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Presidential Politicization and Centralization Across the Modern-Traditional Divide*

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Conventional wisdom describes the “modern presidency” as an institution with more political authority and autonomy than its “traditional” nineteenth-century predecessor. A central claim is that since the rise of the modern executive establishment, presidents have had an incentive to “politicize” and “centralize” their authority within the executive branch. Examining three lesser-known pre-modern presidents, we argue that the tendency for presidents to politicize and centralize is neither distinctly modern nor particularly extraordinary. Rather, it is a fundamental presidential impulse that finds its roots in the ambiguous form of executive power in America.

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Introduction

The concept of the “modern presidency” is the anchoring paradigm of presidential studies today. In *Presidential Power*, Richard Neustadt first described the attributes of the modern presidency, and Fred Greenstein later codified the

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term.¹ The modern presidency construct has been useful in clarifying our understanding of important developmental changes to the presidency, including the proliferation of bureaucratic and administrative structures within the executive branch over the last seventy years,² the rise in public expectations for presidential agenda-setting and legislative activism,³ the heightened awareness of the relationship between the presidency and public opinion,⁴ and the new powers derived from the president's increased involvement in international affairs.⁵ But the notion that the presidency has undergone a fundamental "metamorphosis," "transformation," or "quantum change" during the modern period has encouraged a bifurcated frame of analysis, in which modern and pre-modern presidents stand on opposite sides of a historical divide.⁶

Analyzing the under-studied nineteenth-century presidencies of John Tyler, James Polk, and Rutherford B. Hayes, we argue that many of the characteristics of the presidency that are claimed to be distinctively modern are, in fact, transhistorical. Specifically, the propensity for presidents to politicize and centralize⁷—to increase their political authority through administrative control—is not only a twentieth-century phenomenon tied to the existence of the modern executive establishment, but is an enduring part of the president's institutional incentive structure. Indeed, the origins of this propensity can be found in the ambivalence of executive power in the Constitution.⁸ The Founders defined executive power ambiguously, and left presidents to claim authority and derive powers that were not specifically granted to them in the Constitu-

1. Richard Neustadt, *Presidential Power* (New York: Wiley, 1960); Fred Greenstein, "Change and Continuity in the Modern Presidency," in *The New American Political System*, ed. Anthony King (Washington, DC: American Enterprise Institute, 1978); Fred Greenstein, Larry Berman, and Alvin Felzenberg, *Evolution of the Modern Presidency: A Bibliographic Survey* (Washington, DC: American Enterprise Institute, 1977).

2. John P. Burke, *The Institutional Presidency* (Baltimore: The Johns Hopkins University Press, 1992); John Hart, *The Presidential Branch* (Chatham: Chatham House, 1995); Hugh Hecko, "The Executive Office of the President," in *Modern Presidents and the Presidency*, ed. Mark Landy (Lexington: Lexington Books, 1985); James Pfiffner, *The Modern Presidency* (New York: St. Martin's Press, 1993).

3. George C. Edwards III, *At the Margins: Presidential Leadership of Congress* (New Haven: Yale University Press, 1989); Paul Light, *The President's Agenda* (Baltimore: Johns Hopkins University Press, 1982); Mark A. Peterson, *Legislating Together* (Cambridge, MA: Harvard University Press, 1990); Stephen J. Wayne, *The Legislative Presidency* (New York: Harper and Row, 1978).

4. George C. Edwards III, *The Public Presidency: The Pursuit of Popular Support* (New York: St. Martin's Press, 1983); Samuel Kernell, *Going Public* (Washington, DC: Congressional Quarterly, 1997); Theodore Lowi, *The Personal President* (Ithaca: Cornell University Press, 1985); Jeffrey Tulis, *The Rhetorical Presidency* (Princeton: Princeton University Press, 1987).

5. Louis Fisher, *Presidential War Power* (Lawrence: University Press of Kansas, 1995); Lowi, *The Personal President*; Richard Rose, *The Postmodern President* (Chatham: Chatham House, 1988); Arthur M. Schlesinger, Jr., *The Imperial Presidency* (Boston: Houghton Mifflin Company, 1973).

6. Greenstein, "Change and Continuity in the Modern Presidency"; Greenstein, *Evolution of the Modern Presidency: A Bibliographic Survey*. Terri Bimes and Stephen Skowronek, "Woodrow Wilson's Critique of Popular Leadership: Reassessing the Modern-Traditional Divide in Presidential History," *Polity* 29 (1996).

7. Terry Moe, "The Politicized Presidency," in *The New Direction in American Politics*, ed. John E. Chubb and Paul E. Peterson (Washington, DC: Brookings Institution, 1985).

8. Harvey C. Mansfield, Jr., *Taming the Prince* (Baltimore: The Johns Hopkins University Press, 1993).

tion. The presidential quest for autonomy and institutional authority is a perennial struggle that crosses the boundaries of the temporal modern-traditional divide.

Although most scholars acknowledge that a few pre-modern presidents, such as George Washington, Thomas Jefferson, Andrew Jackson, Abraham Lincoln, Theodore Roosevelt, and Woodrow Wilson claimed unprecedented authority for their actions and expanded the understanding of executive power in America, they are treated as exceptions to the rule. Instead, the predominant paradigms are that modern power “cannot be acquired or employed on the same terms as those benefiting” pre-modern presidents⁹ and that the advent of the modern presidency in the 1930s was accompanied by a qualitative change in the interests, motives, and behaviors of incumbent presidents.¹⁰ In contrast, we argue that there are fundamental similarities in the way presidents have acquired power and authority throughout American history. In our case studies, we demonstrate that the tendency for presidents to claim authority and seek out reliable resources for the exercise of power is neither distinctly modern nor particularly extraordinary. Rather, it is a common tendency that finds its roots in the peculiar, ambiguous form of executive power in America.

Executive Power in the U.S. Constitution

The idea of the executive as a non-monarchical agent of change originates in the political thought of Machiavelli. In *The Prince*, Machiavelli argued that the power of the prince is not bound by law and the institutions of governance, and is not restricted by the liberal Christian virtues admonishing cruelty. The prince acts as he chooses and exerts his power at will. However, he must justify his actions by claiming to represent something greater than himself—the people, the laws, or the stability of the state. His authority to act with prerogative, while not democratic, still relies upon his need for legitimacy, or at least the appearance of legitimacy. As such, the prince must take active steps to earn his authority. His executive power must be sought out and cultivated before it can be exercised effectively. According to Harvey Mansfield, the Founders’ great accomplishment was to “tame” Machiavelli’s prince and “republicanize” Locke’s executive by institutionalizing the executive power in a democratic system of government.¹¹ Yet not all the characteristics of Machiavelli’s prince were lost in the taming process; the essential “ambivalence” of executive power provides the motive force behind the American presidency. American presidents, like all executives descendant from Machiavelli’s prince, have had to earn their political authority and institutional autonomy.

9. Neustadt, *Presidential Power*.

10. Greenstein, “Change and Continuity in the Modern Presidency”; Moe, “The Politicized Presidency”; Neustadt, *Presidential Power*.

11. Mansfield, *Taming the Prince*.

The Constitution states in Article II that “the executive power shall be vested in a President,” but nowhere is the executive power explicitly defined. The ambiguity of executive power stands in sharp contrast to the specificity of the legislative powers enumerated in Article I—“All legislative powers *herein granted* shall be vested in a Congress” (emphasis added). These constitutional “silences” regarding executive power grant presidents the right—indeed, they compel presidents—to define executive power according to circumstance, to seek authority according to necessity, and to claim legitimacy for political actions where there is no doctrinal warrant.¹² Although the debate over why the Founders institutionalized the ambiguity of executive power is an interesting one, the important point here is that the presidency, unlike the Congress, must work to achieve the authority it is not explicitly granted.

The president cannot merely declare his authority and make it so: as Machiavelli observed, executive power must be negotiated, justified, and achieved. As political actors operating within a political system inhabited by other institutions vying for power and authority, presidents must ensure their institutional rights, per se, in relation to other institutions of governance. They must carve out specific realms of governance in which their actions will be considered legitimate and authoritative. Like Machiavelli’s prince, they yearn for autonomy; but unlike the prince, their authority must be derived from the democratic political system in which they operate. By actively confronting existing institutional arrangements, redefining political understandings, and seizing upon any number of available resources, presidents throughout history have actively crafted their personal, political, and institutional authority.

Institutional Incentives of the American Presidency

Even when constitutionalized and republicanized in the form we recognize as the American presidency, the ambiguity of executive power creates an incentive for presidents to be dynamic and forceful agents of change as they interact with other political institutions. As political actors, presidents are fundamentally concerned with the politics of governing, and they seek to achieve their political purposes through political means. Among other goals, presidents seek reelection, the perception of leadership success, historical greatness, and a strengthened party by asserting their authority and by trying to control political developments on their own terms.

