

Research Question: To what extent did the context of Cold War facilitate the expansion of presidential power - without constitutional changes - relative to the Congress between 1947 and 1973?

Introduction

The Constitution of the United States did not fundamentally change between 1947 and 1973. The executive and legislative branches remained formally structured around an ongoing balance of competing constitutional powers, with Congress retaining authority over legislation, appropriations, and declarations of war, while the president directed foreign policy, commanded the armed forces, and executed federal law. Yet in practice, the balance of power between the executive and legislative branches shifted dramatically during the Cold War. Presidents increasingly initiated military action without formal declarations of war, controlled expanding intelligence institutions, and centralized national security decision-making within the White House. By the early 1970s, critics such as Arthur Schlesinger Jr. described the emergence of an “imperial presidency,” arguing that executive power had grown beyond the constitutional balance originally intended by the Founders (Schlesinger 15). The contradiction, therefore, is clear: if the Constitution itself did not significantly change, how did presidential power expand so substantially?

Historians have offered different explanations for the growth of presidential power during the twentieth century. Arthur Schlesinger Jr. argues that the Cold War contributed to the rise of an “imperial presidency” by allowing presidents to accumulate authority in the name of national security (Schlesinger 15). Other scholars, however, place less emphasis on the Cold War itself. Richard Neustadt, for example, argues that presidential power derives primarily from a president’s ability to persuade and mobilize political resources rather than from formal constitutional authority (Neustadt 42). From this perspective, the expansion of executive influence reflects the broader evolution of the modern presidency rather than a uniquely Cold War phenomenon. These interpretations highlight important long-term trends, yet they do not fully explain why executive expansion accelerated so dramatically after 1947.

This paper argues that while institutional growth created the potential for a stronger presidency, the Cold War provided the political and ideological environment that transformed this potential into a normalized and widely accepted form of governance. In other words, increased presidential power lies not primarily in formal constitutional amendment, but in the transformation of constitutional interpretation under the pressures of the Cold War. The Cold War created a permanent atmosphere of crisis defined by nuclear fear, ideological competition, and the perceived need for rapid global response. In response to these conditions, policymakers developed strategies such as Containment and Flexible Response that prioritized speed, secrecy, and centralized coordination. Because Congress was institutionally designed to deliberate slowly and represent diverse interests, the presidency increasingly appeared better suited to lead national security policy. Over time, repeated executive actions established precedents that

normalized presidential initiative in foreign affairs and military intervention. Thus, the Cold War facilitated a major expansion of presidential power not by formally rewriting the Constitution, but by reshaping how Americans interpreted the role of executive authority during an age of permanent crisis.

The Cold War and the Structural Pressure for Executive Expansion

To understand the expansion of presidential power during the Cold War, it is first necessary to understand how different the Cold War was from earlier periods of American history. Unlike traditional wars, which usually involved clear beginnings and endings, the Cold War created a prolonged and indefinite sense of danger. Although World War II had ended in 1945, Americans continued to perceive themselves as living under existential threat. Contemporary polling reflected these fears. In 1951, Gallup found that half of Americans reported feeling unsafe in their community in the event of an atomic war, illustrating the extent to which nuclear conflict had entered public consciousness (Gallup). The Soviet Union's acquisition of atomic weapons, combined with the rapid spread of communism in Eastern Europe and Asia, produced intense fears regarding both military destruction and ideological subversion. Rather than returning to peacetime normality after 1945, the United States entered a new era defined by continuous tension.

This atmosphere of fear fundamentally altered the government's understanding of national security. In 1950, NSC-68 described the conflict with the Soviet Union as a global and ongoing struggle requiring "a rapid and sustained build-up of the political, economic, and military strength of the free world" ("NSC-68"). Rather than framing the Cold War as a temporary confrontation, the memorandum treated national security as a permanent condition requiring continuous mobilization. These assumptions about a permanent and global threat shaped the strategic doctrines that guided American foreign policy throughout the Cold War. George Kennan's policy of Containment argued that even minor communist advances could trigger broader geopolitical collapse (Kennan 570). Later doctrines such as Flexible Response similarly emphasized the need for rapid and adaptable reactions to constantly changing global conditions (Kennedy).

Under this logic, the United States increasingly prioritized efficiency and flexibility over deliberative procedure, as policymakers believed delayed responses could jeopardize national security. Congress, by design, was decentralized and deliberative. Legislative authority was intentionally fragmented among hundreds of representatives and senators in order to prevent concentrated power and encourage broad debate (Madison). Anti-Federalists feared executive overreach precisely because the presidency was structurally more capable of decisive action than Congress (Brutus). Yet during the Cold War, the very characteristics that had once been viewed as safeguards of democracy increasingly appeared inefficient within a global emergency. The presidency, in contrast, appeared better suited to Cold War governance because a single executive could react quickly, coordinate policy, and maintain secrecy during sensitive operations. The result was not an explicit rejection of constitutional democracy, but a

growing preference for executive efficiency over legislative deliberation. In this sense, the Cold War created structural pressure for the concentration of power within the executive branch.

