as localistic on its head, arguing that "the bureaucratic momentum which can overwhelm a President is not so strongly felt in the Congress, where power is diffused and the Members are more attuned to local interests."¹⁷⁷

The refrain that Congress was attempting to restore constitutionality to war making was predominant in hearings and floor debate. Senator Fulbright disdainfully described the constitutional thinking of the Nixon administration as non-originalist, asserting that the administration claimed the right "to interpret the Constitution as we see fit [and] therefore do as we please, confident in the knowledge that such was the intent of the Founding Fathers."¹⁷⁸ "The overtowering bulk of the warmaking power was lodged in Congress," testified Harvard Law professor Raoul Berger, and "the apologists [for presidential power] depend on extra-constitutional, post-1787 self-serving statements or actions by the President not on the Constitution, not on anything that was said by a Framers."¹⁷⁹ The "purpose of the bill," argued Representative Harrington, was "to fulfill – not to alter, amend or adjust – the intent of the framers of the Constitution," which in "Article I, section 8... clearly vests the authority to initiate war in the Congress."¹⁸⁰ The bill, said Senator Ted Kennedy (D-MA), "restates with new force the separation of powers inscribed in the Constitution."¹⁸¹ Bucking a president of his own party, Representative John Anderson (R-IL) likewise argued that "the time has clearly come for the Congress to squarely confront the question of 'whose power is the war power' and recognize the central role the Founding Fathers intended for the Congress to play in this vital area."¹⁸² And

Representative Paul Findley (R-IL) pointedly asked his colleagues, “Do we believe in the balance of powers intended by the Founding Fathers?”¹⁸³

Yet the potential impact of these claims was blunted, even by some of the very lawmakers agitating for reform, by the perception of the president’s authority as Commander in Chief. Charles Brower, a legal adviser at the State Department, argued to lawmakers that “the President’s authority [in war making] rests on his general authority under article II of the Constitution” and that, contrary to others’ assertions, “the Constitution is not such a precise document.”¹⁸⁴ And while the majority of lawmakers pushing for the bill did not embrace Brower’s view as expansively, they did place a significant emphasis on the perceived authority of the president as Commander in Chief that constrained their efforts. As the *New York Times* approvingly noted, the bill “grant[ed] the President ample latitude to act immediately in emergency situations.”¹⁸⁵ Representative Pierre DuPont (R-DE), though agreeing with the goal of the war powers bill, expressed the a need for caution in dealing with a “sensitive area” of the president’s “constitutional prerogatives.” In response, Javits argued, “No one is trying to denude the President of authority... I want to make that very clear. The President will still have a great deal of power.”¹⁸⁶ Fulbright too expressed some measure of deference to the president as Commander in Chief: “I do not believe that in any substantial way at all it encroaches upon the prerogatives of the commander in chief, the President. I think it merely recognizes some of his prerogatives have been established by tradition. There is a question about some of that being really constitutional, if you are a strict constructionist, but in any case we have recognized it.”¹⁸⁷ Senator Charles Percy (R-IL) also stated some deference to presidential authority: “In no sense would any Member of this body wish to take away the prerogative of the Commander in Chief from the standpoint of protecting the best interests of this country.”¹⁸⁸ Representative Frank

Horton (R-NY) believed it was “important to emphasize that this measure would not restrict the legitimate authority of the President to respond to crises.”¹⁸⁹ Javits opined that “the President is left with his true, preexisting constitutional authority as Commander in Chief to deploy the forces of the United States, assuming he can get the Congress to raise the forces and to finance them.”¹⁹⁰ And Humphrey, even as he argued for the superiority of congressional representation, stated that the bill would not “cripple the President in his role as Commander in Chief and in his role as chief spokesman of the Nation in matters of foreign policy.”¹⁹¹

Perceptions about the president’s authority as Commander in Chief influenced a key choice behind the design of the final war powers bill. The Senate version of the bill had sought to specify circumstances in which presidents could use force on their own without Congress’s approval, but the House doubted the wisdom of this course. Describing “the most important” difference between the Senate and House bills as being “related to the question of Presidential authority,” sponsor Representative Clement Zablocki (D-WI) noted that “the Senate bill defined the President’s authority in warmaking and sought to mandate the circumstances under which he could act.” By contrast, “the House resolution did not attempt such a definition or mandate, on the grounds that to do so was constitutionally questionable and from a practical standpoint unwise.” The final bill set a purported time limit on the engagement of troops at 60 days, which could be “extended for up to 30 additional days if the President certifies in writing to the Congress that unavoidable military necessity respecting the safety of the troops required their continued use.” “The House conferees,” noted Zablocki in a key justification, “believe that 60 days is ample time to permit the President to act in a national emergency under his powers as Commander in Chief.” Furthermore, with the provision for Congress to be able to vote to end hostilities through a legislative veto, Zablocki asserted that “there is virtually no danger that a

future President would be forced to disengage American troops from combat because Congress failed to act.” Simply put, in Zablocki’s view, the bill did not “encroach upon the legitimate authority of the President as Commander in Chief.”¹⁹²

One actor whose preferences especially signified the differences between the congressional pushback against presidential authority in budgeting versus national security was Senator Ervin. A leading critic of presidential budgeting, Ervin expressed doubts about the idea of presidential representation while leading the charge to create a separate congressional budget process and augment Congress’s analytical capacity. But in national security, Ervin took the opposite side, supporting President Nixon’s “sound” veto of the war powers bill on the basis of his perception of the Commander in Chief authority. As Ervin argued, “It is the constitutional power and the constitutional duty of the President, without any declaration of war and without any action by Congress, to defend this country against invasion.” But the bill, complained Ervin, “in effect, says that the President cannot exercise his constitutional power and cannot perform his constitutional duty for more than 60 days without the consent of Congress.” Essentially, Ervin believed Congress was usurping the president’s authority as Commander in Chief: “It says that the President cannot be the Commander in Chief of the Army and the Navy when the United States is attacked for more than 60 days and that at the end of 60 days, Congress assumes that role.”¹⁹³