Moe advances an understanding of the president’s institutional incentives that is quite similar to ours: presidents attempt to achieve their goals by appearing strong and by working to expand their institutional autonomy.¹³ He notes: “autonomy is an integral part of their institutional incentive structure, part of what it means to be a

12. See also Richard M. Pious, *The American Presidency* (New York: Basic Books, Inc., 1979).

13. Moe, “The Politicized Presidency”; Terry Moe, “Presidents, Institutions, and Theory,” in *Researching the Presidency*, ed. George C. Edwards III, John H. Kessel, and Bert A. Rockman (Pittsburgh: University of Pittsburgh Press, 1993).

good president.”¹⁴ To achieve this autonomy, presidents take “aggressive action within their own sphere of authority to shift the structure of politics for themselves and everyone else.”¹⁵ They engage with the institutional system strategically and forcefully, hoping to achieve their political objectives and enhance their independent authority.

Moe recognizes that presidents are motivated by a “quest for control” and autonomy. But like many presidency scholars, he mistakenly claims that this quest began with the growth of the bureaucracy and the dramatic rise in expectations for presidential leadership that followed from Franklin Roosevelt’s activist presidency. Modern presidents, Moe says, respond to these unreasonable expectations by trying to shape the structure of the political bureaucracy to be more responsive to their personal control. They aggressively build administrative and regulatory institutions that are more tractable, pose challenges to the structure of the congressional bureaucracy, and act unilaterally whenever possible. By “centralizing” the policy-making process in the White House and “politicizing” the institutional system, presidents gain more personal autonomy and institutional authority.¹⁶

It is our contention that the institutional incentives that lead presidents to centralize and politicize result not merely from their pivotal role in determining the structure of the modern bureaucracy, but more fundamentally from the ambiguity of executive power and the elusiveness of authority that is inherent in the office itself. Moe makes a strong case that aggressive administrative and bureaucratic management is the most prominent manifestation of this incentive in the modern period. But because the structural politics of the modern period drive his definition of institutional incentives, Moe’s analysis misses the creative ways in which presidents have pursued authority over time. We contend that the president’s motivation to politicize and centralize is not a modern phenomenon, but a reaction to a pervasive institutional incentive.

In the following case studies, we examine how Tyler, Polk, and Hayes each sought to seize upon the ambiguity of presidential power to politicize his administration and centralize his authority. John Tyler battled against overzealous Whigs in Congress to secure his institutional independence and advance his signature policy, the annexation of Texas. Through his unprecedented assertion of control over the budgetary process, James Polk created new avenues of bureaucratic authority for the presidency and provided his administration with the necessary means to accomplish his ambitious Jacksonian agenda. By displacing entrenched interests and eliminating political patronage, Rutherford B. Hayes placed the presidency at

14. Moe, “Presidents, Institutions, and Theory,” 364-65.

15. Moe, “Presidents, Institutions, and Theory,” 367.

16. Moe, “The Politicized Presidency”; Terry Moe, “The Politics of Bureaucratic Structure,” in *Can the Government Govern?*, ed. John E. Chubb and Paul E. Peterson (Washington, DC: The Brookings Institution, 1989); Moe, “Presidents, Institutions, and Theory”; Terry Moe, and William Howell, “The Presidential Power of Unilateral Action,” *Journal of Law, Economics and Organization* 15, (1999); Terry Moe, and William Howell, “Unilateral Action and Presidential Power: A Theory,” *Presidential Studies Quarterly* 29 (1999).

the center of his party's organization. The following three case studies demonstrate that even lesser-noted nineteenth-century presidents had the incentive to seek political authority not explicitly granted to them by the Constitution and turn it toward their own political purposes.¹⁷

I. Politicizing and Centralizing Administrative Capacity: The Presidency of John Tyler

The presidency of John Tyler does not stand out in history as particularly remarkable. Nor should it: by most measures, Tyler had modest policy ambitions, he did not lead the nation through any wars or major economic crises, and his personality was not especially noteworthy. He established the important precedent of vice presidential succession, but did not leave a significant political legacy after he left office in 1845. Yet because his presidency did not make much of a mark on American politics, it is all the more illustrative of the presidential incentive to establish independence and political authority by playing upon the ambiguities of executive power in the Constitution. Like modern presidents, Tyler sought to pursue his policy objectives—the annexation of Texas and moderate economic policies that respected states' rights—by politicizing and centralizing his administration.

Tyler did not come to power with an abundance of independent personal or political authority, and as the first Vice President to succeed a deceased president, Tyler could claim no electoral mandate. Tyler's accession to the presidency was hotly contested, and his legitimacy was challenged from all sides. Throughout his term, Tyler's policy objectives failed to generate a popular consensus, and both the Democratic party and the Whig party found that organizing in opposition to Tyler was more fruitful than looking to him for leadership. From the start, Tyler had to seize upon the ambiguities of executive power to create his own sphere of authority.

Securing Formal Authority

With the election of William Henry Harrison to the presidency in 1840, the Whig party hoped to reverse the course of presidential aggrandizement set by Andrew Jack-

17. A brief note on our methodology: this research is part of a larger ongoing project critiquing the pervasive "modern/traditional" divide in presidential scholarship by investigating the executive leadership of nineteenth-century presidents. Clearly, these three case studies are not exhaustive; yet they are still informative. To gain the most explanatory power from our limited number of cases, we follow King, Keohane, and Verba by emphasizing the larger number of observations of presidential actions contained within each of the three cases. For example, within the examination of Tyler, our thesis is substantiated by numerous observations, including Tyler's strategic use of the presidential oath, his wresting of control over Harrison's cabinet, his creation of a politicized "kitchen cabinet," his use of the veto, his strategic use of the appointment power, and his efforts to build a new party for political leverage. See Gary King, Robert O. Keohane, and Sidney Verba, *Designing Social Inquiry: Scientific Inference in Qualitative Research* (Princeton, NJ: Princeton University Press, 1994).

son and return congressional supremacy to the federal government. In his inaugural address, Harrison promised to put into practice the Whig's restrictive understanding of executive power. Overjoyed congressional Whigs expected their program to be fully implemented without significant interference from the executive branch. But Harrison's untimely death a month later left to his successor the responsibility of living up to the Whig creed. John Tyler, however, had been nominated as the Whig party's vice presidential candidate for political reasons, not for his dedication to the Whig party program. He had provided valuable support to key Whig party leaders in the recent past, and was a states' rights southerner who brought sectional balance to the party coalition. Tyler was a Democrat until the mid-1830s, and only left the party to demonstrate his opposition to Jackson's "war" on the national bank. In placing him on the ticket, the Whig party had "asked him no questions about his views and required him to make no pledges."¹⁸ Tyler was an independent politician who stood, unlike most of his contemporaries, above party politics; his election as a Whig Vice President did not alter his commitment to patrician ideals of independent statesmanship.

Harrison's death prompted an urgent constitutional debate over how to fill the vacuum of power he left behind. Should Tyler *become* the president? Or should he remain Vice President, *acting as* president? Like many other passages in the Constitution, the instructions regarding succession leave considerable room for interpretation. It reads: "in the case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President." Precisely what "the same" means is unclear: is it the "said office," or "the powers and duties?" Tyler's detractors, including Harrison's cabinet, declared that "Mr. Tyler must, while performing the functions of President, bear the title of Vice-President, acting President" and several major newspapers concurred that Tyler should assume the powers and duties of the presidency but not the office itself.¹⁹

In true Machiavellian fashion, once Tyler reached Washington, D.C., he immediately took the presidential oath of office. He swore to "faithfully execute the Office of the President of the United States" and "preserve, protect, and defend the Constitution." This action profoundly affected his status, providing him with the formal authority of the *office*, not just of the president's *duties*. Although former president John Quincy Adams regarded Tyler's assumption of the presidency as a "direct violation of both the grammar and context of the Constitution," most of Tyler's critics reluctantly acknowledged that his swearing to execute the office of President was tantamount to *being himself* the President.²⁰

18. Robert Seager, *And Tyler Too: A Biography of John & Julia Gardiner Tyler* (New York: McGraw-Hill, 1963), 135.

19. Robert J. Morgan, *Whig Embattled: The Presidency under John Tyler* (Lincoln: University of Nebraska Press, 1954), 7-11.

20. Charles Francis Adams, ed., *Memoirs of John Quincy Adams* (Philadelphia: J.B. Lippincott, 1874), 463-64.

Tyler also decided to deliver an inaugural address, which he considered “a brief exposition of the principles which will govern me in the general course of my administration.”²¹ Using the first person rhetorically was a direct claim of his autonomy as president, and it did not go unnoticed in the press or in the House of Representatives, where a motion was made to force the title upon Tyler of “Vice-President, now exercising the duties of President” (the motion failed). Had Tyler hesitated for another day, week, or month to assert his authority as President, it is reasonable to assume that his congressional detractors would have seized the opportunity to subordinate the presidency and its powers to the will of the Whig majority in Congress. With the question of his legitimacy as president addressed for the moment, if only by his *de facto* assumption of the title and office, Tyler began his quest to exert control over his administration and to direct political developments on his own terms.

