



We the People: The Citizen and the Constitution is a nationally acclaimed civic education program for upper elementary, secondary, and post-secondary school students that focuses on the history and principles of the U.S. Constitution and Bill of Rights. We the People is a program of the Center for Civic Education, whose mission is to promote an enlightened and responsible citizenry committed to democratic principles and actively engaged in the practice of democracy in the United States and other countries.

February 6, 2011, marks the one-hundredth anniversary of Ronald Reagan's birth, providing an occasion for teaching and learning about President Reagan's contributions to American constitutionalism and citizenship. To this end, the Center for Civic Education and the Ronald Reagan Presidential Foundation have collaborated to produce this lesson. The lesson and materials to enhance this curriculum can be found at www.civiced.org/reagan.

RONALD REAGAN AND EXECUTIVE POWER



RONALD REAGAN (1911–2004)

Fortieth president of the United States

"No, democracy is not a fragile flower. Still it needs cultivating. If the rest of this century is to witness the gradual growth of freedom and democratic ideals, we must take actions to assist the campaign for democracy."

ADDRESS TO MEMBERS OF THE
BRITISH PARLIAMENT, JUNE 8, 1982

PURPOSE OF THE LESSON

"Ronald Reagan and Executive Power" examines the use of presidential powers by Ronald Reagan, the fortieth president of the United States. It explores Article II of the Constitution, which grants the president executive powers. When you have completed this lesson, you should be able to explain and discuss how President Reagan exercised his authority under Article II of the Constitution concerning war powers, domestic policy, and foreign policy. You should be able to explain how the brevity and ambiguity of Article II allows presidents to interpret these powers, especially in relation to Congress. You should be able to evaluate and take positions on the constitutional issues raised by the exercise of these powers, drawing on specific examples from Ronald Reagan's presidency.

RONALD REAGAN

Many well-known phrases in the political world are associated with Ronald Reagan, the fortieth president of the United States. Many have called him the "Great Communicator." Others refer to his era as the "Reagan Revolution." Still others reflect on "Morning in America," one of the most memorable campaign themes in American history.

Ronald Wilson Reagan was born in the small northwest Illinois town of Tampico on February 6, 1911. After attending high school in Dixon, he studied economics and sociology at Eureka College, where he was elected president of the student body. After his graduation from college, he moved to Iowa, where he began a career in radio as a sports broadcaster.

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➤ What themes from Ronald Reagan's time as a spokesman for General Electric did he carry over into his later career?

While on assignment in California, Ronald Reagan took a screen test and began working as an actor. He spent four years in the U.S. Army Air Corps during World War II. After completing his commitment to the army, he returned to acting in motion pictures and began working in television. Ronald Reagan appeared in a total of fifty-three films between 1937 and 1964.

While working in Hollywood, Ronald Reagan became involved in the Screen Actors Guild, a labor union for actors, and became its president in 1947. He served as its president at a time when fears about the spread of communism led Congress and the FBI to investigate members of the entertainment industry for their political views. His experiences during this period of his life deeply rooted his commitment to fighting communism both at home and abroad.

In 1954, Ronald Reagan began hosting General Electric Theater, a weekly television series. He became General Electric's spokesman, traveling to the company's numerous plants across the country, speaking out against big government, excessive taxation, and communism. During his General Electric years, Ronald Reagan honed his message and polished his speaking skills.

Although Ronald Reagan was a supporter of Democratic president Franklin D. Roosevelt and maintained his membership in the Democratic Party for many years, his political beliefs became increasingly more conservative. Part of Ronald Reagan's decision to join the Republican Party was its alignment with his anticommunist views. In 1963, he became involved in the campaign of Barry Goldwater, the Republican nominee for president. In October 1964, Ronald Reagan delivered a speech that became known as "A Time for Choosing," in which he attacked the expansion of government and appeasement of communism, themes that would resonate throughout his career. The speech thrust him into the national political spotlight.

