Chapter 6: The Presidency

Section 1: The President
Section 2: The Powers of the Presidency
Section 3: The President’s Administration
The President

- The Constitution names the president as the head of the executive branch of the U.S. government.
- The president’s official and unofficial roles include: chief executive, chief administrator, commander in chief, foreign policy leader, chief agenda-setter, chief of state, party leader, and chief citizen.
- The Constitution and its amendments set the presidential term of office, the process of electing the president, the line of succession to the presidency, and the president’s salary.
- There are few formal qualifications for the president, but there are many informal ones.
The presidency is one of the most complex jobs in the world. The person who sits in the Oval Office fills a variety of roles, some of which are stated in the Constitution, and some of which have developed over time.

**Official Roles**

- Duties outlined by Article II of Constitution
- Chief executive
- Chief administrator
- Commander-in-chief
- Foreign policy leader
- Chief agenda-setter

**Chief executive:** to see that government programs are carried out and laws passed by Congress are implemented

As chief administrator, manages fifteen executive departments employing about 1.8 million people
• **Commander-in-chief** – leader of nation’s military
• Has authority to order troops into action, call them home
• Congress has duty to declare war
• President frequently sends U.S. forces into action without declaration of war
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• **Foreign policy leader** – formulates nation’s plans, procedures for dealing with other countries, hosts foreign dignitaries in U.S.
  - Directs U.S. diplomatic efforts
• **Diplomacy** – the art of negotiating with foreign governments
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• Chief agenda-setter – outlines specific programs for Congress to consider enacting into law

  • Sets government’s agenda during annual State of the Union address
  
  • Helps Congress prepare annual federal budget
Unofficial Roles

- **Chief of state**—symbolic figurehead of United States
- Represents U.S. at major events abroad
- Hosts state dinners for foreign dignitaries
- Party leader—official leader of his/her political party
- Helps shape, promote party platform—the important issues for which party stands
- May help raise money, build support for party and party members
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- Chief citizen
- President, vice president only two nationwide elective positions in government
- Primary representative of the American people
- Model of good citizenship
- Held to high standard of personal behavior by American public
In addition to the roles of the president, the Constitution lists the qualifications, term of office, election, succession and benefits for the position.
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**Formal Qualifications**

- Only three formal qualifications listed in Constitution
- Must be at least 35 years old
- Must have lived in U.S. for 14 years
- Must be natural-born citizen
Formal Characteristics of the Presidency

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**Natural Born Restriction**
- Framers saw requirement as safeguarding gains of American Revolution
- No foreign royalty could come to U.S. and claim presidency
- Some feel requirement unnecessarily blocks qualified people, seek amendment to eliminate provision
Formal Characteristics (cont’d.)

**Term of Office**

- Different term lengths considered by Framers
- Compromised on four-year term, chance for re-election
- Washington served two terms, retired; this became unofficial limit
- 1940: Roosevelt broke tradition, ran for third, then fourth term
- 1951: Constitution amended, limiting president to two full terms, and no more than 10 years in office
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**Election to Office**
- President not directly chosen by the people, elected by electoral college
- Constitutional Convention compromise to maintain balance between small, large states
- Every state granted number of electors equal to number of its members in House, Senate; still gives advantage to states with large number of House members
- All states use popular vote to determine electors; “winner-take-all” rule required by 48 states
THE ELECTORAL COLLEGE

JUNE/JULY: Electors are Selected
Electors are nominated by state political parties the summer before the election.
States nominate electors through different means:
- Primary elections
- Party conventions
- Named by campaign committees
Names from each political party are submitted to the secretaries of state at least one month prior to the election.

NOVEMBER: Election Day
Voters cast ballots for presidential and vice presidential candidates. Each vote is awarded to a slate of voters who represent the candidates.

In all but two states, the slate of electors representing the candidate who wins the popular vote become members of the electoral college.

* Maine and Nebraska elect two electors by Statewide ballot, and the remainder are chosen by district.

