

The Presidency

US Government POS 2041

Ch. 10

for Discussion

- Are the responsibilities of the most powerful leader in the world the American president, too large a job for one person?
- Why has the American presidency grown so large?
- Are there any powers you think should be taken away from the president?

Herez to you Hillary.



Nice try.



Summary of chapter

- Constitution laid the foundations of the presidential government
- Provided for an executive head of Gov as well as the state – the Prez
- Prior to 1789 no example of an elected prez with executive authority equal to the national legislature
- Founders saw this as an effective check on Congress

Summary

- At the time of founding office of prez was not perceived as powerful
- Rise of president's powers in modern times
- Certain times when presidential leadership "rescued" the nation
 - Civil War
 - Great Depression
 - WW II

President is

Head of state with;

- Military
- Judicial
- Diplomatic powers

Head of Gov;

- Executive
- Military &
- Legislative powers
- President also has institutional resources
- Symbolic powers

Constitutional Basis of the powers of the Presidency

- Presidency derives its powers from Article 2 of the Constitution
- Establishes executive power shall be vested in a President of the United States
- Section 1 of the Article - president will be selected by the electoral college

Constitutional Basis...

- This is an indirect election
- Granted strong executive powers to the president who would be responsible to the legislature instead of the people
- President is also independent of the Congress & mass popular base
- Expansion of presidential powers came during FDR presidency (New Deal, 1930's)

Constitutional Powers of the Presidency

- Granted in Article 2, Sections 2 & 3
- Outlined duties & powers include 3 specific types of powers:
 - Expressed Powers
 - Delegated Powers
 - Inherent Powers

Expressed Powers: specific powers to the President under this category include:

Military Powers

- Pres is commander-in-chief of the military
- Head of the dept of Defense
- Head of the nation's intelligence network

Expressed powers cont'd...

- Presidents have tried to deploy military without congressional approval
- Pres have ignored such constraints
 - Truman against Korea in 1950, Nixon in 1973, Iraq invasion
 - Congress responded with War Powers resolution WPR
- Pres powers extend into domestic arena against domestic violence Article 4. Section 4. Requires state's approval/invitation
- Recent example of the Patriot Act which empowered domestic surveillance & restriction of judicial reviews in such cases

Judicial powers

- Pres grants pardons. Section 2
- President has broad power to grant pardons & amnesty to all individuals

Diplomatic powers

- Pres receives ambassadors & make treaties (Section 2)
- Pres is head of state & chief rep in dealing with other nations
- Pres can recognize other nations in order to enter into treaties
- Use Executive Agreements to enter into agreements with other countries & by pass Senate's approval

Pres as Executive, CEO

- Responsible to see all laws faithfully executed
- Power to appoint/fire /supervise all executive officers
- Appt. all federal judges. (Section 3)
- Exec Privilege: All communications between pres & advisors are confidential & cannot be revealed w/o Pres consent

President as a Legislator

- Article 1, Section 7 & Article II, Section 3 provides pres powers to participate in legislative process
- Pres to inform Congress of the state of the union –State of Union address
- Pres has veto powers over Congress (may be overridden by 2/3 vote of the Congress)

Legislative powers cont'd...

- *Pocket Veto*: sitting on a legislation kills it
- *Line-veto* type: specific provisions in a bill can be vetoed, while signing the remaining portion into law
- *Legislative initiative*: Pres has powers to bring a legislative agenda before Congress
- *Executive Orders*: issued by the pres & has status of legislation, once it does not conflict with the constitution.