Previous expansions of presidential power were generally linked to specific emergencies. During World War I and World War II, presidents exercised extraordinary powers, yet much of this authority receded after the wars ended. Franklin Roosevelt represented the most dramatic pre-Cold War example of executive expansion, but even Roosevelt's wartime authority was understood as exceptional because World War II itself was viewed as exceptional (Schlesinger 23). The Cold War differed because it lacked a clear conclusion. Since the emergency appeared permanent, the expansion of presidential power also became increasingly permanent. Executive authority was no longer justified as a temporary wartime necessity, but as an ongoing requirement of modern national security. The context of the Cold War therefore created the conditions necessary for long-term institutional transformation.

An alternative interpretation is that the expansion of presidential power reflected broader developments in the modern American state rather than the specific circumstances of the Cold War. Richard Neustadt argues that presidential influence derives primarily from a president's ability to persuade and mobilize political resources rather than from formal constitutional authority (Neustadt 42). Similarly, Stephen Skowronek argues that presidential authority developed through long-term institutional and political transformations rather than through any single historical event (Skowronek et al.). From these perspectives, the growth of presidential authority appears as part of a wider twentieth-century trend toward stronger national leadership rather than a uniquely Cold War phenomenon.

These factors undoubtedly contributed to the growth of presidential influence. However, they do not fully explain why executive expansion accelerated so dramatically after 1947, nor why it became concentrated particularly in foreign affairs and national security. The modern presidency had already begun developing before the Cold War, yet earlier expansions of executive authority were generally associated with specific emergencies and often receded afterward. What distinguished the Cold War was the emergence of a permanent international crisis that transformed temporary wartime practices into enduring features of governance. Institutional growth provided presidents with greater capacity, but the Cold War provided the political justification and public legitimacy necessary to convert that capacity into lasting authority. In this sense, the Cold War did not create presidential power from nothing; rather, it transformed existing presidential resources into a normalized and increasingly permanent form of executive leadership.

From Theory to Action: Presidential Power in Practice

The structural pressures created by the Cold War did not remain abstract theories. Instead, they were translated into concrete institutional changes, legal precedents, and executive actions that gradually expanded presidential power in practice. This section examines three major dimensions of that expansion: the creation of executive-centered national security

institutions, the growing presidential role in military intervention and crisis management, and the gradual normalization of these practices across multiple administrations.

The first stage of presidential expansion occurred through the creation of new national security institutions that concentrated authority within the executive branch. One of the most significant turning points was the National Security Act of 1947. Passed by Congress and signed by President Harry Truman, the Act created the National Security Council, the Central Intelligence Agency, and the Department of Defense. Although Congress formally established these institutions, the structure of the Act centralized national security coordination within the executive branch (“National Security Act”). The National Security Council was chaired by the president and designed to integrate military, intelligence, and foreign policy under presidential leadership. The creation of the CIA was particularly important because it consolidated intelligence operations under executive supervision. Intelligence increasingly became concentrated within agencies closely connected to the White House rather than directly accountable to Congress. The Secretary of Defense was also defined as the president’s “principal assistant” in military affairs, reinforcing a hierarchical chain of command centered around executive authority. This mattered because it changed the practical location of national security authority. Rather than leaving foreign and military policy to slower congressional processes, the Act created a permanent executive-centered apparatus through which presidents could receive intelligence, coordinate strategy, and initiate policy before Congress could meaningfully respond. In this sense, the National Security Act institutionalized the expansion of presidential influence over foreign policy and national security.

While new institutions expanded presidential capacity, legal interpretations helped define both the possibilities and limits of executive power. The Supreme Court’s decisions regarding executive authority further clarified the boundaries of this expansion. In *United States v. Curtiss-Wright Export Corp. (1936)*, the Court argued that the president possessed broad inherent authority in foreign affairs independent of explicit congressional delegation (*Curtiss-Wright*). Although this decision preceded the Cold War, it later provided constitutional justification for expansive presidential action abroad. At the same time, the Court also demonstrated that formal constitutional limits on executive power remained intact. In *Youngstown Sheet & Tube Co. v. Sawyer (1952)*, the Supreme Court ruled that President Truman’s seizure of the steel industry during the Korean War exceeded executive authority (*Youngstown*). The case confirmed that the Constitution itself had not fundamentally changed. Presidents could still be constitutionally restrained. Yet the importance of *Youngstown* lies precisely in this contradiction. Even though the Court reaffirmed constitutional limits, presidential power continued to expand in practice, which supports the argument that the Cold War altered interpretation and precedent rather than formally rewriting the constitutional system.