Perhaps still more notably, other opponents of the bill, even those holding a broad view of the president’s authority as Commander in Chief, believed that the final version of the war powers bill expanded the president’s statutory authority. While viewing the bill as unconstitutional, Senator Barry Goldwater (R-AZ) opined that “this conference report... I could probably actually vote for, because it gives the President even broader powers than the authors of

the original bill thought they were correcting.”¹⁹⁴ Minority Leader Gerald Ford (R-MI), though voting against the conference report, also expressed his view that “there is some validity to the argument that the President’s war authority is expanded by the conference report.”¹⁹⁵ An original supporter of the effort, Senator Thomas Eagleton (D-MO), lamented that, despite Congress’s overriding Nixon’s veto being “acclaimed as an ‘historic recapture’ of the Congressional prerogative to declare war,” in fact “the opposite is true.” “After struggling for three years to re-establish its primacy in the war-making area,” complained Eagleton, “Congress has now legally relegated itself – unconstitutionally, in my opinion – to the secondary role it has sadly and mistakenly accepted in the contemporary era.” With the WPR allowing the president to unilaterally make war for up to ninety days without requiring affirmative congressional consent, “the President assumes the inherent right to initiate war... Congress has now provided a legal basis for the President’s erroneous claim.”¹⁹⁶

Ultimately, the result of the WPR highlighted the different bases on which modern presidential authority in budgeting versus national security had rested. The idea of presidential representation had been central to the creation of an executive budget process, but the president’s perceived constitutional authority as Commander in Chief was the core claim behind the president’s role in national security and war making. In budgeting, Congress was influenced by an idea in bringing about reform. In national security, Congress deferred to an authority it perceived to be constitutionally preexisting, failing to take back its own war powers.

CONCLUSION: LEGITIMACY, CONTINGENCY, AND IDEATIONAL POLITICS

Ideas matter. The preceding analysis shows that explanations that do not take ideas seriously are sometimes limited. For *some* political outcomes, an emphasis on an ideational politics is needed.

Such a politics is not divorced from all actors' interests or the mediating role of institutions, but it does yield outcomes that can only be sufficiently accounted for by determining what ideas mattered.

Accounts of many of the laws that cumulatively created the institutional presidency fall short without reference to ideas. I have demonstrated that the design and envisioned workings of the BAA of 1921 depended on faith in the notion of presidential representation. The collective action problem may help explain why Congress felt the need for *some* sort of reform, but is insufficient to explain the design of the reform chosen. An informational account can clarify Congress's choice to give the president control over new informational capacities in the executive branch like BOB, but it fails to address why Congress wanted to formalize presidential responsibility in budgeting in the first place. Instead, only with the idea of presidential representation as a central part of the story can this puzzling delegation of budgetary authority be explained. Other laws from this period – addressing trade, reorganization, and employment policy – similarly relied on this claim. But I have taken care to distinguish between institutional reforms that are heavily influenced by that idea and those that are not. To explain the design of the National Security Act of 1947 – specifically presidential supremacy over the NSC – the informational account suggested by Gailmard and Patty is sufficient, and the idea of presidential representation did not meaningfully influence reform.

If ideas can exert such influence on institutional choices, they also can be at the root of later institutional change. Without accounting for ideas, explanations for the congressional pushback against the institutional presidency in budgeting – as well as in trade, reorganization, and employment policy – are lacking. Congress was not suddenly cured of its collective action problem, yet it soured on some of its earlier solutions. Congress also grew uneasy with the

informational capacities in the executive branch, seeking to bolster its own resources with the CBO. Nor is partisanship a dominant factor. Instead, the institutional vulnerability to change was rooted in the idea of presidential representation itself. Key elements of the institutional presidency, like budgeting, were contingent upon perceptions of that idea's legitimacy. Once the idea was doubted, the arrangements were more susceptible to change. But other elements that were less reliant on perceptions of presidential representation – such as presidential authority in national security – better endured the congressional pushback. Indeed, in many ways the WPR formalized presidential authority in national security, with the unilateral ability to go to war for a certain period of time without congressional consent written into law.

The case of presidential representation and the institutional presidency shows that a relationship between legitimacy and contingency is at the core of an ideational politics. Actors do not just have interests; they have ideas – assumptions that may inform their view of their own interest, or sometimes, even transcend their interest. These ideas can be used to inform choices about institutions or policies. Indeed, ideas may be most important in the politics of institutional design. And while institutions are generally robust, their functioning and durability may be contingent upon the perceptions of the legitimacy of their undergirding assumptions.

The task then is to determine when and which ideas are central to outcomes. Presidential budgeting proved to rely on a deteriorating idea of presidential representation, while presidential national security authority – rightly or wrongly – was perceived as resting more solidly on constitutional grounding. Still, a central lesson is clear. Ideas, not just interests and institutions, have the capacity to shape and reshape American political development.

