The President and Congress:  
Constitutional Framework and Historical Development

I. Constitutional Design

A. Founder’s view of relative power of President and Congress reflected in order of constitutional design

<table>
<thead>
<tr>
<th>Article I</th>
<th>Article II</th>
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<tbody>
<tr>
<td>Congress</td>
<td>Executive</td>
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B. Powers given to Congress

1. Broad grant: “All legislative powers *herein granted* shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.”

2. Specific powers: levy taxes, borrow and spend money, regulate interstate commerce, establish national money supply, establish a post office, declare war, raise and support armed forces, establish a court system, propose amendments, … (see Article I)

3. Powers of House alone: originate tax bills, bring charges of impeachment

4. Powers of Senate alone: advise and consent on treaties, confirm presidential appointments to Supreme Court and federal judiciary, ambassadors, president’s cabinet, and other executive offices created by law (Congress decides whether president or other executive officials alone can make appointments), and try impeachments

5. Implied powers: make all laws “necessary and proper” for carrying out enumerated powers

C. Powers given to President

1. Broad grant: executive power (not limited by clause such as *herein granted*)
2. Specific powers: appoint (with Senate approval) and remove executive officials, appoint (with Senate approval) federal and Supreme Court judges, initiate policy (via State of the Union message), veto legislation (subject to 2/3 override in Congress), convene special sessions of Congress (“on extraordinary occasions”), make treaties (with Senate approval), receive ambassadors, command armed forces, grant reprieves and pardons, represent U.S. as chief of state

D. Key features

1. Separation of powers (bicameral Congress, separate executive): more appropriately termed as separate institutions sharing powers

2. Checks and balances

3. For Founders, Congress clearly designed as the most powerful branch, e.g. power of the purse, declare war

4. Designed for struggle for power, slow policy process

II. Historical Development of Presidential-Congressional Relationship

A. Developments and change based on ambiguity or silence in the Constitution

B. Before 1900, most presidents either ceded power to the Congress (as in the Whig theory of a weak presidency) or were unable to dominate Congress if they tried (Jefferson, Jackson, and Lincoln were exceptions)

C. With changes in technology, changes in the U.S. role in the world, and changes in public expectations, presidents from Theodore Roosevelt to Clinton have largely taken leadership role in national policymaking (exceptions were Hoover, Coolidge, and Harding)

III. Key influences on relationship

Precedent: e.g. Jay Treaty and the House role in treaties
Partisanship (unified or divided control of government, though note that research is not clear on whether this really makes a difference in terms of policy outcomes, at least since the Truman administration)

National turmoil (e.g. Civil War, Great Depression)

International threat

Presidential personality or style (in conjunction with the personality and style of leaders in Congress)

Expansion of executive bureaucracy

Increasingly influential: public opinion and interest groups

IV. Why does the relationship between the President and Congress matter?

A. Concern about too much/too little power in hands of president

B. Concern about public policy: if Congress and the president do not work together in making policy (or if one does not yield the agenda to the other and support policy proposals), important issues of public concern may not be addressed or problems may arise as a result of inaction.
V. Understanding the Future of Presidential-Congressional Relations

The Constitution provides guidelines for the relationship between the president and Congress, but there is much room for interpretation and change.

However, the lack of a clear design does not mean that we cannot understand how the relationship between the president and Congress has changed over time or that we cannot develop expectations about what this relationship may be like in the future.

With knowledge of the factors that influence the presidential-congressional relationship, we have a guide to past change and a way to understand future changes that may occur.