President's Delegated powers

- Many presidential powers are not found in the constitution
- Founders expectations:
Congress to make policy & the president to administer it.
- President's delegated powers come from Congress

Delegated powers

- Congress cannot implement laws it makes
- Requires the executive branch to execute them
- Congressional legislations lack details
- As a result, the agencies of the exec branch develop many rules & regulations at their own discretion

Inherent Powers: beyond Expressed & Delegated powers

- A 3rd source of power of the Pres
- Constitution charges the Pres with ensuring that “the laws are faithfully executed”
- Not expressed by the Constitution, but inferred
- Inherent powers often asserted by Pres during emergencies – wars, national emergencies, Civil war, etc.
- Inherent powers grant the Pres authority to issue ***executive orders***

Inherent powers

- New pres can remove civil service appointees
- Bush used these powers to act post 911 attacks
- Kennedy ended racial discrimination in public housing
- Lynden Johnson introduced affirmative action on firms with federal contracts
- Such orders can be rescinded by succeeding president

The Presidency as an Institution

- Refer to Table 10.2 (319)
- The thousands of staffers & officials who work for & assist the president make up the institution of the Presidency
- These include the:

The Cabinet

- Cabinet consists of the heads or secretaries of the major depts. of the fed. gov
- Cabinet secretaries are often appointed with Senate consent
 - In 1947 *National Security Council, NSC* was established as an “inner cabinet”
 - Consists of Pres, VP, Secretaries of State, defense, treasury, Attorney general & other trusted individuals

The White House Staff

- Special assistants to the Pres
- Often closest to the Pres/day to day contact
- Many are close friends & people who worked with Pres in previous positions
- May create a “*kitchen staff*” who will provide informal counsel to Pres

The Executive Office of the Pre

- EOP created in 1939
- 1500-2000 persons
- Includes NSC, Office of Management & Budget, etc
- Perform defined & specialized tasks for the pres; e.g.,
- Budgetary, economic, oversee regulatory proposals, national security advice

The Vice President

Two functions:

- To succeed the Pres in the event of...
- To preside over the Senate- casts the tie-breaking vote
- Became a part of the EOP in 1972

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The First Lady

- Historically tend to fulfill ceremonial roles
- More recently First Ladies have assumed roles of influencing presidential administration
- Current First Lady appears to be altering several traditional perceptions of First Ladies

Pres & Policy

- While only Congress can introduce legislation, many bills are crafted by the Pres
- Congress expects Pres to propose the gov's budget
- Nation expects Pres initiatives to deal with major problems
- Pres can claim that electoral victory gives special authority, mandate

The Contemporary Bases of Pres Power

- Over past century we've see the expansion of the Pres power
- During the 19th century Congress was the dominant institution of gov

Pres can expand power 3 ways:

- Party as a source of Power
- Popular Mobilization as a source of Power
- Administration as a source of Power

Contemporary Bases of Pres Power

- Party Pres strengthens or supports partisan institutions so as to exert influence in the legislative process & to implement their programs
- This source has not always been reliable, so Pres rely on other 2 sources

Popular Mobilization/Going Public

- Since FDR Pres have sought to craft public relations strategies in order to increase his popular appeal
- Utilizes the media for this purpose
- Clinton reached out directly to the American people

- Views the presidency as a permanent campaign to seek re election to raise campaign funds
- Some Pres use popular appeals to overcome congressional opposition
- Has its limitations because public can be fickle & Pres cannot always deliver on promises
- Led to decrease in “going public”

Administrative State

- Pres try to overcome congressional power by seeking to expand its administrative institutions & procedures
- Seeks to bolster control over exec agencies & to create new administrative institutions via administrative strategies

Key Terms

- **Expressed, Delegated & Inherent Powers**
- **Divided Government:** when one party controls the White House & another one controls one or both houses in Congress
- **War Powers Resolution: (1973)** Congress passed this resolution to limit the president's ability to commit our troops to war: 3 conditions
 - i. when congress declares war
 - ii. When Congress gives specific authority
 - iii. When the US is under attack