NOTES

- ¹ John Dickinson, "Democratic Realities and Democratic Dogma," *American Political Science Review* 24, no. 2 (May 1930): 283-309, at 284.
- ² John Maynard Keynes, *The General Theory of Employment, Interest, and Money* (London: Macmillan, 1936), 383.
- ³ Judith Goldstein and Robert O. Keohane, "Ideas and Foreign Policy: An Analytical Framework," in *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change*, ed. Judith Goldstein and Robert O. Keohane (Ithaca, NY: Cornell University Press, 1993), 3-30, at 4; John L. Campbell, "Ideas, Politics, and Public Policy," *Annual Review of Sociology* 28 (2002): 21-38, at 21; Mark Blyth, "Structures Do Not Come with an Instruction Sheet: Interests, Ideas, and Progress in Political Science," *Perspectives on Politics* 1, no. 4 (December 2003): 695-706, at 697. For an overview of rational choice theory, see Jeffrey Friedman, ed., *The Rational Choice Controversy: Economic Models of Politics Reconsidered* (New Haven, CT: Yale University Press, 1996).
- ⁴ Judith Goldstein, *Ideas, Interests, and American Trade Policy* (Ithaca, NY: Cornell University Press, 1993), xi.
- ⁵ Alexander Wendt, *Social Theory of International Politics* (New York: Cambridge University Press, 1999), 117.
- ⁶ For a critique of rational choice literature on the presidency, see Patrick R. O'Brien, "A Theoretical Critique of the Unitary Executive Framework: Rethinking the First-Mover Advantage, Collective-Action Advantage, and Informational Advantage," *Presidential Studies Quarterly* 47, no. 1 (March 2017): 169-185.
- ⁷ Suzanne Mettler and Richard Valelly, "Introduction: The Distinctiveness and Necessity of American Political Development," in *The Oxford Handbook of American Political Development*, ed. Richard Valelly, Suzanne Mettler, and Robert Lieberman (New York: Oxford University Press, 2016), 1-23, at 6.
- ⁸ On layering, see James Mahoney and Kathleen Thelen, "A Theory of Gradual Institutional Change," in *Explaining Institutional Change: Ambiguity, Agency, and Power*, ed. James Mahoney and Kathleen Thelen (New York: Cambridge University Press, 2010), 1-37.
- ⁹ See, for example, William G. Howell, with David Milton Brent, *Thinking about the Presidency: The Primacy of Power* (Princeton, NJ: Princeton University Press, 2013).
- ¹⁰ James L. Sundquist, *The Decline and Resurgence of Congress* (Washington D.C.: Brookings Institution, 1981), 155; Sean Gailmard and John W. Patty, *Learning While Governing: Expertise and Accountability in the Executive Branch* (Chicago: University of Chicago Press, 2013), 167-168.
- ¹¹ Sundquist, *Decline and Resurgence*, ch. 7, 156-160. See also Samuel Haber, *Efficiency and Uplift: Scientific Management in the Progressive Era, 1890-1920* (Chicago: University of Chicago Press, 1964), ch. 6; David Epstein and Sharyn O'Halloran, *Delegating Powers: A Transaction Cost Politics Approach to Policy Making under Separate Powers* (New York: Cambridge University Press, 1999). On the changing and conflicting incentives of lawmakers and the development of congressional institutions, see Eric Schickler, *Disjointed Pluralism: Institutional Innovation and the Development of the U.S. Congress* (Princeton, NJ: Princeton University Press, 2001); Ruth Bloch Rubin, *Building the Bloc: Intraparty Organization in the U.S. Congress* (New York: Cambridge University Press, 2017).
- ¹² Gailmard and Patty, *Learning While Governing*, ch. 6.
- ¹³ David R. Mayhew, *Divided We Govern: Party Control, Lawmaking, and Investigations, 1946-2002*, 2nd ed. (New Haven, CT: Yale University Press, 2005); Sarah A. Binder, "The Dynamics of Legislative Gridlock, 1947-1996," *American Political Science Review* 93, no. 3 (September 1999): 519-533.
- ¹⁴ George Thomas, "Political Thought and Political Development," *American Political Thought* 3, no. 1 (Spring 2014): 114-125, at 123.
- ¹⁵ Terry Moe and Scott Wilson state a common view of the logic of presidential representation: "Presidents pursue interests that are often incompatible with, and indeed threatening to, the interests of most of the other major players. Their heterogeneous national constituency leads them to think in grander terms about social problems and the public interest, and to resist specialized appeals." Terry M. Moe and Scott A. Wilson, "Presidents and the Politics of Structure," *Law and Contemporary Problems* 57, no. 2 (Spring 1994): 1-44, at 11. See also David R. Mayhew, *Congress: The Electoral Connection* (New Haven, CT: Yale University Press, 1974), 169. For an argument on making presidential representation central to presidency studies, see Gary L. Gregg II, "Toward a Representational Framework for Presidency Studies," *Presidential Studies Quarterly* 29, no. 2 (June 1999): 297-305.
- ¹⁶ James Ceaser, *Presidential Selection: Theory and Development* (Princeton, NJ: Princeton University Press, 1979), 185.
- ¹⁷ George Thomas, "A Reply to Orren and Skowronek," *Review of Politics* 73, no. 2 (Spring 2011): 301-304, at 303.

- ¹⁸ George Thomas, "What is Political Development? A Constitutional Perspective," *Review of Politics* 73, no. 2 (Spring 2011): 275-294, at 282.
- ¹⁹ Louis Hartz, *The Liberal Tradition in America: An Interpretation of American Political Thought Since the Revolution* (New York: Harcourt, Brace, 1955); J. David Greenstone, *The Lincoln Persuasion: Remaking American Liberalism* (Princeton, NJ: Princeton University Press, 1993); Rogers M. Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven, CT: Yale University Press, 1997).
- ²⁰ The "spiral of politics" model lays out stages that include considering the (1) political context, (2) formulation of ideas, (3) building coalitions to promote those ideas, (4) influence on institutional or policy outcomes, (5) reaction to changing contexts, and (6) creation of new ideas in response to the new context. Rogers M. Smith, "Ideas and the Spiral of Politics: The Place of American Political Thought in American Political Development," *American Political Thought* 3, no. 1 (Spring 2014): 126-136, at 126, 130-132.
- ²¹ Mark Blyth, *Great Transformations: Economic Ideas and Institutional Change in the Twentieth Century* (New York: Cambridge University Press, 2002), ch. 2. See also Martha Derthick and Paul J. Quirk, *The Politics of Deregulation* (Washington, D.C.: Brookings Institution, 1985).
- ²² Campbell, "Ideas, Politics, and Public Policy," 21.
- ²³ Karen Orren and Stephen Skowronek, *The Search for American Political Development* (New York: Cambridge University Press, 2004), 83.
- ²⁴ Karen Orren and Stephen Skowronek, "Have We Abandoned a 'Constitutional Perspective' on American Political Development?," *Review of Politics* 73, no. 2 (Spring 2011): 295-299, at 298.
- ²⁵ Orren and Skowronek, *Search*, 123.
- ²⁶ Andrew Bennett and Jeffrey Checkel advise researchers to "combine process tracing with case comparisons when useful for the research goal and feasible." Andrew Bennett and Jeffrey T. Checkel, "Process Tracing: From Philosophical Roots to Best Practices," in *Process Tracing: From Metaphor to Analytic Tool*, ed. Andrew Bennett and Jeffrey T. Checkel (New York: Cambridge University Press, 2014), 3-37, 21, Table 1.1. See also John Gerring, *Case Study Research: Principles and Practices* (New York: Cambridge University Press, 2007); David Collier, "Understanding Process Tracing," *PS: Political Science & Politics* 44, no. 4 (October 2011): 823-830.
- ²⁷ Rogers M. Smith, "Which Comes First, the Ideas or the Institutions?," in *Rethinking Political Institutions: The Art of the State*, ed. Ian Shapiro, Stephen Skowronek, and Daniel Galvin (New York: New York University Press, 2006), 91-113, at 95.
- ²⁸ As Smith notes, "political actors shaped by these contexts inherit, modify, and elaborate ideas to guide political conduct." Smith, "Ideas and the Spiral of Politics," 130.
- ²⁹ Campbell, "Ideas, Politics, and Public Policy," 21, 32-33.
- ³⁰ Stephen Skowronek, "The Reassociation of Ideas and Purposes: Racism, Liberalism, and the American Political Tradition," *American Political Science Review* 100, no. 3 (August 2006): 385-401.
- ³¹ Alan M. Jacobs, "Process Tracing the Effects of Ideas," in *Process Tracing: From Metaphor to Analytic Tool*, ed. Andrew Bennett and Jeffrey T. Checkel (New York: Cambridge University Press, 2014), 41-73, at 48-49.
- ³² "At those moments when a political idea finds persuasive expression among actors whose institutional position gives them both the motive and the opportunity to translate it into policy – then, and only then, can we say that an idea has found a time." Robert C. Lieberman, "Ideas, Institutions, and Political Order: Explaining Political Change," *American Political Science Review* 96, no. 4 (December 2002): 697-712, at 709.
- ³³ Jacobs, "Process Tracing the Effects of Ideas," 48-49.
- ³⁴ James W. Ceaser, *Nature and History in American Political Development: A Debate* (Cambridge, MA: Harvard University Press, 2006), 5; Jack Knight and James Johnson, *The Priority of Democracy: Political Consequences of Pragmatism* (Princeton, NJ: Princeton University Press, 2011), 45; Sidney M. Milkis, "Ideas, Institutions, and the New Deal Constitutional Order," *American Political Thought* 3, no. 1 (Spring 2014): 167-176, at 167.
- ³⁵ Blyth, *Great Transformations*, 11.
- ³⁶ Goldstein and Keohane, "Ideas and Foreign Policy," 10.
- ³⁷ George Thomas, *The Founders and the Idea of a National University: Constituting the American Mind* (New York: Cambridge University Press, 2015).
- ³⁸ Richard J. Ellis and Stephen Kirk, "Presidential Mandates in the Nineteenth Century: Conceptual Change and Institutional Development," *Studies in American Political Development* 9, no. 1 (Spring 1995): 117-186, at 137-144.
- ³⁹ Smith, "Ideas and the Spiral of Politics," 132. As Orren and Skowronek suggest, "the historical significance of ideas will be best located where their impact is registered: in the exercise of authority and in the attempts by various methods to alter it." Orren and Skowronek, "Have We Abandoned a 'Constitutional Perspective' on American Political Development?," 298. Studying U.S. trade policy, Judith Goldstein also emphasizes that actors' choices out