Tyler's Politicization and Centralization

One of the most obvious places for a president to exert his authority as political leader is in his own administration: presidents often seek to shape administrative arrangements in the executive branch and influence the political orientation of governing institutions within their reach. Terry Moe argues that presidents are driven to interact with the surrounding institutional environment by the “underlying degree of congruence” between their incentives and resources and the “existing structures making up the institutional presidency. . . . If presidents are dissatisfied with the institutional arrangements they inherit, then they will initiate changes to the extent that they have the resources to do so.”²² Moe’s theory of politicization and centralization, of course, refers to the “patterned behaviors” that exist within the modern executive establishment, including the federal bureaucracy, the numerous White House offices, the Office of Management and Budget, and the Executive Office of the President.²³ The executive branch in 1841, however, lacked significant administrative capacity or bureaucratic machinery: Tyler’s administration consisted of little more than a personal secretary and a cabinet. Yet Tyler sought to control the executive branch in much the same way as modern presidents do. What the president always wants, Moe tells us, “is an institutional system responsive to his needs as a political leader.”²⁴ Much of Tyler’s activity in the presidency can be seen, in this light, as part of an ongoing effort to shape the institutional environment to his political advantage.

In Tyler’s time, the most prominent and politically significant establishment in the executive branch was the cabinet. The cabinet was traditionally composed of

21. James D. Richardson, *A Compilation of the Messages and Papers of the Presidents, 1789-1902*, vol. 5 (Washington, DC: Bureau of National Literature and Art, 1903), 36-39.

22. Moe, “The Politicized Presidency,” 237-38.

23. Moe, “The Politicized Presidency,” 237.

24. Moe, “The Politicized Presidency,” 239.

prominent, independent-minded members of the president's party, distinguished statesmen in their own right, who would not only oversee departments within the executive branch, but as in Daniel Webster's case (Tyler's Secretary of State), would have near-complete authority over their policy areas. Presidents relied on their secretaries for information, advice, and political capital. Who was placed on the cabinet indicated which states, regions, political ideologies, and party and congressional leaders held sway in the president's administration; cabinet secretaries were political tools just as they were political resources. Proceedings from cabinet meetings had symbolic value and sometimes became veritable political events—what was said between presidents and secretaries could become the subject of political news. How the president managed his cabinet, therefore, was an essential component of executive leadership in the nineteenth century: it impacted his ability to implement his policy objectives, build political coalitions, advance his reelection hopes, and direct the political agenda.

Upon entering the White House in April 1841, Tyler was sensitive to the national upheaval surrounding Harrison's death. In an effort to save the nation from further strife, Tyler chose not to dismiss Harrison's cabinet and appoint new secretaries. His plan was to smooth over his rocky transition by showing respect for the Whig leadership. This decision was intended not only to ingratiate Tyler with his party, but it was also a strategic move designed to preserve the Whigs' delicate factional balance of anti-Democratic northerners and southerners with nationalistic economic policy preferences. Unfortunately for Tyler, Harrison's secretaries were known lieutenants of Senator Henry Clay, and so his failure to change administrations made the new president appear subordinate to the strong congressional Whig leadership.

At the first cabinet meeting on April 6, Daniel Webster explained to Tyler that President Harrison had made all policy decisions by a majority vote in the cabinet, and the president received only one vote. The cabinet, as well as the party leadership, expected and encouraged Tyler to follow Harrison and cede authority to his secretaries. Although this tradition of cabinet decision-making dated back to Thomas Jefferson, it became a highly contentious issue during the administration of Andrew Jackson. Jackson not only refused to vote with his cabinet, he refused to meet with it for the first two years of his presidency and instead referred to a "kitchen cabinet" of informal friends and advisors. Although Tyler had made his career opposing the executive aggrandizement of Andrew Jackson, he now found himself faced with a crucial decision: should he, like Jackson, assert his autonomy and authority over his cabinet, or hand control over his administration to the Whig leadership in a demonstration of his party faithfulness? The latter proposition was untenable. Not only would a rule-by-committee system compromise his personal and institutional autonomy, but his political objectives would be subordinated to the policy agenda and political ambitions of Henry Clay. Tyler seized this opportunity to defend his autonomy, declaring to his cabinet: "I am the President, and I shall be held responsible for my administration. I shall be pleased to avail myself of your

counsel and advice. But I can never consent to being dictated to as to what I shall or shall not do. . . . When you think otherwise, your resignations will be accepted.”²⁵

Tyler’s assertion that he and he alone possessed the executive power demonstrates the vitality and endurance of the Founders’ ideals and hopes for the institutions they created. By allowing the executive power to remain ambiguous in the Constitution, the Founders effectively empowered presidents to interpret their role as they choose. In this way, the executive could be both strong and weak, according to necessity.²⁶ But this flexibility and adaptability requires independence and unity in the executive. By institutionalizing their ambivalence over executive power in ambiguous language, the Founders provided the presidency with an incentive to resist encroachment upon its unitary form. In Federalist 70, Publius contended that unity is an essential component of energy in the office, but it can be destroyed by “vesting it ostensibly in one man, subject, in whole or in part, to the control and cooperation of others, in the capacity of counsellors to him.” The Founders rejected rule-by-committee as a viable form of executive power, and Tyler’s decision demonstrated that the president’s incentive to be autonomous was indeed a significant motivating force, a testament to the Founders’ foresight.

Yet increasing the authority of the cabinet at the expense of the president was a pivotal part of the Whig plan to restore legislative dominance over the federal government, and an essential component of Henry Clay’s political strategy. At the outset of Harrison’s term, Henry Clay had engineered the selection of his supporters to a majority of cabinet posts, and had rejected an offer to serve as Secretary of State in order to remain in the Senate. As the leader of the Senate and the controlling influence over the cabinet, Clay planned to bring about legislative supremacy. Tyler’s decision to thwart Clay’s plan and assert his independence from his cabinet was, according to Tyler’s biographers, a painful and difficult decision. In addition to pitting Tyler against his own party, his decision defied contemporary norms. From Washington to Van Buren, cabinet members had provided considerable input on policy matters and constitutional questions, and often outlasted presidents in office; even the issue of whether the president had the power remove his secretaries without the consent of the Senate was not resolved until the repeal of the Tenure of Office Act in 1886. What was worse, Tyler’s claim of autonomy was reminiscent of Andrew Jackson, the only president to have asserted complete authority over his cabinet. Surely the *National Intelligencer’s* stinging repudiation of Tyler’s action as a “Jacksonian pretension to executive infallibility,” a statement echoed throughout the political presses, must have been a bitter pill for the anti-Jacksonian Tyler to swallow.²⁷

25. J. G. Wilson, *The Presidents of the United States, Vol. II* (New York: D. Appleton and Company, 1894), p. 73n, John Tyler Jr. quoted by John Fisk.

26. Mansfield, *Taming the Prince*.

27. *The National Intelligencer*, August 14, 1841.

Despite these disadvantages, any chance Tyler had to defend his policy and political commitments turned on the degree of authority he asserted over the cabinet. Tyler was a “spokesman of the tidewater tobacco planters” who had strong political commitments; he “represented pre-eminently the resentment of the great agrarians of the South against Jackson’s vigorous executive policies and especially his denunciation of the South Carolina nullificationists.”²⁸ Although he shared some of the Whigs’ nationalist views, Tyler did not align politically with Clay. In the summer of 1841, Clay introduced a series of bills in Congress that constituted the bulk of the Whig policy agenda. At the center of the agenda was a plan to re-charter the national bank. Despite warnings from Tyler confidants that the president opposed the idea of a national bank that infringed on states’ rights, the Whig-dominated Congress proceeded to pass the bill and send it to the president for his signature.