Ronald Reagan was elected governor of California in 1966 and served two terms in office. While governor, he became prominent in national Republican politics as well. In 1976 he challenged incumbent president Gerald Ford for the Republican nomination for president. Although he did not win the nomination, he established his position as a leader within the Republican Party, emphasizing the conservative ideals of less government regulation and taxation, vigorous opposition to communism, and support for a strong national defense.

Ronald Reagan won the Republican nomination for president in 1980 and went on to defeat the incumbent Democratic president Jimmy Carter in the election. He was sworn in as the fortieth president of the United States on January 20, 1981, at the age of sixty-nine.

Some historians and political scientists have used the phrase "The Age of Reagan" to describe his importance in American politics. Ronald Reagan's administration would be defined by its efforts to reduce the size and scope of government powers, reduce taxes, fight communism around the world, and renew American patriotism. The pursuit of these themes during Ronald Reagan's presidency influenced the course of both domestic and foreign policy.

PRESIDENTIAL POWERS

The Framers of the Constitution were somewhat uncertain about creating the office of the presidency. They had fought the Revolutionary War against the excesses of executive tyranny and knew from history the dangers of concentrating power in the hands of one person. But they had also experienced problems due to the lack of a strong executive under the Articles of Confederation. In creating the presidency, they were inventing an executive unlike any that had ever existed in a democratic republic—one

strong enough to be effective, but not so strong as to become oppressive. The result of their deliberations and attempts to strike this balance is found in Article II of the U.S. Constitution, which provides the basic structure of this office and a fairly brief list of its designated powers.

The Framers of the Constitution were aware that the office and function of the executive would need to adapt to the times and situations that the country would face and would be shaped in part by those who occupied the office. Although each president puts a unique stamp on the presidency, he or she must act according to the constitutional definition and limits of the executive and the precedents of those who had previously served.

Upon reading Article II of the Constitution, one is struck by how brief the article is, considering how important the office it creates has become. The Constitution provides only minimal guidance as to what the president is expected to do or exactly how the president may exercise his or her powers. For example, the president is directed to "from time to time give to the Congress Information on the State of the Union, and recommend to their Consideration [certain] Measures." It is unclear exactly what the president's involvement with the legislative process should be, and this involvement has changed over time.

Each president must abide by the Constitution as both the source of presidential authority and a limitation of that authority. In Article II, the president is given some specific powers. Some of these powers are fairly clear and easy to apply. The president, for example, is given the power to veto legislation passed by Congress. But some of the president's powers are less clear and more subject to diverse interpretations. The president is "vested" with the executive power and is charged with the responsibility to "take Care that the Laws be faithfully executed." In the context of the pressing issues of the day, presidents have sometimes differed in their interpretation and application of these phrases.

The Constitution states that "the President shall be Commander in Chief of the Army and Navy." Throughout history, this power of the president has been especially subject to interpretation. The extent of the president's authority over the military is unclear. Article I of the Constitution gives Congress the power to declare war, to raise and support military forces, and to raise and appropriate funds for those forces. As James Wilson stated at the Pennsylvania Ratifying Convention, the Constitution was designed to "prevent one man from hurrying us into war."



How did Ronald Reagan rise to national prominence as a politician? What issues were important to him during his early career and as president?

In Federalist 69, Alexander Hamilton drew a distinction between the powers of the president under the Constitution and the powers of the King of England:

The President is to be commander-in-chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and admiral of the Confederacy; while that of the British king extends to the declaring of war and to the raising and regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature.

Of course, presidents and congresses have debated the distribution of powers when applied to actual situations. The relative powers and responsibilities of the two branches are particularly difficult to judge when Congress has not declared war. Most of the military engagements of the United States have never been formally declared by Congress. Presidents have on many occasions committed troops to battle without a declaration of war from Congress.

