

AP AMERICAN GOVERNMENT

Unit Four Part 2

The President and the Bureaucracy



Unit 4 Learning Objectives

Running for President

- 4.1 Outline the stages in U.S. presidential elections and the differences in campaigning at each stage.

The Electoral College

- 4.2 Assess concerns regarding presidential elections and reforms that have been proposed.

The Powers of the Presidency

- 4.3 Describe the constitutional foundations of the presidency and of the formal and informal roles of the president.

Controversies in Presidential Power

- 4.4 Evaluate the controversies surrounding presidents' assertion of additional executive powers.

Unit 4 Learning Objectives

Managing the Presidency

- 4.5 Outline the functions of the White House staff, the cabinet, and the Vice President.

Congress and the Presidency

- 4.6 Identify the sources of presidential-congressional conflict and the tools presidents use to influence Congress

Chapter 12: The Presidency



- Structure and Powers
- Controversies in Power
- Managing the Presidency
- Job of the President
- Congress and the Presidency
- Judging Presidents

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The Powers of the President

4.3 Describe the constitutional foundations of the presidency and of the formal and informal roles of the president.

The intent of the Framers:

- Delegates feared both anarchy and monarchy
- Balance legislative and executive branches
- Expected Congress to be the dominant institution

Presidential and Parliamentary Systems

- Presidents may be outsiders; prime ministers are always insiders
- Presidents have no guaranteed majority in the legislature; prime ministers always do
 - **Divided government:** one party controls the White House and another controls one or both houses of Congress
- Prime Ministers control the legislature, judicial, and executive; the President has no real control except veto

Powers of the President



The Constitution only gives six specific powers:

Article I, Section 7

1. Veto power

Article II, Section 2

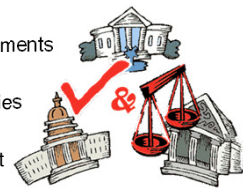
2. Commander-in-Chief
3. Chief Executive
4. Power of Appointment
5. Treaty-making power
6. Power to Pardon



How are the President's powers checked?



- The **Veto power**
 - ✓ Congress can over-ride veto
- **Commander-in-Chief**
 - ✓ Congress has power to declare war
- **Power of Appointment**
 - ✓ Senate must confirm appointments
- **Treaty-making power**
 - ✓ 2/3rd Senate must ratify treaties
- **Power to Pardon**
 - ✓ Not in cases of Impeachment



Article I, Section 7: The Veto Power

- **Sign the legislation**
 - the bill becomes law.
- **Veto the legislation**
 - the bill does not become law, unless both Houses of Congress vote to *override* the veto by two-thirds vote.
- **Take no action.** *The president neither signs nor vetoes the legislation. After 10 days:*
 - If Congress is still in session, the bill becomes law.
 - If Congress has adjourned the bill dies; **pocket veto**.
- **No line-item veto**
 - (*City of New York v Clinton*, 1998)

Controversies in Presidential Power

4.4 Evaluate the controversies surrounding presidents' assertion of additional executive powers.

1. **No line-item veto**
 - *City of New York v Clinton*, 1998, declared this unconstitutional.
2. **Impoundment**
 - Refusal to spend appropriations passed by Congress.
 - *Train v. City of New York* removed this power
3. **Signing Statements**
 - Issued by the President stating his intent not to enforce a law.
 - Used since Clinton, most experts believe it is unconstitutional
 - *President Obama is currently being sued by Speaker Boehner and the House of Representatives for signing statements on laws concerning Marijuana, Immigration, and the Health Care Act.*

Controversies in Presidential Power

4.4 Evaluate the controversies surrounding presidents' assertion of additional executive powers.

4. **Sovereign Immunity (11th Amendment)**
 - Public officials and the government may not be sued in pursuit of official duties unless immunity is waived.
 - *Jones v. Clinton*, 1997, ruled President no immunity for acts done before taking office and unrelated to the office.
5. **War Powers Resolution, 1973**
 - Troops cannot be used unless declaration of war or national emergency; use must be reported within 48 hours and must end within 60 days if Congress does approve
 - *Most Presidents believe it is unconstitutional, and always ask congress for approval (Reagan, Clinton, Bush, Obama)*



Controversies in Presidential Power

Implied Powers

- **Executive Orders**
 - Presidential directions for bureaucracy authorized by Article II, Section 3 that he "take Care Laws are faithfully executed"
 - *Sometimes exceeds actual authority such as Japanese internment*
- **Executive Privilege**
 - Presidents may keep secrets even if subpoenaed by Congress.
 - *US v Nixon*, 1974, ruled it only applies to national security






LO 12.4

TABLE
12-1 What Can Presidents Change?

Percentage of Americans Who Said the President Has a Great Deal of Influence Over Each of the Following Issues

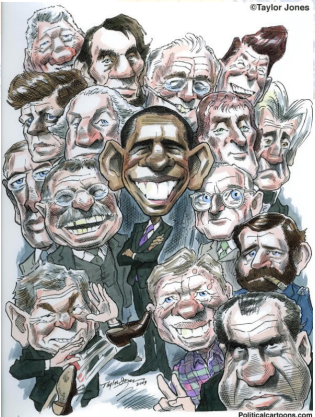
Housing prices	20%
Interest rates	23%
Inflation	30%
Gas prices	31%
Health care costs	38%
Federal budget deficit	48%
Taxes	48%
The way other countries view the United States	60%

SOURCE: Associated Press-Yahoo Poll, January 18, 2008.