The practical consequences of these institutional and legal developments became increasingly visible in the area of military intervention. The Korean War itself represented a major example of executive expansion. Truman committed American forces to Korea without seeking a formal declaration of war from Congress, instead describing the intervention as a

United Nations “police action.” This distinction proved politically significant. Based on United Nations Security Council Resolution 83 (United Nations, Security Council), which recommended that member states could provide military assistance to South Korea, Truman presented the Korean War as an international obligation rather than a traditional declaration of war. Congress was informed of the decision but was never asked to formally authorize the conflict. More importantly, congressional leaders largely accepted this arrangement. The bipartisan anti-communist consensus of the early Cold War made opposition politically difficult, and many legislators viewed rapid action as necessary to uphold the policy of containment. As a result, the Korean War established a powerful precedent: presidents could initiate large-scale military intervention without a formal declaration of war while still maintaining substantial political support. Although the Supreme Court later limited Truman’s domestic powers in *Youngstown*, Congress’s acceptance of the Korean intervention demonstrated how Cold War conditions expanded executive authority in foreign affairs. More importantly, the significance of Korea lies not only in Truman’s actions, but in Congress’s willingness to tolerate them. The precedent established in Korea made later presidential military initiatives appear increasingly normal rather than constitutionally exceptional.

The expansion of presidential power reached its most extensive form during the Vietnam War. In 1964, Congress passed the Gulf of Tonkin Resolution after reports of attacks on American ships in Vietnam, which authorized President Lyndon Johnson to take “all necessary measures” to repel aggression in Southeast Asia (“Gulf of Tonkin Resolution”). Although Congress technically approved the resolution, its vague and open-ended language effectively transferred enormous war-making authority to the executive branch. The overwhelming congressional support for the Gulf of Tonkin Resolution also reveals the broader political environment of the Cold War. Although several senators, most notably Wayne Morse and Ernest Gruening, warned that the resolution granted excessive authority to the executive branch (Langston), such concerns remained politically marginal at the time. Many legislators feared appearing weak on communism, while the Johnson administration framed the incident as evidence of North Vietnamese aggression requiring an immediate response. In an atmosphere shaped by Cold War urgency and limited access to intelligence, Congress was more willing to delegate authority than insist upon prolonged constitutional debate. The significance of the resolution therefore lies not only in the powers it granted, but also in what it reveals about changing political expectations. The Cold War encouraged legislators themselves to prioritize flexibility and rapid action over the traditional congressional role in decisions regarding war. Critics later described the resolution as a “blank check,” but its original passage demonstrates how executive expansion depended upon congressional consent as well as presidential initiative. Johnson soon used the Gulf of Tonkin Resolution to justify massive escalation in Vietnam without seeking a formal declaration of war. National Security Action Memorandum 288 further demonstrated the presidency’s ability to direct military expansion through executive-centered policy mechanisms (“NSAM 288”). These actions reflected a broader transformation in the balance of power between Congress and the presidency.

By the early 1970s, presidential expansion had become sufficiently entrenched that it persisted across multiple administrations and often operated beyond meaningful public scrutiny.

The Pentagon Papers later revealed the extent to which multiple administrations had expanded American involvement in Vietnam through executive decision-making and secrecy (*Pentagon Papers* 312). The documents showed that presidents from Truman to Nixon had progressively deepened American commitment while often withholding critical information from Congress and the public. The significance of the Pentagon Papers lies not only in the exposure of secrecy, but also in the continuity they reveal. Presidential expansion was no longer tied to individual leaders; it had become institutionalized across administrations.

Taken together, these developments demonstrate that the expansion of presidential power during the Cold War was not the result of a single decision, institution, or administration. Rather, executive authority expanded through the interaction of new national security institutions, military interventions, legal interpretations, and crisis-management practices. By the early 1970s, presidential initiative had become increasingly embedded within the operation of American government. The significance of this transformation, however, lies not only in the actions presidents took, but also in how those actions gradually reshaped broader understandings of constitutional authority.

Interpretation, Precedent, and the Normalization of Executive Power

The expansion of presidential power during the Cold War cannot be fully explained merely by listing executive actions. Presidents “doing more things” is not automatically equivalent to constitutional transformation. The deeper change occurred in how Americans interpreted the Constitution and the acceptable role of executive authority. Although the Constitution itself remained largely unchanged, repeated executive actions gradually reshaped expectations regarding presidential leadership. As precedents accumulated across successive administrations, interventionist executive authority increasingly came to be viewed as both normal and legitimate. In this sense, the Cold War transformed not the constitutional text itself, but the practical understanding of executive power.