After the Vietnam War, many members of Congress felt that it was time to clear up some of the ambiguities in the Constitution about the commitment of U.S. troops. In the War Powers Resolution of 1973, Congress sought a balance of congressional and presidential powers in making decisions about sending troops to war. The War Powers Resolution stated that without authorization or a declaration of war by Congress, "the President in every

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➤ What constitutional principles were embodied in President Reagan's first inaugural address?

possible instance shall consult with Congress before introducing United States Armed Forces into hostilities." But the resolution recognizes that serious and immediate threats may require swift action, and consultations may cause too much delay. In such cases, after dispatching troops, the president is required to report to Congress, and Congress determines whether the troops should remain or be removed from the situation.

Presidents since Richard Nixon have maintained that the War Powers Resolution is unconstitutional because they claim it conflicts with the president's authority as commander in chief. On the other hand, some scholars have claimed that the War Powers Resolution is an unconstitutional delegation of congressional power to the president.

EXECUTIVE POWER AND THE CONTEMPORARY PRESIDENCY

Every presidency begins against the backdrop of current events. In the decades prior to Ronald Reagan's inauguration, the country had experienced the expansion of presidential powers during the administrations of Lyndon Johnson (1963–1969) and Richard Nixon (1969–1974), and then the contraction of presidential influence under the presidencies of Gerald Ford (1974–1977) and Jimmy Carter (1977–1981).

During the 1960s and 1970s, policymaking centered in the executive branch resulted in concerns that the power of the presidency had grown too large and that certain actions of the presidents were unconstitutional. A prime example of presidential strength was the direction of the war in Vietnam, which has been described as a "presidential war," over which Congress had little influence. The term *imperial presidency* has been used to describe an

office that some felt had expanded or grown too powerful. The Watergate scandal of Richard Nixon's presidency reaffirmed this belief.

Upon the resignation of President Nixon, his vice president, Gerald Ford, assumed the office of president. Congress, in reaction to recent events, was committed to asserting its constitutional power in relationship to the powers of the president. When Jimmy Carter was elected president in 1976, Congress asserted itself further. Some scholars have referred to the administrations of Presidents Ford and Carter as the *imperial presidency*. The Constitution's lack of a detailed explication of the formal powers of the presidency had enabled Presidents Johnson and Nixon to expand their powers. That same lack of specificity enabled Congress to attempt to restrict the powers of the presidency during the administrations of Presidents Ford and Carter.

In his first inaugural address, President Reagan expressed his optimistic view that the problems of the nation could be overcome with conservative policies. At the heart of his economic plan was the concept that "government is not the solution to our problem; government is the problem." He explained this by saying,

We are a nation that has a government—not the other way around. And this makes us special among the nations of the Earth. Our government has no power except that granted it by the people. It is time to check and reverse the growth of government, which shows signs of having grown beyond the consent of the governed. It is my intention to curb the size and influence of the Federal establishment and to demand recognition of the distinction between the powers granted to the Federal Government and those reserved to the States or to the people.

Although it is difficult to select a few isolated actions to be representative, presidential dealings can be divided into war powers, domestic politics, and foreign relations. We will examine Ronald Reagan's use of presidential power during his administration as it relates to each of these categories.

PRESIDENT REAGAN AS COMMANDER IN CHIEF

One short military engagement illustrates Ronald Reagan as commander in chief. President Reagan's administration was concerned about Soviet and Cuban influence in Central America and the Caribbean. On the small Caribbean island nation of Grenada, a pro-Soviet



How did President Reagan justify his constitutional authority to invade Grenada? Do you think the president had the authority to commit troops without congressional approval? Explain why or why not.

communist government with close ties to communist Cuba seized power in 1979 and was proceeding with construction of a large airfield. President Reagan believed it would be used by the Soviets and Cuba to supply communist groups in Central America.

In October 1983, the government of Grenada was overthrown and the island's military assumed control. In response, President Reagan ordered American troops to invade. Several other Caribbean nations also sent troops. The invasion, conducted as a rescue mission, ensured the safety of about a thousand Americans on the island.

The mission achieved success quickly. The Americans on the island were evacuated to the United States, pro-communist forces—largely Cuban troops—were defeated, and a new civilian government was formed. Even so, the invasion raised some of the same questions regarding executive authority that had been raised during the Vietnam War a decade earlier with previous presidents.