of possible alternatives are key to showing ideational influence. Goldstein, *Ideas, Interests, and American Trade Policy*, 2, 12.

⁴⁰ For example, Aaron Friedberg argues that American ideas of anti-statism constrained the emerging post-World War II national security state, resulting in choices that prevented the creation of a garrison state. Aaron L. Friedberg, *In the Shadow of the Garrison State: America's Anti-Statism and Its Cold War Grand Strategy* (Princeton, NJ: Princeton University Press, 2000). Most famously, Louis Hartz argued that American political ideology and politics were constrained by a liberal consensus. Hartz, *Liberal Tradition in America*.

⁴¹ Jacobs, "Process Tracing the Effects of Ideas," 48-49.

⁴² Goldstein and Keohane, "Ideas and Foreign Policy," 12.

⁴³ Ideas are used to indict existing institutions as part of a perceived problem. Blyth, *Great Transformations*, 37-38.

⁴⁴ Jeffrey K. Tulis and Nicole Mellow, *Legacies of Losing in American Politics* (Chicago: University of Chicago Press, 2018), ch. 2. Describing America's two foundings of 1776-1781 and 1787-1789, Elvin Lim also notes that two different conceptions of political thought were layered in tension with each other: the Anti-federalist arguments supportive of the Articles of Confederation and the Federalist arguments in favor of the Constitution. Elvin Lim, "Political Thought, Political Development, and America's Two Foundings," *American Political Thought* 3, no. 1 (Spring 2014): 146-156.

⁴⁵ Howard Gillman, "The Collapse of Constitutional Originalism and the Rise of the Notion of the 'Living Constitution' in the Course of American State-Building," *Studies in American Political Development* 11, no. 2 (Fall 1997): 191-247, at 194.

⁴⁶ Goldstein and Keohane, "Ideas and Foreign Policy," 20. See also Blyth, *Great Transformations*, 41-43.

⁴⁷ Karen Orren suggests that institutions and their accompanying ideas may not be equally durable, asking, "Can ideas or ideologies have significant political life of their own, even as the institutions or practices that once reinforced them have become weakened?" Karen Orren, "Ideas and Institutions," *Polity* 28, no. 1 (Autumn 1995): 97-101, at 98. Rogers Smith notes the inverse can also be true: "ideas can change while institutions persist." Smith, "Which Comes First, the Ideas or the Institutions?," 98.

⁴⁸ Lieberman, "Ideas, Institutions, and Political Order," 697.

⁴⁹ Smith, "Ideas and the Spiral of Politics," 132.

⁵⁰ As George Thomas argues, "changing patterns of thought may be a necessary feature of institutional change," so scholars must ask, "How do such institutions fit with altered ideas about the world?" Thomas, "Political Thought and Political Development," 117, 123.

⁵¹ As Smith argues, "these modified contexts, altered by politics and also by exogenous factors, generate political actors who formulate further ideas and values – restarting the sequence of political development but now with different content." Smith, "Ideas and the Spiral of Politics," 132.

⁵² Paul Pierson, *Politics in Time: History, Institutions, and Social Analysis* (Princeton, NJ: Princeton University Press, 2004), ch. 4.

⁵³ Samuel P. Huntington, *American Politics: The Promise of Disharmony* (Cambridge, MA: Belknap Press of Harvard University Press, 1981), 3, 85. These periods include the Revolutionary era, Jacksonian era, Populist-Progressive era, and 1960s. More generally, conflicting and changing political party ideologies have also significantly structured American politics and impacted American governance. John Gerring, *Party Ideologies in America, 1828-1996* (New York: Cambridge University Press, 1998).

⁵⁴ Hugh Hecl, "OMB and the Presidency – the problem of 'neutral competence'," *National Interest* 38 (Winter 1975): 80-99; Terry M. Moe, "The Politicized Presidency," in *The New Direction in American Politics*, ed. John E. Chubb and Paul E. Peterson (Washington, D.C.: Brookings Institution, 1985), 144-161.

⁵⁵ Rogers M. Smith, "Beyond Tocqueville, Myrdal, and Hartz: The Multiple Traditions in America," *American Political Science Review* 87, no. 3 (September 1993): 549-566.

⁵⁶ Tulis and Mellow, *Legacies of Losing*.

⁵⁷ Albert Shaw, *Political Problems of American Development* (New York: Columbia University Press, 1907), 1.

⁵⁸ William Allen White, *The Old Order Changeth: A View of American Democracy* (New York: Macmillan, 1910), 247.

⁵⁹ Tulis, *Rhetorical Presidency*; Victoria A. Farrar-Myers, *Scripted for Change: The Institutionalization of the American Presidency* (College Station, TX: Texas A&M University Press, 2007); Marc Stears, *Demanding Democracy: American Radicals in Search of a New Politics* (Princeton, NJ: Princeton University Press, 2010), ch. 1; Saladin M. Ambar, *How Governors Built the Modern American Presidency* (Philadelphia: University of Pennsylvania Press, 2012), ch. 1-3.