Tyler needed counsel on whether to veto the bill, and how to explain it, if he did. He perceived his existing cabinet members as disloyal and was unwilling to solicit their advice; yet he feared a rupture of the Whig party if he dismissed the Harrison holdovers. Driven by an incongruity between his motives and the political structure surrounding him, Tyler politicized his administration and created his own version of Jackson’s “kitchen cabinet.” His informal cabinet included old friends: five members of the Virginia congressional delegation, newspaperman Duff Green, and Massachusetts congressman Caleb Cushing. Tyler eagerly solicited their advice and shared with them his most personal and political concerns. Tyler’s real cabinet, however, was left guessing how the president planned to govern. When the first bank bill was sent to Tyler for his signature, Webster remarked that Tyler “keeps his own counsel as to approving or disapproving. Opinions differ very much as to what he will do.”²⁹

After Tyler vetoed the bank bill, Clay publicly accused him of violating contemporary political norms and assaulting the doctrine of cabinet control. Tyler should have followed “the judgment of the party which brought him into power . . . and, if public fame speaks true, of the cabinet which the lamented Harrison called around him, and which he voluntarily continued.”³⁰ Yet ceding the authority of the presidency to his cabinet would not, Tyler believed, be in the nation’s best interests. To compromise on the bank bill would have been to surrender the institutional authority of the presidency to a legislature dominated by his ideological opponents. Instead, Tyler vetoed the bill and directed his efforts toward the politicization of his institutional environment. Since he would not receive faithful, constructive political advice from his existing cabinet members, Tyler cut them out of his deliberations and instead relied on advisers who were responsive to his political and policy objectives. Encountering an institutional environment that was at odds with (and actually hostile to) his political

28. Wilfred E. Binkley, *President and Congress* (New York: Vintage Books, 1962), 112

29. Morgan, *Whig Embattled: The Presidency under John Tyler*, 62.

purposes, Tyler drew upon his informal resources to carve out his own sphere of authority, restructuring influence in the executive branch on his own terms.

In addition to politicizing and centralizing the presidential channels of advice and counsel, Tyler sought to remake the executive branch in his image. Using the power of appointment to pack the executive branch with friends and family who were loyal and responsive to him and his political objectives, Tyler seized upon this simple, readily available resource and built an administration to his liking. As Moe explains, the power of appointment is “anchored in a formal presidential power that, in its implications for political and bureaucratic control, is perhaps more important than any other he possesses.”³¹ This most basic tool of politicization proved to be highly effective for Tyler’s purposes. As Tyler’s sole assistant in the White House, the president appointed his son John Tyler Jr.; Robert Tyler, the president’s oldest son, served as a political liaison with conservative northern Democrats and worked at the Land Office in Washington; Tyler’s second wife, Julia Gardiner, became one of Tyler’s most trusted advisors and consultants on the use of political patronage; one nephew worked in the Treasury Department, and another nephew was appointed as a diplomatic courier; a brother-in-law became second assistant postmaster general, and another brother-in-law became a U.S. Circuit Court clerk; Tyler’s daughter-in-law became the head social coordinator at the White House, and helped Tyler use his informal powers to influence others; Abel Upshur, an old friend and southern stalwart from Virginia, became head of the U.S. Navy, and Tyler’s son-in-law became a purser in the Navy; close friend Hugh Legare became Attorney General and presidential advocate before the Supreme Court; family friend Charles Wickliffe was appointed postmaster general.³² Although the tradition of presidential nepotism was, of course, well established, Tyler received biting criticism from his detractors for his blatant use of the appointment power for political purposes. He was later brought up on impeachment charges for, among other reasons, his “wicked and corrupt abuse of the power of appointment to and removal from office: first, in displacing those who were competent and faithful in the discharge of their public duties, only because they were supposed to entertain a political preference for another and, secondly, in bestowing them on creatures of his own will.”³³

By politicizing his institutional environment, Tyler extracted more political authority for his disadvantaged presidency. Using whatever resources at his disposal, Tyler strategically and purposefully pursued his political objectives. A telling example of Tyler’s politicization occurred when a second bill to reestablish a

30. *Congressional Globe*, 27th Congress, 1st session, Appendix, 364, quoted in Morgan, *Whig Embattled: The Presidency under John Tyler*, 64-65.

31. Moe, “The Politicized Presidency,” 245.

32. Norma Lois Peterson, *Presidencies of William Henry Harrison & John Tyler* (Lawrence: University Press of Kansas, 1989), 147-64.

33. See *Journal of the House of Representatives of the United States*, 1842-1843, January 10, 1843, proceedings introduced by Representative Botts.

national bank was passed by Congress and sent for Tyler's signature. Tyler learned early on that the bill was intended as part of a political ploy to force a second veto, which would isolate the president further from the Whigs, compel his cabinet to resign in a mass showing of no-confidence, and ultimately force him to step down from the presidency. The Senate President Samuel Southard, a Clay man, would then be elevated to the presidency. Tyler vetoed the bill, but did not resign. He stated: "My resignation would amount to a declaration to the world that our system of government had failed . . . that the provision made for the death of the President was . . . so defective as to merge all executive powers in the legislative branch of the government."³⁴ Tyler was burned in effigy, threatened with assassination, and formally expelled from the Whig party. And on September 11, 1841, Tyler's cabinet resigned in a mass exodus.³⁵ In a swift and decisive move, Tyler nominated a new cabinet and established new procedures. Indeed, there is evidence that Tyler may have encouraged the exodus of the Harrison cabinet in order to rebuild his administration in his image—well in advance of the cabinet resignations, Tyler had selected their replacements.³⁶

Over the next three years, Tyler carefully manipulated the circulation of fourteen men through his cabinet, crafting that body to reflect his own policy ambitions. His appointments were geared toward forging a new partisan link between conservative Democrats from New York and Pennsylvania and southern states' rights Whigs who had left the Democratic party during Jackson's presidency. Throughout his term, Tyler insisted that his cabinet members recognize their subordination to the president, act harmoniously with one another, and adhere to his opinions on all matters. His cabinet meetings were gatherings of like-minded politicians who thought collectively about how to best implement Tyler's political agenda.

Once he had disposed of the Harrison holdover cabinet, Tyler was truly a president without a party—he now had the freedom to concentrate on achieving his personal political goals. He began to build a third party, carefully targeting his political appointments to bring together nationalists and states' rights advocates under his leadership. Hoping to attract moderates from the Whig party and northern conser-

34. See John Tyler, *Statement in Answer to the Report of the House Committee, in August, 1842, Letters and Times of the Tylers*, Lyon G. Tyler, vol. II, 100, quoted in Seager, *And Tyler Too: A Biography of John & Julia Gardiner Tyler*, 161.

35. Secretary of State Daniel Webster was the only secretary to remain in the cabinet. Webster and Tyler had forged a mutual respect for one another, and the distinguished secretary was in the midst of important diplomatic negotiations with Great Britain over the Maine boundary (which he ultimately resolved, signing the important Webster-Ashburton Treaty); he was reviewing the question of Mexico's claims in California; and he was examining the boundary problems in Oregon as well. Webster did not feel that he could leave the State Department at such a crucial time.

36. See Duff Green to Tyler, September 10, 1841 in Duff Green, *The Duff Green Papers in the Southern Historical Collection of the University of North Carolina Library* (Chapel Hill, NC: 1967); and letter from Gilmore in *John Tyler Papers*, vol. V, 175; see Oliver Perry Chitwood, *John Tyler: Champion of the Old South* (New York: Appleton-Century Company, 1939).

vatives from the Democratic party, Tyler introduced third-way policy alternatives such as the Exchequer Plan and the 1842 Tariff Act. But the centerpiece of Tyler's third-party movement was the annexation of Texas and the expansion of America's boundaries to the Pacific Ocean: goals that would not only bring together the various factions of moderates under his leadership, but help him leave his mark on history. "Could anything throw so bright a lustre around us?" Tyler asked Webster, whom he solicited to join in a third-party movement.³⁷ In January 1843, Tyler officially founded the Democratic-Republican Party (referred to as the Tyler Party), and was nominated for president by a small group of friends.

His third party never got off the ground as an electoral force, but it did provide political leverage on the Texas question. Tyler knew his party would never generate a large enough national movement to defeat one of the major parties, but he hoped to build an organization with enough support to swing the balance of power on important policy issues. Thus, with secret negotiations stalled in April 1844, Tyler rallied a group of supporters (comprised mainly of political appointees to the office of the postmaster and mail contractors) to declare boldly their intention to reelect the president and make the annexation of Texas into a major campaign issue—a move calculated to pressure the Democratic party to announce in favor of annexation. The tools of presidential patronage and political party building were central to the realization of Tyler's plan to leave a historical legacy. As Tyler biographer Robert Seager writes,

If he was a President without a party, he was still the nation's leading patronage dispenser. With the patronage, he believed, would come the party, and with the party would come the vehicle for annexing Texas and salvaging the historical reputation of his administration . . . so the bloodletting went forward, Tyler frequently and personally concerning himself with new personnel for the most obscure offices. Scarcely a sparrow fell from the federal firmament without the President's knowledge and encouragement.³⁸

Tyler was not reelected, but a resolution calling for the annexation of Texas passed Congress and Tyler signed it three days before he vacated the White House. Throughout his presidency, Tyler used the strategies of politicization and centralization in pursuit of his political goals, including reelection and a historical legacy, as well as his policy goals, including the annexation of Texas. The "accidental president" seized upon any and all available resources in the pursuit of his objectives. He played upon the ambiguity of executive power to secure his legitimacy and authority as president; he strategically manufactured a break with the Whig party to ensure his political independence and build a more responsive cabinet; and he used the power of appoint-

37. John Tyler to Daniel Webster, Williamsburg, Oct. 11, 1841, in Seager, *And Tyler Too: A Biography of John & Julia Gardiner Tyler*, 171.