The constitutional division of war powers between the president and Congress has been debated since the Constitutional Convention. History provides us with many examples of presidents committing troops without either a declaration of war or prior congressional approval. But the War Powers Resolution of 1973 required presidents to consult with Congress before committing troops, except in cases of serious and immediate threats. In the case of Grenada, Ronald Reagan's administration informed some congressional leaders but did not seek actual approval or advice before the invasion.

President Reagan's position was that as commander in chief he had an obligation to ensure national security and protect the interests of the country and its citizens. As for the War Powers Resolution, President Reagan reported to Congress, but only *consistent with*, not *under* the War Powers Resolution. He stated that he was acting under his constitutional authority to swiftly commit troops. Subsequent presidents have also used this distinction when reporting to Congress concerning troop deployment and have not sought formal consultation with Congress before committing troops.

The invasion of Grenada is often cited as an example of President Reagan's decisiveness and action against the expansion of communism. Although there was some controversy over this exercise of presidential power, the invasion denied communism another foothold in the Caribbean and restored Grenada's parliamentary government, which continues to hold free elections. The Grenada invasion is also regarded as a return to the vigorous exercise of war powers by the president.

DOMESTIC POLICY:

THE AIR-TRAFFIC CONTROLLERS' STRIKE

A president can clearly point to the commander in chief clause of the Constitution as a basis for his or her authority to deploy troops. However, many other actions that presidents take consist of a combination of powers derived from various constitutional clauses and an interpretation and application of these powers to particular situations. Actions taken in domestic policy are often a mix of powers.



What issues did President Reagan have to consider when he made his decision to fire the striking air-traffic controllers? Do you think he made the right decision? Explain why or why not.

REAGAN

EXECUTIVE POWER

The president is charged with the general responsibility to "take Care that the Laws be faithfully executed." The Constitution notes that "the executive power shall be vested in a President of the United States of America." Of course, the legislature is given specific powers of its own, such as the power to create laws and appropriate money. However, the Framers were vague on how domestic policy would be administered by the president.

Early in President Reagan's administration, the nation's air-traffic controllers went on strike, seeking higher salaries and fewer working hours. The controllers were employees of the federal government and their strike violated federal law, which prohibited federal workers from striking. Although the controllers' union and several other unions had called similar strikes under previous presidents, no action had been taken against them. With the controllers on strike, the nation's air travel was briefly crippled and millions of Americans were adversely affected. President Reagan announced that the striking controllers must return to their jobs within 48 hours or they would be fired. When most of the workers did not return to work, he kept his promise and fired more than eleven thousand air-traffic controllers, replacing them with military controllers, supervisors, and nonstriking workers. President Reagan banned the striking workers from being rehired. The Justice Department pursued fines against the union. Within months, the union was decertified and was effectively broken.

President Reagan's action in firing the striking workers was controversial. The strike and subsequent firing of these workers resulted in cutting roughly half the scheduled commercial flights on the first day of the strike, and the airline industry lost substantial revenue. Firing the workers went against the precedents of the four previous presidents, who did not fire government workers in similar situations. The Federal Aviation Administration faced the need to immediately hire and train new controllers. Commercial flights recovered quickly, however. The air-traffic control system continued to function. Most Americans supported President Reagan's actions. Internationally, the Soviets paid close attention to this incident and were struck by President Reagan's resolve and decisiveness.

Some critics claimed that the firing seemed to contradict President Reagan's campaign promises to the air-traffic controllers' union, the only union to have supported his election campaign. His decision to fire the striking workers showed that President Reagan did not intend his view of limited government to mean that he favored a weakened presidency.

