

Three Presidential Views of Presidential Power

I. Abraham Lincoln: The Prerogative Theory of the Presidency (1864).

I have never understood that the presidency conferred upon me an unrestricted right to act.... I did understand, however, that my oath to preserve the Constitution to the best of my ability imposed upon me the duty of preserving, by every indispensable means, that government—that nation, of which the Constitution was the organic law. Was it possible to lose the nation and yet preserve the Constitution?... I felt that measures otherwise unconstitutional might become lawful by becoming indispensable to the preservation of the Constitution through the preservation of the nation. Right or wrong, I assume this ground, and now avow it. I could not feel that, to the best of my ability, I had even tried to preserve the Constitution if... I should permit the wreck of the government, country and Constitution altogether.... I claim not to have controlled events, but confess plainly that events have controlled me. [Source: letter from Lincoln to A. G. Hodges, 4 April 1864.]

II. Theodore Roosevelt: The Stewardship Theory of the Presidency (1913).

I declined to adopt the view that what was imperatively necessary for the nation could not be done by the President unless he could find some specific authorization for it. My belief was that it was not only his right but his duty to do anything that the needs of the nation demanded unless such action was forbidden by the Constitution or by the laws.... I did not usurp power, but I did greatly broaden the use of executive power.... I acted... whenever and in whatever manner was necessary, unless prevented by direct constitutional or legislative prohibition.... The course I followed [was] of regarding the Executive as subject only to the people, and, under the Constitution, bound to serve the people affirmatively in cases where the Constitution does not explicitly forbid him to render the service. [Source: The Autobiography of Theodore Roosevelt (NY: Scribner's, 1913).]

III. William Howard Taft: The Literalist Theory of the Presidency (1916).

The true view of the Executive functions is, as I conceive it, that the President can exercise no power which cannot be fairly and reasonably traced to some specific grant of power or justly implied and included within such express grant as proper and necessary to its exercise. Such specific grant must be either in the Federal Constitution or in an act of Congress passed in pursuance thereof. There is no undefined residuum of power.... The grants of Executive power are necessarily in general terms in order not to embarrass the Executive within the field of action plainly marked for him, but his jurisdiction must be justified and vindicated by affirmative constitutional or statutory provision, or it does not exist. [Source: Our Chief Magistrate and His Powers (NY: Columbia University Press, 1916).]