38. Seager, *And Tyler Too: A Biography of John & Julia Gardiner Tyler*, 224-25.

ment to generate personal and political support and to expand his sphere of influence over the federal government. The presidency of John Tyler stands as a testament to the powerful institutional incentive that all presidents face: to take all practicable measures to expand the president's sphere of authority in pursuit of his political objectives.

II. Controlling Federal Expenditures to Create Authority: The Presidency of James K. Polk

Presidential scholars widely recognize James Polk's expansive use of executive power as commander-in-chief during the Mexican War. The credit he has received for his aggressive foreign policymaking has overshadowed his distinction as the first president to exercise bureaucratic control over federal expenditures. However, these two impressive expansions of executive power should be considered jointly. In an effort to achieve his policy preferences, Polk politicized and centralized the nascent budget process.

Much like our current president George W. Bush, Polk faced difficult decisions regarding expenditures and wartime spending. As a Jacksonian, Polk needed to follow through on his promise to cut the tariff. But a reduction in revenue generated by the tariff posed a policy conundrum for Polk. To finance the war with Mexico and retain his tariff reduction, Polk needed to gain tight control over federal expenditures. Polk's politicization of the early budget process resulted directly from his pursuit of an ideological policy program.

Polk's innovations in executive branch procedures created new authority for the presidency where none had previously existed, and allowed him to exercise influence without revealing himself in a dramatic display of "sensational execution."³⁹ Unlike Tyler, Polk's legitimacy as president was never questioned. Instead, Polk was an innovator who sought new ways of exercising independence and control in the executive branch in order to pursue his policy agenda. An examination of his efforts to control expenditures demonstrates how a "pre-modern" president politicized and centralized effectively.

Seizing Control of Expenditures

Every year, the various bureaus and offices within each department of the executive branch generated their annual estimates. Before sending their budget esti-

39. According to Mansfield, Machiavelli's executive government "is not ordinarily visible" (140). The sometimes "invisible" nature of executive power contributes to its ambiguity. While impressive actions which "jolt men into recalling" why they need government are important, the everyday actions of the prince are just as important for the accumulation of power. In *Presidential Power*, Richard Neustadt substantiates this observation when he argues that presidents must try to exercise continuous leadership rather than leadership at times of extreme crisis (6-9).

mates to the Secretary of the Treasury, department heads reviewed individual bureau requests. In a final step, the Secretary of the Treasury gathered all departmental requests and transmitted a compiled fiscal proposal to Congress. Therefore, prior to Polk's presidency, Congress did not receive an "executive budget" per say, but "collected departmental estimates" that may or may not have been subject to scrutiny.⁴⁰ As it stood, the President did not exercise any power or control in the process. In general, Congress and the Secretary of the Treasury shaped fiscal policy in the early nineteenth century. Polk, however, realized that nothing prevented the president's interjection and that by reviewing departmental reports, he could influence policy.⁴¹ Immediately after taking office in 1845, he began exercising control over bureau requests and expenditures.

In pursuit of his goal to control the departments in the executive branch, Polk held two lengthy cabinet meetings each week and insisted upon regular attendance.⁴² At these meetings, all policies, including expenditures, were discussed. Polk used the cabinet as a coordinating body.⁴³ He insisted upon budget cuts across the board and avoided playing favorites within his cabinet. In part, Polk's equanimity stemmed from his desire to insure "equal and exact justice" to every interest in the Democratic Party.⁴⁴ But more importantly, Polk's approach to administrative management facilitated bureaucratic compliance and fiscal restraint. If the Postmaster General knew that the Secretary of the Navy also needed to cut his expenditures, it was likely he would comply with Polk's recommendations. In short, Polk treated his cabinet not only as a policymaking and advisory institution, but also as an instrument of administrative control.⁴⁵

Polk achieved control over the various executive departments through his painstaking attention to detail.⁴⁶ Whereas earlier presidents had allowed department heads to run their divisions with little supervision, Polk used the ambiguity of his executive authority to his advantage, pushing the scope of his power to the fore as a way of protecting his own political program. Specifically, Polk wanted control of agency requests to ensure that funding for the Mexican War would be available without driving the country into debt.⁴⁷ Polk proved that a President could run a war by controlling the naval and military budget estimates.⁴⁸ Polk seized upon the hazy uncertainty surrounding the President's bureaucratic powers and grabbed hold of

40. Leonard D. White, *The Jacksonians: A Study in Administrative History 1829-1861* (New York: MacMillan Company, 1954), 78.

41. White, *The Jacksonians: A Study in Administrative History 1829-1861* 75.

42. Paul H. Bergeron, *The Presidency of James K. Polk* (Lawrence: University Press of Kansas, 1987), 36.

43. White, *The Jacksonians: A Study in Administrative History 1829-1861*, 62.

44. Stephen Skowronek, *The Politics Presidents Make* (Cambridge, MA: Harvard University Press, 1997), 160.

45. White, *The Jacksonians: A Study in Administrative History 1829-1861*, 92-93.

46. White, *The Jacksonians: A Study in Administrative History 1829-1861*, 69.

47. White, *The Jacksonians: A Study in Administrative History 1829-1861*, 79.

48. White, *The Jacksonians: A Study in Administrative History 1829-1861*, 51.

the purse strings with innovative methods and a vigilant attention to structural detail and policy outcomes.

Tightening Control

Throughout his four years in office, Polk's control of agency requests grew stronger and more comprehensive. For example, at a cabinet meeting in 1845, Polk informed his secretaries that he wanted the annual estimates "to be made on the most economical scale."⁴⁹ He also asked the members of the cabinet to develop their departmental requests immediately so that he would have ample time to review them. By 1846, the Secretary of the War Department submitted revisions directly to Polk, not to the Treasury Department or Congress.⁵⁰ In an effort to keep overall federal expenditures at a minimum, Polk also supervised the financial requests of non-military departments, such as the Post Office. As the Mexican War continued, Polk's power over the agencies became ironclad as he initiated the practice of interrogating bureau chiefs directly about proposed expenditures.

One particular incident encouraged Polk to assert tight executive fiscal control. In August of 1847, Polk learned that Congress planned to deny his request to call out 6,000 new volunteers for the Mexican War because of the unavailability of funds. Astonished by the failed request, Polk investigated the budget insufficiency and learned that a foolish transaction between the Treasury Department and War Department had occurred a few months earlier without his knowledge. In his diary, Polk admitted that he was "greatly vexed" by the "looseness" of the War Department budget, and confessed that the whole incident made him "sick." Consequently, Polk resolved, "there should be a reform in this respect."⁵¹

After this incident, Polk monitored each department and their financial transactions.⁵² Polk refused to reimburse financial expenditures that he had not personally approved, and used the ambiguous nature of his budgetary powers to support his executive decisions. After the Mexican War ended, an American general submitted a list of expenditures amounting to over \$200,000 that he had incurred in Mexico, allegedly in pursuit of a "secret" military mission. An enraged Polk called the account "remarkable" and informed the Secretary of War that as president, he had "no authority to pay such an account."⁵³ The tight fiscal control Polk had exercised in the previous three years clearly demonstrated that he did have the power to pay the general's account. But Polk did not wish to reimburse a wastrel, and he denied the request without controversy.