⁶⁰ The presidency, wrote former president Grover Cleveland, was "preeminently the people's office" because it was "only in the selection of the President that the body of the American people can by any possibility act together and

- directly in the equipment of their national Government.” Grover Cleveland, *The Independence of the Executive* (Princeton, NJ: Princeton University Press, 1913), 9-11. In Theodore Roosevelt’s view, the president was a steward “bound . . . to do all he could for the people.” Theodore Roosevelt, *An Autobiography* (New York, 1913), 389.
- ⁶¹ “Outline No. 2” for Speech before Law Academy of Philadelphia, May 1913, c, Microfilm 183, Box U130, Series HM52, *Henry Lewis Stimson Papers*, Manuscripts and Archives, Sterling Memorial Library, Yale University, New Haven, CT.
- ⁶² Arthur Twining Hadley, *Standards of Public Morality* (New York: Macmillan, 1907), 117.
- ⁶³ Jeremiah W. Jenks, *Principles of Politics from the Viewpoint of the American Citizen* (New York: Columbia University Press, 1909), 111.
- ⁶⁴ Woodrow Wilson, *Constitutional Government in the United States* (New York: Columbia University Press, 1908), 68.
- ⁶⁵ Herbert Croly, *Progressive Democracy* (New York: Macmillan, 1914), 304.
- ⁶⁶ Samuel W. McCall, *The Business of Congress* (New York: Columbia University Press, 1911), 188.
- ⁶⁷ “Parochial Congress,” *Hartford Courant*, April 7, 1934, 10.
- ⁶⁸ Henry Jones Ford, *The Rise and Growth of American Politics: A Sketch of Constitutional Development* (New York: Macmillan, 1898), 215.
- ⁶⁹ Walter Lippmann, *The Method of Freedom* (New York: Macmillan, 1934), 85.
- ⁷⁰ Harold J. Laski, *The American Presidency, An Interpretation* (New York: Harper and Brothers, 1940), 20.
- ⁷¹ Croly, *Progressive Democracy*, 297.
- ⁷² Arthur Twining Hadley, *The Education of the American Citizen* (New York: Charles Scribner’s Sons, 1901), 79.
- ⁷³ John W. Burgess, *Political Science and Comparative Constitutional Law*, Vol. 2 (Boston: Ginn, 1890), 254; Ford, *Rise and Growth*, 278-279; Gamaliel Bradford, *The Lesson of Popular Government*, Vol. 1 (New York, 1899), 367.
- ⁷⁴ Howard Lee McBain, *The Living Constitution: A Consideration of the Realities and Legends of Our Fundamental Law* (New York: Workers Education Bureau Press, 1927); M.J.C. Vile, *Constitutionalism and the Separation of Powers* (Oxford, UK: Oxford University Press, 1967); Howard Gillman, “The Constitution Besieged: TR, Taft, and Wilson on the Virtue and Efficacy of a Faction-Free Republic,” *Presidential Studies Quarterly* 19, no. 1 (Winter 1989): 179-201; Gillman, “The Collapse of Constitutional Originalism.”
- ⁷⁵ Ford, *Rise and Growth*, 292-293.
- ⁷⁶ For a more extensive account of how the idea of presidential representation influenced the BAA of 1921, see John A. Dearborn, “The ‘Proper Organs’ for Presidential Representation: A Fresh Look at the Budget and Accounting Act of 1921,” *Journal of Policy History*, forthcoming.
- ⁷⁷ Henry Jones Ford, *The Cost of Our National Government: A Study in Political Pathology* (New York: Columbia University Press, 1910), 45.
- ⁷⁸ William Howard Taft, *Our Chief Magistrate and His Powers* (New York: Columbia University Press, 1916), 6.
- ⁷⁹ President’s Commission on Economy and Efficiency [PCEE], *The Need for a National Budget*, 62nd Congress, 2nd Session, House Document No. 854 (Washington D.C.: Government Printing Office, 1912), 138, 141.
- ⁸⁰ Institute for Government Research [IGR], *A National Budget System: The Most Important of All Governmental Reconstruction Measures* (Washington D.C.: Institute for Government Research, 1919), 2.
- ⁸¹ Charles Wallace Collins, *A Plan for a National Budget System*, 65th Congress, 2nd Session, House Document No. 1006 (Washington, D.C.: Government Printing Office, 1918), 16.
- ⁸² “Critical Analysis of H. R. 9783 Sixty-sixth Congress First Session – The so-called Good Budget Bill.,” 1919, 1, Folder “General Correspondence, Nov. 18-Dec. 1919,” Box 6, *Hanna-McCormick Family Papers*, Manuscript Division, Library of Congress, Washington, D.C. This memo belonged to Senator Medill McCormick, the Senate sponsor of the BAA of 1921, though its authorship is not stated.
- ⁸³ *National Budget System*, Hearings before the Select Committee on the Budget, House of Representatives, 66th Congress, 1st Session (Washington, D.C.: Government Printing Office, 1919), 534.
- ⁸⁴ *National Budget System*, Hearings, 641.
- ⁸⁵ *Congressional Record*, 66th Congress, 2nd Session (May 29, 1920), 7955.
- ⁸⁶ *Congressional Record*, 67th Congress, 1st Session (May 5, 1921), 1077.
- ⁸⁷ *Congressional Record*, 67th Congress, 1st Session (May 27, 1921), 1854.
- ⁸⁸ Michael J. Hogan, *A Cross of Iron: Harry S. Truman and the Origins of the National Security State, 1945-1954* (New York: Cambridge University Press, 1998), *Cross of Iron*, 2.
- ⁸⁹ *Congressional Record*, 80th Congress, 1st Session (July 9, 1947), 8499.
- ⁹⁰ Douglas T. Stuart, *Creating the National Security State: A History of the Law that Transformed America* (Princeton, NJ: Princeton University Press, 2008), *Creating*, 5-6, 27-42.

⁹¹ E. Pendleton Herring, *Group Representation before Congress* (Baltimore: Johns Hopkins Press, 1929), 242; Pendleton Herring, *Presidential Leadership: The Political Relations of Congress and the Chief Executive* (New York: Rinehart, 1940), 2-3. See also E. Pendleton Herring, *Public Administration and the Public Interest* (New York: McGraw-Hill, 1936), 6-7, 15, 383; Pendleton Herring, "IV. Executive-Legislative Responsibilities," *American Political Science Review* 38, no. 6 (December 1944): 1153-1165

⁹² Commission on Organization of the Executive Branch of the Government, *Foreign Affairs: A Report to the Congress* (Washington, D.C.: Government Printing Office, 1949), 10.