THE PRESIDENT AND FOREIGN POLICY

One important role of any president is that of "chief diplomat." Although these specific words do not appear in the Constitution, the president is given the authority to receive foreign diplomats. The president also acts as the director of foreign policy by appointing the secretary of state and ambassadors to foreign countries. These powers are shared with the Senate, which has the authority to confirm presidential appointments to these offices and to advise on and consent to treaties made by the president. In practice, the presidency has gained many informal foreign policy powers not written directly into the Constitution. The ability of the president to react swiftly, to speak as a single voice—in contrast to the many voices in Congress—and the central position of the president in American politics have created a dominant role for the president in foreign policy making. As international travel has become easier, presidents have capitalized on the opportunity to personally conduct diplomatic meetings with heads of state around the world.

Limiting the expansion of the Soviet Union's influence became one of the main goals of U.S. foreign policy after World War II. The struggle between liberal democracy, led by the United States, and totalitarian communism, primarily represented by the Soviet Union, was called the Cold War. To challenge each other's influence, both the United States and the Soviet Union built up their militaries and arms stockpiles and extended them to their respective allies during this period.

Convinced that the previously weakened U.S. military forces only invited Soviet expansionism around the globe, Ronald Reagan promoted strengthening the U.S. military through increased defense spending as one of the major themes of his 1980 presidential campaign. Military spending had been declining since the end of the Vietnam War—resulting in shortages of military parts and equipment—and had begun increasing at the end of President Carter's administration. Furthermore, President Reagan and his advisors believed that because the Soviets were outspending the United States in military weapons procurement, a potentially dangerous imbalance of power could develop.

President Reagan also aimed to reduce the influence of the Soviet Union and "roll back" or eliminate communist regimes around the globe by supporting anti-Soviet governments and groups. These included the *mujahideen* in Afghanistan, the Contras in Nicaragua, and the Solidarity Movement's struggle for freedom in Poland. This policy became known as the "Reagan Doctrine."



How did Ronald Reagan and Mikhail Gorbachev contribute to ending the Cold War?

President Reagan was very vocal in his opposition to communism. He predicted that communism would be left "on the ash heap of history" with other "tyrannies which stifle the freedom and muzzle the self-expression of the people." He referred to the Soviet Union as an "evil empire." This dramatic statement and President Reagan's policies toward the Soviet Union generated a great deal of controversy. Some saw his words as an important reassertion of American resolve. Others worried that they needlessly antagonized the Soviets and increased the risk of war. To alleviate these concerns, the president spoke of his program as "peace through strength."

Early in President Reagan's second term, a reform-minded leader, Mikhail Gorbachev, assumed power in the Soviet Union. Like previous presidents, Ronald Reagan made plans to meet the new Soviet leader. During his presidency, President Reagan met with General Secretary Gorbachev on five occasions from 1985 to 1988. The two leaders developed a personal relationship and worked together to reduce the tensions of the Cold War.

In June 1987, President Reagan stood before the famous Brandenburg Gate, which had been blocked by the Berlin Wall. The wall had been constructed in 1961 by communist East Germany to isolate West Berlin and to prevent East Germans from fleeing to the West. It had become a symbol of communist repression around the world. In what would become one of his most famous speeches, President Reagan challenged Secretary Gorbachev and said,

General Secretary Gorbachev, if you seek peace, if you seek prosperity for the Soviet Union and Eastern Europe, if you seek liberalization, come here to this gate. Mr. Gorbachev, open this gate! Mr. Gorbachev, tear down this wall!

Also in this speech, President Reagan called for a lessening of the arms race between the United States and the Soviet Union. Just six months later, the two leaders signed a treaty to reduce nuclear weapons.

Mikhail Gorbachev introduced sweeping reforms to the Soviet Union that gave his people a greater measure of political and economic freedom. He hoped this would strengthen the weak Soviet economy and improve citizens' well-being. The reforms, however, unleashed a wave of protests. The protest movements led to the collapse of communism all over Central and Eastern Europe. On November 9, 1989, the Berlin Wall was opened and eventually dismantled. The destruction of the wall became a symbol of this historic turning point. In 1991, the Soviet Union was dissolved and Mikhail Gorbachev resigned.