49. James K. Polk, *The Diary of James K. Polk*, vol. I-IV (Chicago: A.C. McClurg & Co., 1910), vol. I, 48.

50. White, *The Jacksonians: A Study in Administrative History 1829-1861*, 80.

51. Polk, *The Diary of James K. Polk* vol. III, 135-36.

52. White, *The Jacksonians: A Study in Administrative History 1829-1861*, 61.

53. Polk, *The Diary of James K. Polk*, vol. IV, 196.

During his presidency, Polk essentially became the “Director of the Budget.”⁵⁴ To achieve this control, Polk monitored the bureau chiefs, whom he believed inflated appropriations and practiced fiscal irresponsibility. Polk usually accomplished this task by requiring cabinet secretaries to read their reports aloud to him. Through this practice, Polk established a direct line of accountability from the departments to the president.⁵⁵ His scrutiny of the annual reports also enabled Polk to review the policy goals of each department. Furthermore, Polk recorded the positions and actions of all his cabinet members in his diary, believing that this notation created an additional source of accountability. When all else failed, Polk interrogated the bureau chiefs directly. In September of 1847, the President asked Secretary of War William Marcy to reduce his estimates. Marcy explained to Polk that he could not control the requests of the bureau chiefs. Polk requested audiences with several of Marcy’s subordinates and achieved the reduced budget he desired.⁵⁶

In his last year as president, Polk continued to manage the bureau officers. A proponent of Jacksonian ideals and policies, Polk was determined to return federal expenditures to the low levels in existence before the Mexican War. In a November 6, 1848 diary entry, Polk recounted his effort to scale down the budget of the War Department:

The Secretary of War submitted to me the estimates of appropriations for his Department for the next fiscal year, as prepared by the Heads of the several Bureau[s] in the War Department. On comparing them with the appropriations for similar objects for previous years, and before the Mexican war, they were found in some branches to exceed these appropriations. The Secretary informed that . . . he had much difficulty with his Bureau officers in having them reduced to what they now were. I directed further reductions of some of the items to be made, and directed some of the items to be struck out altogether. . . . The Bureau officers, whose duty it is to prepare the estimates, are always in favour of large appropriations. They are not responsible to the public but to the Executive, & must be watched and controlled in this respect.⁵⁷

Notice that Polk classified the bureau officers not as public servants, but as presidential subordinates. According to the structure Polk imposed, the bureau officers

54. Charles McCoy, *Polk and the Presidency* (Austin, TX: University of Texas Press, 1960), 74.

55. Sometimes the reports were read in the presence of the entire cabinet, and sometimes Polk asked the secretaries to read them aloud in front of him alone. For example, on November 26, 1847, Polk wrote in his diary, “The Postmaster General called this morning and read to me the draft which he had prepared of his annual report.” In an earlier instance, Polk recounted, “The Secretary of the Navy read to me the concluding part of his Annual Report in the presence of Mr. Ritchie, having read the preceding part to me two or three nights ago.” Polk, *The Diary of James K. Polk*, vol. III, 231-2; vol. I, 103.

56. In a November 11, 1847 entry in his diary, Polk recounted a conversation he had with Quartermaster General Jesup: “He submitted to me his estimates, and I found that he had reduced them near seven millions below the sum he had first proposed.” Polk, *The Diary of James K. Polk* vol. III, 219-20.

57. Polk, *The Diary of James K. Polk*, vol. IV, 180-81.

fell under the President's direct supervision. Although Moe contends that only twentieth-century presidents "anticipate, program, and engineer" the behavior of their bureaucratic subordinates in order to exert their own influence, Polk's fiscal control suggests otherwise.⁵⁸ Polk's innovations demonstrate that the tendency for presidents to politicize and centralize cannot be attributed only to the existence of a modern bureaucracy, but also to a persistent incentive that encourages presidents to carve out their own spheres of activity.

In sum, Polk was largely successful in controlling expenditures. Near the end of his term, he repurchased a half-million dollars in government bonds, thus reducing the national debt significantly before leaving office.⁵⁹ It would be impossible today for presidents to exercise the same degree of personal control over the executive branch that Polk enjoyed during his term. However, it is clear that presidents in the pre-modern era manipulated the bureaucracy to enact their policy preferences. The president's role in the formation of fiscal policy is undefined in the Constitution, and Polk capitalized upon this imprecision. He interjected the presidency into an area of domestic decision-making that the Treasury secretary and the House Ways and Means committee had dominated during earlier administrations. Because Polk assumed control of the budget through the channels of administrative supervision, his monopolization of the process was accepted "without fanfare."⁶⁰ He used the loosely knit bureaucratic structure to his advantage and then exerted his independent influence, which ultimately resulted in the execution of the policies he favored. Much like a "modern" president, Polk conceived of the presidency as the driving force in American politics, and forged ahead with an executive determination to disturb, control, and manipulate the political system surrounding him.

III. Politicizing Civil Service Reform: The Presidency of Rutherford B. Hayes

One characteristic of "modern" presidential leadership is its increasing independence from party control. As Tulis, Kernell, and Milkis have shown, contemporary presidents speak in their own voices and rely less on partisan apparatuses to establish credible leadership.⁶¹ The conventional wisdom is that nineteenth-century parties created presidents, whereas "modern" presidents create their own independent organizations that perform the functions of both campaigning and governance. This examination of Rutherford B. Hayes suggests that the historical relationship between presidents and parties is more complicated. Even when

58. Moe, "The Politics of Bureaucratic Structure," 284.

59. Polk, *The Diary of James K. Polk*, vol. IV, 195-96.

60. McCoy, *Polk and the Presidency*, 223.

61. Kernell, *Going Public*; Sidney M. Milkis, *The President and the Parties* (New York: Oxford University Press, 1993); Tulis, *The Rhetorical Presidency*.

presidential power reached a low point in the late nineteenth century, Hayes found unique ways to retain independence from the imposing grip of his party's leadership. By politicizing civil service reform, Hayes changed the direction of the Republican Party and broke the power of the conservative Stalwart faction. Thus, an important connection existed between Hayes's quest for bureaucratic control and his efforts to promote the policy goals of his party's moderate reform wing.

The Election of 1876

Situated within an era of presidential infirmity, Rutherford B. Hayes was an unlikely candidate to alter the future direction of the GOP. Hayes is most widely known for his brokered victory over Democrat Samuel Tilden in the 1876 election. With the presidential vote of four states in doubt, Republicans and Democrats forged a deal that assured Hayes's victory and also ended military occupation in the South. Both Democrats and Republicans walked away with unscrupulous victories resulting from the Compromise of 1877.

Hayes found himself in an unenviable leadership position. Besides assuming office after the damaging presidency of Andrew Johnson and the scandal-ridden Grant administration, Hayes's precarious election prevented him from claiming an electoral mandate. Furthermore, Hayes was forced to deal with the conservative Stalwart wing of Republican Party, which opposed his nomination and programmatic reform efforts.

Most importantly, Hayes sought to lead with authority, but found the structural capacities of the office lacking. Moe explains that presidents dissatisfied with institutional structures will pursue changes and reform to the extent their available resources allow them to do so.⁶² To implement his own policy goals and agenda, Hayes attempted to solve the problem of structural incongruence. In pursuit of this goal, Hayes managed to impose his reformist beliefs upon the nascent bureaucratic structure, establish important precedents for the Pendleton Act of 1883, reassert the executive's appointment power by defeating his political opponents in the Senate, and reinvigorate the presidency from its nadir of influence. To bolster his leadership authority, Hayes responded to the pervasive presidential incentive to initiate reforms and control the administrative apparatus that surrounded him.⁶³

The Politicization of Civil Service Reform

In his boldest actions as president, Hayes asserted executive power to implement civil service reform. Hayes did not hide the fact that he aimed to overhaul the bureaucracy and seize control from the Stalwarts in Congress; in his Inaugural

62. Moe, "The Politicized Presidency," 238.

63. Moe, "The Politicized Presidency," 269.

Address, he called for reform “that shall be thorough, radical, and complete.” Such strong language was no surprise; Hayes had used those exact words in his July 8, 1876 party nomination acceptance letter to describe the civil service reform he pledged to implement if elected.

But even before Hayes confronted existing corruption, he needed to build a governing structure that would support his reform efforts. He selected a strong, independent-minded cabinet and purposefully excluded individuals from the Grant administration.⁶⁴ Fully aware that his reform-minded goals would not garner wide support from many Republican senators whose power relied on the retention of the patronage system, Hayes manipulated the structure of his administration by assuming full control over cabinet selection. The strategic formation of Hayes’s cabinet was a necessary precursor to his control of the bureaucracy. Selecting his cabinet sent a strong message of presidential independence to the anti-reform wing of the Republican Party, and also provided Hayes with staunch allies in the executive branch who would support his policy goals. Early in his term, Hayes realized he needed to politicize and centralize to enact his policy agenda.

For the most part, Hayes picked his nominees without consulting the leaders of his party. The most controversial nominee was Hayes’s choice for Secretary of State, William Evarts. GOP leaders hotly contested the nomination of Evarts, who led the New York reform faction of the party that openly criticized Grant’s corruptions. Hayes also nominated Carl Schurz as Secretary of the Interior. Schurz was “despised” by the Stalwarts because he had supported Horace Greeley’s candidacy for President in 1872.⁶⁵ The Senate, which the Republicans still controlled, threatened to reject Hayes’s selections for his cabinet. Hayes stood firmly behind his choices, confident that public opinion was on his side.⁶⁶ The newspapers reacted negatively towards the Senate’s refusal to confirm the nominees. Telegrams and letters flooded Congressional offices in support of Hayes’s appointments.⁶⁷ The Senate backed down within a day of their threats. Only a short month into his presidency, Hayes rejected executive subservience to the Stalwarts and challenged the conservative, anti-reformist tendencies of his party.