HOW TO BECOME ☆ PRESIDENT OF THE UNITED STATES ☆

U.S. CONSTITUTION'S REQUIREMENTS FOR A PRESIDENTIAL CANDIDATE

✓ NATURAL BORN CITIZEN

✓ MINIMUM AGE 35 YEARS

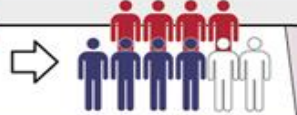
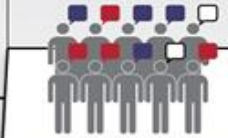
✓ U.S. RESIDENT 14 YEARS



STEP 1 PRIMARIES AND CAUCUSES

THERE ARE MANY PEOPLE WHO WANT TO BE PRESIDENT, EACH WITH THEIR OWN IDEAS ABOUT HOW GOVERNMENT SHOULD WORK

PEOPLE WITH SIMILAR IDEAS BELONG TO THE SAME POLITICAL PARTY, THIS IS WHERE PRIMARIES AND CAUCUSES COME IN



CANDIDATES FROM EACH POLITICAL PARTY CAMPAIGN THROUGHOUT THE COUNTRY TO WIN THE FAVOR OF THEIR PARTY MEMBERS



NATIONAL CONVENTIONS STEP 2

AT EACH CONVENTION, THE PRESIDENTIAL CANDIDATE CHOOSES A RUNNING MATE (VICE PRESIDENTIAL CANDIDATE)

EACH PARTY HOLDS A NATIONAL CONVENTION TO SELECT A FINAL PRESIDENTIAL NOMINEE

THE PRESIDENTIAL CANDIDATES CAMPAIGN THROUGHOUT THE COUNTRY TO WIN THE SUPPORT OF THE GENERAL POPULATION



IN A PRIMARY PARTY MEMBERS VOTE FOR THE BEST CANDIDATE THAT WILL REPRESENT THEM IN THE GENERAL ELECTION



IN A CAUCUS PARTY MEMBERS SELECT THE BEST CANDIDATE THROUGH A SERIES OF DISCUSSIONS AND VOTES



...AND I APPROVE THIS MESSAGE



STEP 3 GENERAL ELECTION

PEOPLE IN EVERY STATE ACROSS THE COUNTRY VOTE FOR ONE PRESIDENT AND VICE PRESIDENT

WHEN PEOPLE CAST THEIR VOTE, THEY ARE ACTUALLY VOTING FOR A GROUP OF PEOPLE KNOWN AS ELECTORS



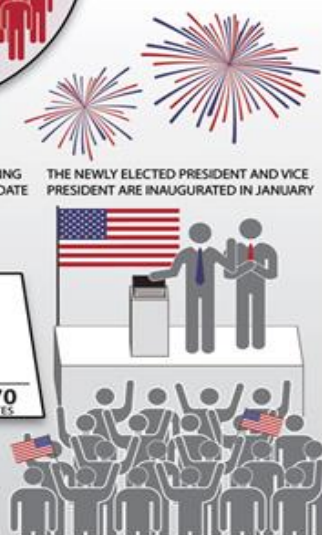
STEP 4 ELECTORAL COLLEGE

IN THE ELECTORAL COLLEGE SYSTEM, EACH STATE GETS A CERTAIN NUMBER OF ELECTORS BASED ON ITS REPRESENTATION IN CONGRESS

EACH ELECTOR CASTS ONE VOTE FOLLOWING THE GENERAL ELECTION, AND THE CANDIDATE WHO GETS MORE THAN HALF (270) WINS



THE NEWLY ELECTED PRESIDENT AND VICE PRESIDENT ARE INAUGURATED IN JANUARY



Key Terms

- **Pocket Veto**
- **Line Veto**
- **Going Public:** Pres directly appealing to the public, so as to gain cooperation of Congress for certain position of legislative agenda
- **Unitary Executive:** Began under Bush, with the Pres acting unilaterally as head of exec branch to direct its affairs w/o the interference of the legislative branch
- **Signing Statements:** President makes statements before signing bills. May contradict aspects of the bill about to become a law