Unlike previous wartime expansions, Cold War presidential power did not fully recede after individual crises passed. Instead, executive authority became institutionalized and transferable across administrations. Both Democratic and Republican presidents contributed to this process: Truman expanded executive military initiative in Korea, Eisenhower strengthened covert operations, Kennedy centralized crisis management, Johnson escalated Vietnam, and Nixon further expanded executive secrecy..... The bipartisan nature of this development is important because it demonstrates that presidential expansion cannot simply be reduced to party ideology. Although Democrats and Republicans differed regarding domestic policy, both parties increasingly accepted strong executive leadership in foreign affairs during the Cold War.

The Cold War also expanded expectations regarding presidential leadership beyond national security. During the Civil Rights Movement and the Great Society era, Americans increasingly looked toward the president to provide rapid and active solutions to domestic problems (Patterson). Lyndon Johnson’s leadership during civil rights reform and social

welfare expansion reflected a broader transformation in political expectations. The presidency was no longer viewed merely as an executor of congressional legislation, but increasingly as the primary driver of national policy. This development reflected the broader cultural normalization of executive-centered governance. Americans gradually became accustomed to seeing the president as the central manager of national crises, whether military, social, or economic. The logic of efficiency and rapid response that emerged during the Cold War therefore spread beyond strictly foreign policy issues.

In this sense, the Cold War reshaped not only government institutions, but also political culture itself. Once Americans broadly accepted an interventionist and highly active presidency, it became difficult to justify returning to a limited executive model associated with earlier eras.

Congressional Resistance and the Limits of Expansion

Although presidential power expanded dramatically during the Cold War, executive dominance was never entirely uncontested. As presidential authority became increasingly institutionalized during the Vietnam era, legislators, journalists, and members of the public began questioning whether the balance between Congress and the presidency had shifted too far. These reactions reveal both the limits of executive expansion and the growing awareness that traditional constitutional restraints were becoming increasingly difficult to maintain.

Senator J. William Fulbright's hearings on Vietnam criticized the conflict as a "presidential war" and argued that Congress had been increasingly sidelined in foreign policy decision-making (Vietnam Hearings). The hearings revealed growing concern regarding the imbalance between executive and legislative authority. Public opinion also shifted during the late 1960s and early 1970s. The publication of the Pentagon Papers in 1971 exposed contradictions between public statements and internal government assessments regarding Vietnam (*Pentagon Papers*). The New York Times and other newspapers increasingly criticized executive secrecy and questioned the legitimacy of presidential war-making.

This growing skepticism contributed to congressional efforts to reclaim authority. In 1973, Congress passed the War Powers Resolution over President Nixon's veto, which attempted to restore congressional influence by requiring presidents to notify Congress within forty-eight hours of deploying troops and limiting unauthorized military engagement ("War Powers Resolution"). Yet the War Powers Resolution itself reveals how far presidential power had already expanded. Rather than preventing presidents from initiating military action altogether, the Resolution largely assumed that presidents would continue doing so. Congress attempted not to eliminate executive initiative, but merely to regulate it after the fact. The limitations of the Resolution therefore demonstrate the permanence of Cold War executive expansion. By the 1970s, presidential leadership in foreign affairs had become deeply embedded within American political practice. Even congressional backlash could only partially reverse the broader transformation that had occurred.

Arthur Schlesinger Jr.'s *The Imperial Presidency* captured the broader concerns that emerged from these developments (Schlesinger 402). Writing during the Vietnam era, Schlesinger argued that presidential authority had expanded beyond the constitutional balance envisioned by the Founders. More importantly, however, the debate itself demonstrates how normalized executive dominance had become by the early 1970s. The central question was no longer whether presidents possessed extraordinary authority, but whether that authority had grown too extensive. Congressional resistance therefore revealed not the failure of executive expansion, but its success. Even attempts to restore legislative influence largely accepted a political system in which presidential initiative had become a permanent feature of American governance.

Conclusion

The evidence examined in this paper suggests that the Cold War played a decisive role in facilitating the expansion of presidential power relative to Congress between 1947 and 1973. While broader developments in the modern presidency created the institutional capacity for executive growth, the Cold War transformed that capacity into a normalized and widely accepted form of governance. The pressures of permanent crisis made centralized leadership appear increasingly necessary, allowing presidential initiative to expand without any fundamental change to the constitutional text itself.

More broadly, the significance of this transformation lies in what it reveals about constitutional change. The Constitution on paper remained largely the same, yet the practical meaning of executive authority evolved profoundly through interpretation, precedent, and political practice. In this sense, the Cold War demonstrates that constitutional systems can be reshaped not only through formal amendment, but also through changing assumptions regarding how political power ought to be exercised.

The legacy of this transformation extended far beyond 1973. Many later debates surrounding presidential authority—from post-Cold War military interventions to the expansion of executive power after September 11—relied upon precedents and expectations first normalized during the Cold War. Ultimately, the Cold War was significant not simply because it expanded presidential power, but because it redefined what Americans believed presidential power was for.

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