⁹³ As President Franklin Delano Roosevelt had argued in 1940, presidential primacy over national defense was already assumed: "you cannot, under the Constitution, set up a second President of the United States... the Constitution states one man is responsible." Franklin D. Roosevelt, "Press Conference," December 20, 1940, *The American Presidency Project*, <http://www.presidency.ucsb.edu/ws/index.php?pid=15915&st>.

⁹⁴ *National Defense Establishment (Unification of the Armed Services)*, Hearings before the Committee on Armed Services, Part 3, United States Senate, 80th Congress, 1st Session (Washington, D.C.: Government Printing Office, 1947), 564.

⁹⁵ *Congressional Record*, 80th Congress, 1st Session (July 9, 1947), 8498.

⁹⁶ *Congressional Record*, 80th Congress, 1st Session (July 19, 1947), 9397.

⁹⁷ Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge, MA: Belknap Press of Harvard University Press, 1957), 81.

⁹⁸ The statute "implicitly recognized and reaffirmed presidential prerogatives in foreign affairs." Amy B. Zegart, *Flawed by Design: The Evolution of the CIA, JCS, and NSC* (Stanford, CA: Stanford University Press, 1999), 94.

⁹⁹ "Now Favor Budget, with House Control," *New York Times*, November 30, 1912, 5. Representative J. Swagar Sherley (D-KY) proposed in 1910 a House Committee on Estimates and Expenditures that would report on available revenue for appropriations. Representative John Fitzgerald (D-NY), favored centralizing the appropriations process in Congress, proposing to give a central Committee on Appropriations full jurisdiction over expenditures. Charles H. Stewart, *Budget Reform Politics: The Design of the Appropriations Process in the House of Representatives* (New York: Cambridge University Press, 1989), 191-196. Former Speaker Joseph Cannon (R-IL) also advocated for centralizing the committees rather than involving the president: "I believe that the House of Representatives should have one committee with jurisdiction over appropriations, and that the House should stand firmly for its budget, because it is the one branch of Congress to which the Constitution committed this responsibility and the one which the people hold responsible for the budget, which includes taxation as well as expenditure." Joseph G. Cannon, *The National Budget*, 66th Congress, 1st Session, House Document No. 264 (Washington, D.C.: Government Printing Office, 1919), 29.

¹⁰⁰ Letter from Champ Clark to Swagar Sherley, October 25, 1915, Folder "Congressional Correspondence 1914-1915," Box 8, Subseries 3, Series IV, *J. Swagar Sherley Papers*, Archives and Special Collections, Ekstrom Library, University of Louisville, Louisville, KY.

¹⁰¹ Early Treasury Secretaries Alexander Hamilton and Albert Gallatin had wielded influence over the budget estimates, but this practice was not institutionalized. Leonard D. White, *The Federalists: A Study in Administrative History* (New York: Macmillan, 1948), 118-119, 58; Leonard D. White, *The Jeffersonians: A Study in Administrative History* (New York: Macmillan, 1951), 140-142. See also, *National Budget System*, Hearings, 467-468, 504. The 1920 version of the BAA made the Treasury Secretary the head of the Bureau of the Budget, responsible for preparing the president's budget.

¹⁰² Frederick A. Cleveland and Arthur Eugene Buck, *The Budget and Responsible Government* (New York: Macmillan, 1920), 124; *National Budget System*, Hearings, 539.

¹⁰³ Paul Y. Hammond, *Organizing for Defense: The American Military Establishment in the Twentieth Century* (Princeton, NJ: Princeton University Press, 1961), 85, 228; Zegart, *Flawed by Design*, 58-60; Stuart, *Creating*, 77-79; Robert P. Saldin, *War, the American State, and Politics since 1898* (New York: Cambridge University Press, 2011), ch. 4-5. The Navy faced the potential of being outvoted by the Army and new Air Force in any unified defense department. Hanson W. Baldwin, "Merger Fight Near End," *New York Times*, May 29, 1946, 10.

¹⁰⁴ Stuart, *Creating*, ch. 4.

¹⁰⁵ *Unification of the War and Navy Departments and Postwar Organization for National Security*, Report to Hon. James Forrestal, Secretary of the Navy, United States Senate, Committee on Naval Affairs, 79th Congress, 1st Session (Washington, D.C.: Government Printing Office, 1945), 7.

¹⁰⁶ "The NSC system was never a major bone of contention. It was more of an accident." Zegart, *Flawed by Design*, 55.

¹⁰⁷ “The council could advise on national security matters and issue assessments of them, but it could not decide them. The act made clear that the president and the president alone bore responsibility for forging U.S. foreign policy.” Zegart, *Flawed by Design*, 94-95. Stuart, *Creating*, 129-130.

¹⁰⁸ Stuart, *Creating*, 104-105.

¹⁰⁹ *National Defense Establishment (Unification of the Armed Services)*, Hearings before the Committee on Armed Services, Part 3, 507.

¹¹⁰ *Congressional Record*, 80th Congress, 1st Session (July 9, 1947), 8520, 8518.

¹¹¹ *Congressional Record*, 80th Congress, 1st Session (July 9, 1947), 8496.

¹¹² Stuart, *Creating*, 233-237, 241-242; Hogan, *Cross of Iron*, 3; Zegart, *Flawed by Design*, ch. 2-3; Robert Cutler, “The Development of the National Security Council,” *Foreign Affairs* 34 (April 1956): 441-458; Anna Kasten Nelson, “The ‘Top of Policy Hill’: President Eisenhower and the National Security Council,” *Diplomatic History* 7, no. 4 (October 1983): 307-326.

¹¹³ Harold Hongju Koh, *The National Security Constitution: Sharing Power after the Iran-Contra Affair* (New Haven, CT: Yale University Press, 1990), 102.

¹¹⁴ Louis Fisher, *Defending Congress and the Constitution* (Lawrence, KS: University Press of Kansas, 2011), 199-200; David Brian Robertson, *The Original Compromise: What the Constitution’s Framers Were Really Thinking* (New York: Oxford University Press, 2013), 107-109.

¹¹⁵ James Madison, “The Federalist No. 58” [February 20, 1788], in Alexander Hamilton, James Madison, and John Jay, *The Federalist*, ed. Terence Ball (New York: Cambridge University Press, 2003), 284-285.

¹¹⁶ White, *The Federalists*, 118-119, 58; White, *The Jeffersonians*, 140-142; Fisher, *Defending Congress*, 201.