President Reagan's "peace through strength" strategy has often been credited as contributing to the collapse of the Soviet Union and the end of the Cold War. President Reagan himself believed that when given the choice, people will always choose freedom.

RONALD REAGAN AND THE PRESIDENCY

President Reagan's reassertion of presidential power left a significant mark on events of the 1980s and reinvigorated the office of the presidency. It is generally acknowledged that President Reagan's policies were key factors leading to the collapse of the Soviet Union and the end of the Cold War, liberating millions. President Reagan proved flexible in his dealings with the Soviet Union, reducing tensions and negotiating a reduction in arms. However, opponents thought that President Reagan's policies of strengthening the American military and confronting the Soviet Union would increase the danger of armed conflict while adding to the budget deficit. In some instances, these policies led to claims that the United States had supported governments and outside groups that at times disregarded human rights. Nevertheless, during his eight years in office, Ronald Reagan's political instincts and determination to spread democracy and freedom raised American morale and promoted liberty around the world. Although scholars continue to debate the merits of his policies, popular esteem for Ronald Reagan has risen over time. Public opinion polls indicate that he remains one of the country's most popular and admired presidents.

REAGAN EXECUTIVE POWER

REVIEWING AND USING THE LESSON

- ❶ What powers related to waging war are given to Congress under Article I? What powers are granted to the president under Article II? Why are there conflicts in this division of power between the president and Congress as they relate to war powers?
- ❷ Why do you think members of Congress thought they needed to pass the War Powers Resolution? Why have presidents asserted that the War Powers Resolution is unconstitutional? Do you agree with the position of Congress in 1973 or the position of subsequent presidents? Why or why not?
- ❸ How do the terms *imperial presidency* and *imperial presidency* reflect the fears of the Framers of the Constitution? How do the presidential leadership styles of Presidents Nixon and Johnson compare to the leadership styles of Presidents Ford and Carter?
- ❹ What constitutional principles concerning the powers of the federal government did President Reagan describe in his first inaugural address? What founding philosophical principles does President Reagan echo in this passage?
- ❺ Discuss President Reagan's actions in Grenada with reference to the Constitution and the War Powers Resolution. Did the president act within his constitutional powers? Did he act within the boundaries of the War Powers Resolution? Why or why not?
- ❻ What parts of the Constitution did President Reagan rely on in his firing of the air-traffic controllers? Do you see a conflict in President Reagan's actions in this case and his goal of limiting the power of the government? Why or why not?
- ❼ Do you see a conflict between the goals of limiting the power and size of the federal government and the expansion of the military? Why or why not?

CRITICAL THINKING EXERCISES

Critical thinking exercises for this lesson can be found at www.civiced.org/reagan. These exercises develop intellectual and participatory skills and offer an opportunity to assess students' capacity to develop and defend an argument and to support it with evidence.

WEBSITES

www.civiced.org/reagan

Visit www.civiced.org/reagan to access a full spectrum of resources that will enrich your study of Ronald Reagan and the Constitution. Resources include critical thinking exercises, a timeline, a biography of Reagan, frequently asked questions on President Reagan's administration, links to websites related to the president, and a helpful list of additional readings.

www.reaganfoundation.org

The Ronald Reagan Presidential Foundation is the sole non-profit, nonpartisan organization dedicated to the preservation and promotion of the legacy of Ronald Reagan and his timeless principles of individual liberty, economic opportunity, global democracy, and national pride.

www.reagancentennial.com

The Ronald Reagan Centennial Celebration is a historic, year-long celebration to commemorate the one-hundredth anniversary of Ronald Reagan's birth on February 6, 2011. The Ronald Reagan Presidential Foundation has planned a worldwide Centennial Celebration to pay tribute to the legacy of the fortieth president through public outreach and education.

www.ReaganLibrary.gov

Administered by the National Archives and Records Administration, the Ronald Reagan Presidential Library & Museum has served thousands of researchers and millions of visitors since its opening in 1991.

CREDITS

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Ronald Reagan Centennial Celebration



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We the People: The Citizen and the Constitution