In his first move to overhaul the civil service, Hayes appointed John Jay, a known reformer, to lead a nonpartisan commission to investigate the New York Customhouse. Although Hayes believed in the morality of civil service reform and wanted to eliminate corruption, his motivations for scrutinizing the New York Customhouse

64. Kenneth Davison, *The Presidency of Rutherford B. Hayes* (Westport, CT: Greenwood Press, 1972), 95.

65. Ari Hoogenboom, *The Presidency of Rutherford B. Hayes* (Lawrence, KS: University Press of Kansas, 1988), 52.

66. On March 14, 1877, Hayes wrote in his diary, “After a few days the public opinion of the Country was shown by the press to be strongly with me. . . . The expressions of satisfaction from all parts of the country are most gratifying” (81).

67. Davison, *The Presidency of Rutherford B. Hayes*, 164.

were political and strategic. New York Republican Senator Roscoe Conkling had opposed Hayes's nomination to the presidency in an effort to eliminate the entire reform wing of the party. Drawing much of his support from southern Republicans, Conkling also failed to support the compromise of 1876 because it restored home rule to the South and jeopardized the power of the carpetbaggers within the party. If a new Republican Party developed in the South, consisting mostly of Old Whigs, then the authority of Conkling and his conservative wing would be severely diminished. After the 1876 election, Conkling continued to antagonize Hayes, openly calling him "Rutherfordraud."⁶⁸ Using his executive control of the bureaucracy, Hayes sought to punish Conkling and the Stalwarts, who controlled the New York Customhouse since Grant's administration.

Hayes's depoliticization of the bureaucracy was a political move in itself. Through his efforts, Hayes aimed to eliminate a "hostile faction" of his party that "failed to deliver the vote in 1876."⁶⁹ Hayes used the executive arm of the bureaucracy as a mechanism to exert influence over those who threatened his presidential leadership. He sought to neutralize Conkling not because he was corrupt, but because he derived his power in the Senate from the New York Customhouse patronage and the southern wing of the Republican Party.

Hayes aimed to refashion his party to fit his own political agenda, and sought to punish those who threatened his leadership project and prevented him from claiming additional authority. Indeed, Hayes viewed the controversy over civil service reform as a "war" between his supporters and the Conkling faction.⁷⁰ Much like a "modern" president, Hayes was concerned with how the "bureaucracy as a whole" was organized.⁷¹

The battle over civil service was a contest rooted in the president's capacity to control the future of his party's agenda. Hayes instituted reform for its own sake, but more importantly, his efforts reasserted the independent authority of the executive to direct policy. The larger battle for Hayes involved the reclamation of presidential power; he used the reformation of the bureaucracy as the vehicle for his assertion of authority.

In *Party Government*, E. E. Schattschneider analyzed the structural incentives that encourage the president to seek civil service reform. Schattschneider observed that in the second half of the nineteenth century, congressmen consistently used patronage to benefit local party bosses, often damaging the "public reputation of the president" in the process.⁷² The abolition of the spoils in American politics required a "fundamental redistribution of power" that shifted authority from "local

68. Ari Hoogenboom, *Outlawing the Spoils* (Urbana, IL: University of Illinois Press, 1961), 156.

69. Hoogenboom, *The Presidency of Rutherford B. Hayes*, 132.

70. Hoogenboom, *Outlawing the Spoils*, 136.

71. Moe, "The Politics of Bureaucratic Structure," 280.

72. E. E. Schattschneider, *The Semi-Sovereign People: A Realist's View of Democracy in America* (Holt: Rinehart and Winston, 1960), 139.

machines” to a more centralized leadership structure.⁷³ Hayes’s executive actions to reduce the influence of local patronage can be explained by the president’s institutional incentive to seek centralization and independent control over the future direction of his party.

Hayes’s Reform of the Civil Service

After receiving Jay’s highly critical report concerning the New York Customhouse, the President ordered that federal civil servants should not assume leadership or management positions in political organizations or campaigns. Hayes wanted to remove Chester Arthur, the collector of the customhouse, but did not want to damage the Republican organization by acting hastily. He allowed Arthur to keep his job as long as he cooperated with ongoing reform efforts. For the time being, Hayes believed it was in his best interest to pursue a moderate course of action.⁷⁴ But when customhouse Naval officer Alonzo Cornell disobeyed the President’s executive order and refused to resign from his position in the Republican Party, Hayes resolved to remove Arthur and Cornell and eliminate Senator Conkling’s influence. The selection of the New York collector was more than just a bureaucratic appointment; it was commonly understood that the individual in this position served as the political leader and manager of the state’s Republican Party.⁷⁵ Thus, Hayes’s practice of using bureaucratic appointments “systematically” as a “mechanism of presidential control” demonstrates that the presidential tendency to politicize and centralize is not a distinctly modern phenomenon.⁷⁶

In an October 24, 1877, diary entry, Hayes pondered his strategy to wrest control of the New York customhouse from the Stalwarts in the Senate:

How to meet and overcome this opposition is the question. I am clear that I am right. I believe that a large majority of the best people are in full accord with me. Now my purpose is to keep cool—to treat all adversaries considerably and respectfully and kindly but at the same time in a way to satisfy them of my sincerity and firmness. (100)⁷⁷

Hayes’s personal letters to friends and political confidantes throughout 1877 and 1878 revealed that he intended to utilize the appointment power to gather support for his administration and its policies.⁷⁸

73. Schattschneider, *The Semi-Sovereign People: A Realist’s View of Democracy in America*, 140.

74. Hoogenboom, *The Presidency of Rutherford B. Hayes*, 131.

75. Hoogenboom, *The Presidency of Rutherford B. Hayes*, 140.

76. Moe, “The Politicized Presidency,” 254.

77. Rutherford B. Hayes and T. Harry Williams, ed. *Hayes: The Diary of a President* (New York: David McKay Company, Inc., 1964), 100.

78. Hoogenboom, *The Presidency of Rutherford B. Hayes*, 142.

By convincing other members of the Senate that the President's independent course threatened legislative control of the bureaucracy, Conkling managed to kill Hayes's appointments in late 1877. But Hayes did not accept defeat easily. In a December 6, 1877 diary entry, Hayes charged that legislation should be passed which would relieve Congress from all "responsibility for appointments." If Congress failed to pass such legislation, Hayes resolved to "adopt and publish rules" that would achieve the same effect.⁷⁹ Using the political tools available to him, the President planned a counterattack in 1878. He issued a special civil service reform message to Congress and collected evidence to support his claim that the New York Customhouse cheated the federal government out of revenue by undervaluing goods and favoring local merchants.⁸⁰ When Congress adjourned in the summer months, Hayes put his plan into action. He suspended Arthur and Cornell, replacing them with his own recess appointments. With public opinion favoring his actions, Hayes prepared for an aggressive battle with his opponents in the Senate over the appointment power.⁸¹

According to custom, senators would not vote for confirmation of a nomination that was opposed by the senator representing the state in which the office was located. To gain confirmation of his appointments, Hayes needed to discredit Conkling. In a letter to the President, William Henry Smith advised Hayes to attack the problem directly, arguing that the only "way out now lies through assaulting the abuses in the New York Customhouse in earnest."⁸² In January of 1879, Hayes issued a report to the Senate, urging them to accept his appointments. Using evidence his executive commission gathered, Hayes emphasized that the conduct of the New York Customhouse had improved noticeably since his replacement summer appointments had assumed office. Conkling responded by publicly insulting Hayes, a strategy that ultimately caused Conkling to lose credibility with many of his fellow senators. With the help of John Sherman, Secretary of the Treasury, Hayes assembled a coalition of Republicans and Democrats who supported his replacement nominees. The southern Democrats in the president's coalition did not support reform for altruistic reasons. Rather, they sided with Hayes to keep the intra-party feud between the reformers and the Stalwarts going strong.⁸³ In February of 1879, the Senate decided that the President could choose his own subordinates, and

79. Hayes, ed., *Hayes: The Diary of a President*, 106.

80. Hoogenboom, *The Presidency of Rutherford B. Hayes*, 136.

81. Hayes might have recalled a January 25, 1877 letter written to him by Secretary of the Interior Carl Schurz. Writing about the Senate, Schurz stated, "A President who has public opinion at his back need fear no opposition in that body" Carl Schurz and Frederic Bancroft, ed., *Speeches, Correspondences, and Political Papers of Carl Schurz*, vol. 3 (New York: G.P. Putnam's Sons, 1913), 371.

82. Rutherford B. Hayes and Charles Williams, ed., *Diary and Letters of Rutherford Birchard Hayes*, vol. 3 (Ohio State Archaeological Society, 1924), 455.

