

When it comes to matters of war and peace, Congress now occupies a position roughly analogous to that of a student council in university governance. It may be important for the administration to show pro forma respect and deference to it — but there can no longer be any doubt about where the real authority resides.

Even when the Democrats reclaimed control of both houses of Congress in January 2007, they made very little headway in enhancing their real influence in foreign policy against the wishes of the Republican Bush administration. 'Now Congress must use its main power, the power of the purse, to put an end to our involvement in this disastrous war,' thundered Democrat senator Russell Feingold on the Senate floor in 2007. But when the Democratic majority tried to do just that, Bush vetoed the bill and the Democrats did not have the votes to override the veto.

Congress possesses a great deal of expertise in its foreign policy-related committees — the Senate's Armed Services Committee and Foreign Relations Committee, and the House of Representatives' Armed Services Committee and Foreign Affairs Committee. In the autumn of 2007, these committees were the scenes of congressional investigation into the conduct of the war in Iraq as members of Congress debated the reports authored by Ryan Crocker, the US ambassador to Iraq, and General David Petraeus, commander of the multinational force in Iraq, and questioned the authors in face-to-face hearings. But Congress's ability to change the direction of policy was negligible. As former president Gerald Ford put it: 'Our forefathers knew you could not have 535 commanders-in-chief and secretaries of state. It just wouldn't work.'

Limitations on presidential power

Writing in 2000, Professor James Pfiffner, a noted scholar on the presidency, remarked that 'the presidency is not a powerful office'. Another presidential scholar, Thomas Cronin put it like this: 'Opportunities to check power abound; opportunities to exercise power are limited.' Here we bring together the many checks that limit the power of the president.

Congress

The checks and balances that Congress has on the president are highly significant. As we saw in both Chapters 2 and 3, Congress may:

- amend, delay or reject the president's legislative proposals
- override the president's veto
- amend his budgetary requests through the power of the purse
- check his commander-in-chief power, through the power of the purse as well as through the power to declare war
- refuse to ratify treaties negotiated by the president (Senate only)
- reject nominations made by the president (Senate only)
- investigate the president's actions and policies
- impeach and try the president with possible removal from office if found guilty

Supreme Court

As we shall see in Chapter 5, the Supreme Court can check the president's power too. Recent examples include:

- declaring President Nixon's actions in refusing to release the so-called White House tapes to be unconstitutional (1974)
- declaring President Clinton's claim of immunity from prosecution by Paula Jones to be unconstitutional (1997)

- declaring the military commissions set up by President George W. Bush to try Guantánamo Bay detainees to be unconstitutional (2006)
- declaring President Obama's use of recess appointments to be unconstitutional (2014)
- declaring President Obama's use of an executive order to implement his immigration reform programme to be unconstitutional (2016)

We also saw early on in the Trump administration the district and appeal courts of the federal system weighing in on the President's 'travel ban' executive order. As a result, the executive order was declared inoperative by the courts.

Other checks

The president is also subject to checks from interest groups that will mobilise public opinion for or against him or his policies. President Obama experienced this when the National Rifle Association mobilised public opinion to oppose his gun control proposals following a number of mass shootings. The media also has a role to play in checking the president. Presidents today live in the 24/7 news cycle. As a result, what the media report and say can profoundly influence what presidents can do.

The federal bureaucracy is another potential check. The president is only one person in an executive branch made up of 15 executive departments and some 60 federal agencies, boards and commissions employing around 3 million civil servants. And as many federal government programmes are implemented by the states, state governments — and especially state governors — are another potential check. Witness the opposition President Obama experienced in the states' implementation of his healthcare reforms.

Factors that affect presidential success

There are a number of important variables that affect presidential success. We shall consider five of the most important factors.

Electoral mandate

The larger the president's electoral mandate at the last election, the greater is the president's chance of success. Thus Ronald Reagan was potentially in a much stronger position during his second term — following his re-election in 1984 with 59% of the vote and victory in 49 states — than was Bill Clinton at the start of his first term, having been elected with only 43% of the vote. And George W. Bush was in a very politically weak position in January 2001, having lost the popular vote to his opponent Al Gore.

It is also worth noting that in the present era of hyper-partisanship, presidents are less likely to be able to sweep the board in an electoral landslide like Lyndon Johnson did in 1964, Richard Nixon did in 1972, and Ronald Reagan did in 1984. No president has been elected with more than 55% of the vote since Reagan's landslide in 1984. And as Donald Trump took office in January 2017, he would have to cope with not only falling well short of gaining 50% of the popular vote, but even getting just short of 3 million votes fewer than his rival Hillary Clinton. For all Trump's bluster about his 'Electoral College landslide', his electoral mandate in numerical terms was weak.

Public approval

Elections measure popularity in a snapshot on Election Day, but what about during the months and years between elections? It is then that the president's public approval rating will be important and will affect his ability to get things