¹¹⁷ Ford, *Cost*, 9.

¹¹⁸ Applying this method to the U.S. “would require that there be a complete reversal of procedure by the Government.” Because the legislature had been “regarded as the authority which initiates and determines a policy [for] the Executive to carry out,” the “budget [had] been primarily an affair of the Congress rather than of the President.” PCEE, *Need for a National Budget*, 10.

¹¹⁹ *Congressional Record*, 67th Congress, 1st Session (May 27, 1921), 1854.

¹²⁰ Peri E. Arnold, *Making the Managerial Presidency: Comprehensive Reorganization Planning, 1906-1996*, 2nd ed. (Lawrence, KS: University Press of Kansas, 1998), 46-49.

¹²¹ *Congressional Record*, 62nd Congress, 3rd Session (February 28, 1913), 4350.

¹²² Joseph G. Cannon, *The National Budget*, 66th Congress, 1st Session, House Document No. 264 (Washington, D.C.: Government Printing Office, 1919), 28-29.

¹²³ PCEE, *Need for a National Budget*, 140.

¹²⁴ Zegart, *Flawed by Design*, 28.

¹²⁵ Commission on Organization of the Executive Branch of the Government, *Foreign Affairs*, 5.

¹²⁶ For example, Amy Zegart contrasts the extensive committee oversight set up by the Legislative Reorganization Act of 1946 over domestic agencies to the lack of oversight set up by the National Security Act of 1947, indicating Congress’s deference to the president in foreign affairs. Zegart, *Flawed by Design*, 33-34. “Presidential initiative in the formulation of our foreign policy is a familiar fact.” Edward S. Corwin, *The President’s Control of Foreign Relations* (Princeton, NJ: Princeton University Press, 1917), 126, see also 205-206. James MacGregor Burns attributed the president’s possession of “the lion’s share of foreign policy-making” mainly to “constitutional provisions.” James MacGregor Burns, *Congress on Trial: The Legislative Process and the Administrative State* (New York: Harper and Brothers, 1949), 171.

¹²⁷ Quoted in Zegart, *Flawed by Design*, 28. See also Louis Fisher, “Presidential Inherent Power: The ‘Sole Organ’ Doctrine,” *Presidential Studies Quarterly* 37, no. 1 (March 2007): 139-152.

¹²⁸ *U.S. v. Curtiss-Wright Export Corp.*, 299 U.S. 304 (1936), 328. Sutherland had previously described the position of Commander in Chief as essentially a separate office from the presidency, but one that had inherent power: “Whatever war powers he possesses under the Constitution – that is, without legislative authority – he has, not because he is President, but because he is Commander in Chief.” George Sutherland, *Constitutional Power and World Affairs* (New York: Columbia University Press, 1919), 73.

¹²⁹ Hogan, *Cross of Iron*, 32-37; Stuart, *Creating*, 115, 122-123.

¹³⁰ Such published reports, thought Eberstadt, would mean that “the public would be kept posted on these vital matters by an authoritative and dependable source,” allowing the Council to “aid in building up public support for clear-cut, consistent, and effective foreign and military policies.” *Unification*, Report, 7-8.

¹³¹ *Congressional Record*, 80th Congress, 1st Session (July 19, 1947), 9431, 9456. In the Senate, an attempt had been made to require congressional access to NSC budgetary deliberations, but this did not make it into the final law. Stuart, *Creating*, 130.

¹³² Zegart, *Flawed by Design*, 94.

¹³³ Louis Fisher and David Gray Adler, "The War Powers Resolution: Time to Say Goodbye," *Political Science Quarterly* 113, no. 1 (Spring 1998): 1-20; Louis Fisher, *Presidential War Power*, 3rd ed. (Lawrence, KS: University Press of Kansas, 2013), ch. 6.

¹³⁴ Stephen Skowronek, "Presidency and American Political Development: A Third Look," *Presidential Studies Quarterly* 32, no. 4 (December 2002): 743-752, at 744; Keith E. Whittington, *Constitutional Construction: Divided Power and Constitutional Meaning* (Cambridge, MA: Harvard University Press, 1999), ch. 5, 162.

¹³⁵ Pierre Rosanvallon, *Good Government: Democracy beyond Elections*, trans. Malcolm DeBevoise (Cambridge, MA: Harvard University Press, 2018), ch. 14-15.

¹³⁶ "One President Not Enough, Students Told," *Los Angeles Times*, March 22, 1964, A7.

¹³⁷ Samuel P. Huntington, "The United States," in Michel Crozier, Samuel P. Huntington, and Joji Watanuki, *The Crisis of Democracy: Report on the Governability of Democracies to the Trilateral Commission* (New York: New York University Press, 1975), 59-118, at 93-94.

¹³⁸ Theodore J. Lowi, *The End of Liberalism: The Second Republic of the United States*, 2nd ed. (New York: W.W. Norton, 1979), 52.

¹³⁹ Thomas E. Cronin, "A Resurgent Congress and the Imperial Presidency," *Political Science Quarterly* 95, no. 2 (Summer 1980): 209-237, at 237.

¹⁴⁰ Ronald Reagan, "Address on Behalf of Senator Barry Goldwater: 'A Time for Choosing'," October 27, 1964, *The American Presidency Project*, <http://www.presidency.ucsb.edu/ws/index.php?pid=76121>.

¹⁴¹ Connor M. Ewing and Charles Zug, "What happened to the State of the Union address? Originally, it helped the president and Congress deliberate.," *Washington Post*, January 30, 2018, <https://www.washingtonpost.com/news/monkey-cage/wp/2018/01/30/what-happened-to-the-state-of-the-union-address-originally-it-helped-the-president-and-congress-deliberate/>.

¹⁴² "The Crack in the Constitution," *Time*, January 15, 1973, 12-17, at 12-13.

¹⁴³ Congressional Research Service, *Resolved: That the Powers of the Presidency Should Be Curtailed: A Collection of Excerpts and Bibliography Relating to the Intercollegiate Debate Topic, 1974-75*, 93rd Congress, 2nd Session, House Document No. 93-273 (Washington, D.C.: Government Printing Office, 1974), 266.

¹⁴⁴ *War Powers Legislation, 1973*, Hearings before the Committee on Foreign Relations, United States Senate, 93rd Congress, 1st Session (Washington, D.C.: Government Printing Office, 1973), 43.

¹⁴⁵ David E. Rosenbaum, "The Framers Would Not Recognize Congress," *New York Times*, May 2, 1976, E4.

¹⁴⁶ "The Constitution on Powers," *New York Times*, March 5, 1973, 20.