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Presidential Programs

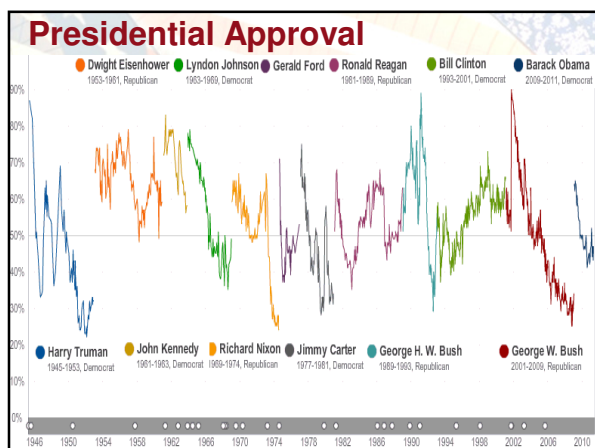
Resources in developing a program include interest groups, aides and campaign advisers, federal departments and agencies, his political party, and various specialists

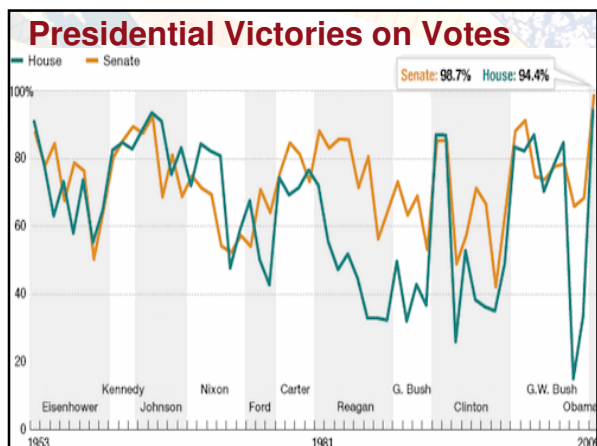


The Power to Persuade

- Presidential coattails
- Presidents try to transform popularity into congressional support for their programs
- Popularity is affected by other factors







Article I, Section 3

The responsibilities of the President

- Give a State of the Union to Congress
- Convene both Houses in emergency
- Dismiss Congress when Disagreement about adjournment
- Receive Ambassadors and Heads of State
- Commission all Officers of the United States military
- Faithfully enforce the Laws of the United States (Executive "Elastic Clause")

Presidential Transition

- Only fifteen of forty-five presidents have served two full terms
- Eight vice presidents have taken office upon the president's death



Article I, Section 1**Presidential Succession**

In Case of the Death, Resignation, Removal, or Inability to discharge the Powers and Duties of the President, these powers shall devolve on the Vice President

Congress decides what Officer shall act as President in the Case of Removal, Death, Resignation, or Inability of both the President and Vice President.

Presidential Succession, 1841

Article II, Section 1 of the United States Constitution provides that:

*In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, **the same shall devolve on the Vice President** ... until the disability be removed, **or a President elected**.*

Article I, section 3 of the Constitution reads:

*The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided. The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall **exercise the office of President** of the United States.*

Presidential Succession, 1841

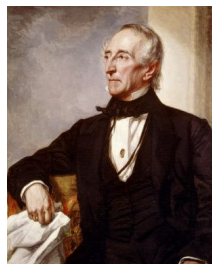
John Tyler was elected Vice President on the Whig (Republican) ticket with William Henry Harrison.

On Harrison's death,

Tyler insisted that he **was** President, not *Vice President* or *Acting President*

Tyler insisted on being sworn in using the **Presidential** oath of office.

Tyler even returned mail sent to the "Vice President" or "Acting President of the United States".



20th Amendment

If the President elect shall have died, the Vice President elect shall become President.
and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President.

Presidential Succession Act of 1947

President Truman requested that Congress put the **Speaker** and **President Pro Tempore** on the list because they were elected:

- **Vice President**
- **Speaker of the House**
- **President Pro Tempore**
- **Secretary of State**
- **Secretary of the Treasury**
- **Secretary of War (Defense)**
- **Attorney General**



Presidential Succession Act of 1947

Is it Constitutional?

Article I, Section 6

- **No Senator or Representative** shall, during the Time for which he was elected, be appointed to any Civil Office under the Authority of the United States; and **no Person holding any Office under the United States, shall be a Member of either House during his time in Office.**

Incapacitation of the President

- In October, 1919, President Wilson suffered a serious stroke that left him paralyzed on his left side
- He did not meet with Vice President, Cabinet, Congressmen or Press for the remainder of his term.
- He was isolated from everyone but his wife, Edith.
- Edith selected issues for his attention and directed the cabinet heads.
- *The first woman President?*



25th Amendment

- **Section 1.** In case of the removal of the President from office or of his death or resignation, **the Vice President shall become President.**
- **Section 2.** Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall be confirmed by a **majority vote of both Houses** of Congress.
- **Section 3.** Whenever the President transmits to the **President pro tempore** and the **Speaker of the House** his written declaration he is unable to discharge the powers and duties of his office, such powers and duties shall be discharged by the **Vice President as Acting President.**

July, 1973
Charges of extortion, tax fraud, conspiracy and bribery against the VP are reported out in House



December 6, 1973
The House and Senate confirm Ford and he is sworn in the same day



August 20, 1974
President Ford nominates
New York Governor
Nelson Rockefeller as
Vice President.
Rockefeller is confirmed
and sworn into office.

