

Contents

Acknowledgments xi

Part I An Introduction to the Debate over the Unitary Executive

The Oldest Debate in Constitutional Law and Why It Still Matters Today 3

The Modern Debate 10

Why Presidential Views of the Scope of Presidential Power Matter 22

The Preratification Origins of the Unitary Executive Debate and the Decision of 1789 30

Part II The Unitary Executive During the Early Years of the Republic, 1787–1837

1 George Washington 39

2 John Adams 58

3 Thomas Jefferson 64

viii *Contents*

- 4 James Madison 77
- 5 James Monroe 83
- 6 John Quincy Adams 91
- 7 Andrew Jackson 95

Case Study 1. Jackson's Battle with the Bank and the Removal of Treasury Secretary Duane 105

Part III The Unitary Executive During the Jacksonian Period, 1837–1861

- 8 Martin Van Buren 124
- 9 William Henry Harrison 130
- 10 John Tyler 133
- 11 James K. Polk 139
- 12 Zachary Taylor 144
- 13 Millard Fillmore 148
- 14 Franklin Pierce 152
- 15 James Buchanan 157

Part IV The Unitary Executive During the Civil War, 1861–1869

- 16 Abraham Lincoln 165
 - 17 Andrew Johnson 174
- Case Study 2. The Tenure of Office Act and the Impeachment of Andrew Johnson 179

Part V The Unitary Executive During the Gilded Age, 1869–1889

- 18 Ulysses S. Grant 190
- 19 Rutherford B. Hayes 196
- 20 James A. Garfield 203
- 21 Chester A. Arthur 206
- 22 Grover Cleveland's First Term 209

Part VI The Unitary Executive During the Rise of the Administrative State, 1889–1945

- 23 Benjamin Harrison 219
- 24 Grover Cleveland's Second Term 226
- 25 William McKinley 232
- 26 Theodore Roosevelt 238
- 27 William H. Taft 246
- 28 Woodrow Wilson 253
- 29 Warren G. Harding 261
- 30 Calvin Coolidge 265
- 31 Herbert Hoover 273
- 32 Franklin Delano Roosevelt 278

Case Study 3. The Brownlow Committee and the Reorganization Act of 1939 291

Part VII The Unitary Executive During the Modern Era, 1945–2007

- 33 Harry S Truman 305
- 34 Dwight D. Eisenhower 318
- 35 John F. Kennedy 331
- 36 Lyndon B. Johnson 337
- 37 Richard M. Nixon 346
- 38 Gerald R. Ford 356
- 39 Jimmy Carter 362
- 40 Ronald Reagan 374
- 41 George H. W. Bush 384
- 42 Bill Clinton 391

Case Study 4. The Clinton Impeachment and the Fall of the Ethics in Government Act 400

- 43 George W. Bush 405

x Contents

Part VIII Conclusion 417

Notes 433

Bibliographic Note 511

Index 517