83. Hoogenboom, *The Presidency of Rutherford B. Hayes*, 143.

approved Hayes's customhouse appointments.⁸⁴ Subsequently, through an executive order, Hayes extended the reforms achieved in the New York Customhouse to other ports across the nation.⁸⁵

When Hayes entered office, he aimed to diminish the ironclad union of office holders and party politics and end the kickbacks required of patronage appointees.⁸⁶ In pursuit of these policy objectives, Hayes sought to impose bureaucratic structures that would advance his own political interests. He used bureaucratic control to make the political system responsive to his political program and partisan vision. When possible, Hayes issued unilateral executive orders to reform civil service and relied upon his cabinet members to implement his directives in their respective departments. To curb the power of his adversary Conkling, Hayes and his independent-minded cabinet secretaries built a coalition of Democrats and Republicans to support his nominees for the New York Customhouse. As an outsider who stood apart from the powerful factions within his party, Hayes was in a favorable position to bring about reform and renew the independent authority of the presidency. At the end of his term, Hayes had achieved all of his goals.

Kenneth Davison contends that Hayes's presidency marks a "line of demarcation" that can be "drawn in the history of the American presidency."⁸⁷ According to Davison, Hayes was the first president of the "modern" era. But instead of placing the breaking point of "modernity" at the Hayes presidency, or any other date in time, it is perhaps more instructive to appreciate the persistent institutional incentive of presidents to politicize the bureaucracy to enact their political agendas and promote their policy preferences.

IV. Concluding Thoughts: Politicization, Centralization, and the Modern Presidency Construct

The politicized presidencies of John Tyler, James Polk, and Rutherford B. Hayes demonstrate that the constitutional ambiguity of executive power provided a similar incentive structure to three nineteenth-century presidents. Although the presidents in our case studies pursued their political objectives in different ways, the thread that binds them together is their common impulse to push the envelope of executive power and their manipulation of structural arrangements to pursue their policy program. As these cases demonstrate, the tendency for presidents to seek control, authority, and autonomy is not only a modern phenomenon, as typically characterized.⁸⁸

84. Venila Lovina Shores, "The Hayes-Conkling Controversy," *Smith College Studies in History* 4, no. 4 (1919), 264-65.

85. Hoogenboom, *Outlawing the Spoils*, 173.

86. Shores, "The Hayes-Conkling Controversy," 276.

87. Davison, *The Presidency of Rutherford B. Hayes*, 66.

88. Moe, "The Politicized Presidency,"; Moe, "Presidents, Institutions, and Theory."

Even in the absence of the modern executive establishment, we observe that presidents across time are motivated by the ambiguity of executive power to carve out a sphere of independent authority and exercise control over their administrations. Tyler, Polk, and Hayes are a mere sampling of pre-modern presidents whose terms were characterized by politicization and centralization; we anticipate that additional examinations of presidential leadership in different historical eras and political contexts will yield even greater explanatory power. Studies of other lesser-noted presidents, such as Van Buren, Buchanan, Grant, Benjamin Harrison, and Taft, for example, should be highly informative.⁸⁹ Not all presidents, of course, have been equally aggressive in their quests for authority and autonomy. Some have stood out in American history as bold, assertive presidents, and others have faded into obscurity. Yet all have faced the same institutional incentives provided by the Constitution, which set out the “genetic code” of the presidency.⁹⁰ The point we wish to underscore is that presidential scholarship narrowly focused on the modern era tends to ignore fundamental, enduring aspects of the president’s incentive structure.

Clearly, *what* we want to know about the presidency should guide *how* we study it. Much of the scholarship on the modern presidency does well to concentrate on the similarities among modern presidents, particularly when the object is to better understand the president’s role as leader of a global power since World War II, or as policymaker and agenda-setter in the same period.⁹¹ However, theory-driven analyses of the presidency would benefit, we suggest, from sidestepping the modern presidency construct. For example, Moe’s theory of the presidency skillfully identifies the logic of institutional development as consisting of the interplay among incentives, resources, and structures, but it ignores the most significant source of presidential incentives—the Constitution—and 130 years of emergent resources and evolving structures. Because it neglects the “pre-modern” era of presidential politics, Moe’s analysis is not able to appreciate the full significance of the institutional incentives embedded in the constitutional presidency. As our brief studies of Tyler, Polk, and Hayes confirm, the tendency for presidents to politicize and centralize is as observable in the “pre-modern” era as it is in the “modern” era. The modern executive establishment does not create the incentive to politicize and centralize: that incentive is found in the Constitution. Why, then, should theories of the presidency be circumscribed by a historical break point which is considered by some—but not others⁹²—to be the beginning of “modernity” in the presidency?

89. See Peri E. Arnold, “Effecting a Progressive Presidency: Roosevelt, Taft, and the Pursuit of Strategic Resources,” *Studies in American Political Development* 17 (Spring 2003): 61-81.

90. Tulis, *The Rhetorical Presidency*, 8.

91. Rose, *The Postmodern President*; Light, *The President’s Agenda*; Peterson, *Legislating Together*.

92. Tulis, in *The Rhetorical Presidency*, claims that the modern presidency began with the rhetorical shift ushered in by Woodrow Wilson; Greenstein, in “Change and Continuity in the Modern Presidency,” advances the argument that Franklin Roosevelt was the first modern president; Milkis, in *The President and the Parties*, argues that the modern presidency began after Franklin Roosevelt’s presidency; and Moe, in

It is time to revisit the utility of the modern presidency construct. While we can still benefit from a deeper appreciation of the changes in the presidency which have taken place since Franklin Roosevelt, the notion of “modernity” in the presidency needs to be more clearly articulated: what do we mean when we talk about the modern presidency? Are we referring to the administrative and bureaucratic growth in the executive branch since the 1930s? Or new foreign policy responsibilities? Or are we concerned with fundamental changes in the way the presidency relates to other institutions, derives and exercises its power, and impacts political developments in the modern era? The significance of “modernity” in the presidency depends on whether we view the presidency as an institution with certain properties, characteristics, and propensities that impact presidents’ motives, behaviors, and purposes; or whether we see the presidency as a historically contingent political institution that has transformed itself periodically into different animals, with each break-point marking the end of one era and the beginning of another, each incarnation looking less and less like its previous self. Yet it is not methodologically sound to accept either characterization of the presidency without testing our assumptions, defining our terms, and scrutinizing the temporal boundaries we have chosen to erect.

We contend that understanding the motives and purposes of the presidency and the people who hold the office—indeed, understanding leadership in America—requires attention to those institutional incentives, resources, and structures which persist across time *as well as* those which are emergent or period-based. Examining persistent institutional factors without considering emergent ones is as much of a mistake as it is to draw temporal boundaries around the analysis without considering continuities across periods. Tyler, Polk, and Hayes all faced the same institutional incentive, yet each operated within very different political circumstances: the party system faced by Tyler was clearly different from that with which Hayes had to contend; the war with Mexico created a different context for presidential leadership in Polk’s administration than did the end of Reconstruction for Hayes; none of the three presidents followed the same path to the White House; each left different legacies. Yet the Constitution provided each president with the same motive to expand his political authority and institutional autonomy. In other words, we need to appreciate both what has changed and what has stayed the same. In between the two pictures of change and continuity, we might discover what drives the presidency and with what effect.⁹³ We have not connected all of the dots—our purpose

“The Politicized Presidency,” claims that the modern institutionalized presidency truly began with the formation of the Bureau of the Budget in 1921.

93. For a similar account of this research agenda, see Joseph M. Bessette and Jeffrey Tulis, *The Presidency in the Constitutional Order* (Baton Rouge: Louisiana State University Press, 1981). Consider the fuller significance of the presidency that can come into view when multiple sources of incentives, resources, structures, and strategies are examined alongside one another: see Tulis, *The Rhetorical Presidency*; Skowronek, *The Politics Presidents Make*; James W. Ceaser, *Presidential Selection* (Princeton:

here is to take account of a single pervasive institutional incentive and take a first step toward the development of a historically informed and theory-driven research agenda that transcends the modern-traditional frame of analysis.

Princeton University Press, 1979). Using historically informed accounts of presidential politics, the presidency can be understood as an agent of change in political developments over the full scope of American history (see Pious, *The American Presidency*; Skowronek, *The Politics Presidents Make*); the office can be viewed as a political institution with certain properties that are identifiable and comparable across political institutions and regime types; and the behavior of the person in office can be informed by factors such as the particular configurations of institutional arrangements and political interests at a given moment in time (see Scott C. James, *Presidents, Parties, and the State* (New York: Cambridge University Press, 2000), the distribution of political authority across the political landscape (see Richard Franklin Bensel, *The Political Economy of American Industrialization, 1877-1900* (New York: Cambridge University Press, 2000)), and stages of development in constitutional interpretation (see Keith E. Whittington, *Constitutional Construction: Divided Powers and Constitutional Meaning* (Cambridge, MA: Harvard University Press, 1999); Bruce Ackerman, *We the People* (Cambridge, MA: Belknap Press of Harvard University Press, 1991); and Kenneth Mayer, *With the Stroke of a Pen: Executive Orders and Presidential Power* (Princeton: Princeton University Press, 2001)).