¹⁴⁷ Arthur M. Schlesinger, Jr., *The Imperial Presidency* (Boston: Houghton Mifflin, 1973).

¹⁴⁸ J. David Alvis, Jeremy D. Bailey, and F. Flagg Taylor IV, *The Contested Removal Power, 1789-2010* (Lawrence, KS: University Press of Kansas, 2013), 187; Stephen Skowronek, "The Conservative Insurgency and Presidential Power: A Developmental Perspective on the Unitary Executive," *Harvard Law Review* 122, no. 8 (June 2009): 2070-2103.

¹⁴⁹ Richard Nixon, "The President's News Conference," January 31, 1973, *The American Presidency Project*, <http://www.presidency.ucsb.edu/ws/index.php?pid=3930>.

¹⁵⁰ *Impoundment of Appropriated Funds by the President*, Joint Hearings before the Ad Hoc Subcommittee on Impoundment of Funds of the Committee on Government Operations and the Subcommittee on Separation of Powers of the Committee on the Judiciary, United States Senate, 93rd Congress, 1st Session (Washington, D.C.: Government Printing Office, 1973), 239-240.

¹⁵¹ *Impoundment of Appropriated Funds by the President*, Joint Hearings, 482.

¹⁵² *Impoundment of Appropriated Funds by the President*, Joint Hearings, 170.

¹⁵³ *Impoundment of Appropriated Funds by the President*, Joint Hearings, 469.

¹⁵⁴ *Congressional Record*, 93rd Congress, 1st Session (July 20, 1973), 25090-25091.

¹⁵⁵ *Congressional Record*, 93rd Congress, 1st Session (July 20, 1973), 25105.

¹⁵⁶ *War Powers*, Hearings before the Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs, House of Representatives, 93rd Congress, 1st Session (Washington, D.C.: Government Printing Office, 1973), 10.

¹⁵⁷ *Congressional Record*, 93rd Congress, 1st Session (November 7, 1973), 36211.

¹⁵⁸ *Congressional Record*, 93rd Congress, 1st Session (November 7, 1973), 36190.

¹⁵⁹ *Impoundment of Appropriated Funds by the President*, Joint Hearings, 27.

¹⁶⁰ *Congressional Record*, 93rd Congress, 2nd Session (March 19, 1974), 7147.

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- ¹⁶¹ “Minutes of the Senate Democratic Conference,” July 18, 1974, 2, Folder 2, Box 86, Series XXII, *Mike Mansfield Papers*, Archives and Special Collections, Maureen and Mansfield Library, University of Montana, Missoula, MT.
- ¹⁶² Letter from Russell B. Long to Mike Mansfield, May 1, 1973, Folder 7, Box 84, Series XXII, *Mansfield Papers*.
- ¹⁶³ *Improving Congressional Budget Control*, Hearings before the Joint Study Committee on Budget Control, 93rd Congress, 1st Session (Washington, D.C.: Government Printing Office, 1973), 43-44, 49.
- ¹⁶⁴ *Improving Congressional Budget Control*, Hearings, 52.
- ¹⁶⁵ *Congressional Record*, 93rd Congress, 1st Session (December 5, 1973), 39728.
- ¹⁶⁶ *Congressional Record*, 93rd Congress, 2nd Session (March 21, 1974), 7631.
- ¹⁶⁷ *Congressional Record*, 93rd Congress, 2nd Session (March 19, 1974), 7144.
- ¹⁶⁸ *Improving Congressional Budget Control*, Hearings, 329.
- ¹⁶⁹ *Improving Congressional Budget Control*, Hearings, 72-73.
- ¹⁷⁰ Letter from Harrison A. Williams, Jr. to Mike Mansfield, April 19, 1973, Folder 7, Box 84, Series XXII, *Mansfield Papers*.
- ¹⁷¹ *Improving Congressional Budget Control*, Hearings, 80.
- ¹⁷² *Improving Congressional Budget Control*, Hearings, 82.
- ¹⁷³ *Improving Congressional Budget Control*, Hearings, 21.
- ¹⁷⁴ *Congressional Record*, 93rd Congress, 1st Session (November 7, 1973), 36187.
- ¹⁷⁵ *Congressional Record*, 93rd Congress, 1st Session (November 7, 1973), 36194.
- ¹⁷⁶ *Congressional Record*, 93rd Congress, 1st Session (November 7, 1973), 36195.
- ¹⁷⁷ *War Powers*, Hearings, 124.
- ¹⁷⁸ *War Powers Legislation, 1973*, Hearings before the Committee on Foreign Relations, United States Senate, 93rd Congress, 1st Session (Washington, D.C.: Government Printing Office, 1973), 1.
- ¹⁷⁹ *War Powers Legislation, 1973*, Hearings, 7-8.
- ¹⁸⁰ *War Powers*, Hearings, 124, 123.
- ¹⁸¹ *Congressional Record*, 93rd Congress, 1st Session (November 7, 1973), 36197.
- ¹⁸² *Congressional Record*, 93rd Congress, 1st Session (November 7, 1973), 36216.
- ¹⁸³ *Congressional Record*, 93rd Congress, 1st Session (November 7, 1973), 36202.
- ¹⁸⁴ *War Powers Legislation, 1973*, Hearings, 100.
- ¹⁸⁵ “President’s War Powers,” *New York Times*, March 31, 1972, 28.
- ¹⁸⁶ *War Powers*, Hearings, 21-22.
- ¹⁸⁷ *Congressional Record*, 93rd Congress, 1st Session (October 10, 1973), 33548.
- ¹⁸⁸ *Congressional Record*, 93rd Congress, 1st Session (November 7, 1973), 36193.
- ¹⁸⁹ *Congressional Record*, 93rd Congress, 1st Session (November 7, 1973), 36215.
- ¹⁹⁰ *Congressional Record*, 93rd Congress, 1st Session (November 7, 1973), 36188.
- ¹⁹¹ *Congressional Record*, 93rd Congress, 1st Session (November 7, 1973), 36190.
- ¹⁹² *Congressional Record*, 93rd Congress, 1st Session (October 12, 1973), 33859.
- ¹⁹³ *Congressional Record*, 93rd Congress, 1st Session (November 7, 1973), 36195.
- ¹⁹⁴ *Congressional Record*, 93rd Congress, 1st Session (October 10, 1973), 33553.
- ¹⁹⁵ *Congressional Record*, 93rd Congress, 1st Session (October 12, 1973), 33867.
- ¹⁹⁶ Thomas F. Eagleton, “A Dangerous Law,” *New York Times*, December 3, 1973, 39.