DECEMBER: Electoral Votes Counted
At separate meetings in each state 41 days following the election, electors cast one ballot for president and one for vice president. Six days later, the current vice president officially counts the electoral votes during a joint session of Congress. The candidate who receives the majority of electoral college votes—270—wins the election.
Succession

• Vice president first in line of succession to presidency

• **Succession**: process of coming after someone

• Constitution unclear whether vice president becomes president, or just acts as president
  – 1841: Vice President John Tyler succeeded William Henry Harrison.
  – Assumed duties *and* title
  – 1967: 25th amendment incorporated custom into Constitution

• Other guidelines
  – Vice president is *acting* president in cases of temporary illness.
  – 1947: Congress passed Presidential Succession Act
  – Speaker of House next in line after vice president
Presidential Succession

Following the president pro tempore, the executive departments heads are next in the line of succession. The order is determined by the order in which Congress established each department.

1. Vice President
2. Speaker of the House
3. President Pro Tempore of the Senate
4. Secretary of State
5. Secretary of the Treasury
6. Secretary of Defense
7. Attorney General
8. Secretary of the Interior
9. Secretary of Agriculture
10. Secretary of Commerce
11. Secretary of Labor
12. Secretary of Health and Human Services
13. Secretary of Housing and Urban Development
14. Secretary of Transportation
15. Secretary of Energy
16. Secretary of Education
17. Secretary of Veterans Affairs
18. Secretary of Homeland Security

Vice President Lyndon Johnson takes the oath of office following the assassination of President John F. Kennedy. On the right is Jacqueline Kennedy, President Kennedy’s widow.
Salary and Benefits

- President, $400,000 per year
- Vice president, $208,100 per year
- Constitutionally, president’s salary cannot be altered during term in office
- Prevents Congress from threatening to cut salary as bargaining tool or from rewarding popular president
- Other benefits:
  - Large staff: chefs, butlers, doctors
  - Housed in the White House in Washington, D.C.
  - Health and retirement benefits, special tax deductions
  - Fleet of cars, Secret Service protection
  - Private plane, *Air Force One*
### President and Vice President: Terms, Salary, and Benefits

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**Benefits**

- Travel allowances
- Staff including Secret Service officers for protection
- Tax deduction for two residencies
- Health and retirement benefits

*Source: Congressional Research Service, 2007*
Informal Qualifications for the Presidency

**Presidential Backgrounds**

Many common features among former presidents:

- Well-educated white men from middle- to upper-class families
- Religious background in some Christian denomination
- Three-fourths had military background
- Only Clinton never served in Armed Forces
- Four recent presidents served as state governors
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**Personal Qualities**

- Must win support, votes of American public
- Must have appealing personal qualities; be likeable
- Qualities of leadership
- Persuasive, perhaps inspiring
- Confident, dignified, poised, charismatic
- Must work well with friends, foes
- Must be effective manager
- Present clear vision
- Remain calm and controlled under constant scrutiny, pressure
The Great Communicator

Ronald Reagan was a very well-spoken and charismatic president. He was known as the “Great Communicator” for his speaking skills and ability to communicate effectively with the people.
The Powers of the Presidency

• The Constitution grants the president specific executive, diplomatic, military, judicial, and legislative powers. The president also has some informal powers that are not expressly stated in the Constitution.
• The powers of the president are checked by both the legislative and the judicial branches.
• Presidential power has grown and changed since the Constitution was adopted.
Main Idea
The powers of the presidency, outlined in Article II of the Constitution, are vast and have grown throughout the history of the United States. They are, however, checked by the other branches of government.

Reading Focus
• What are the executive powers of the president?
• What are the diplomatic and military powers of the president?
• How does the president exercise legislative and judicial powers?
Executive Powers

As chief executive, the president has three main powers: appointing and removing of key executive-branch officials, issuing executive orders, and maintaining executive privilege.
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Appointment and Removal Powers

- President appoints people to fill top posts in executive branch
- Presidents today directly appoint some 3,000 people.
- Can use power to nominate and appoint as a political tool
- About 1/3 of jobs subject to “advice and consent” of Senate
- “Advice and consent” posts include Supreme Court justices, federal judges, ambassadors, cabinet members, top military advisors
- Most appointees serve “at the pleasure of the president”; can be removed at any time
- Exceptions: federal judges serve for life; only Congress can impeach them
Executive Orders

- **Executive orders**: formal rules or regulations with force of law
- Not specifically permitted by Constitution
- Give great power to interpret Congress’s laws
- Used to clarify a law’s application
- May establish rules, regulations for operation of an executive agency
- **Signing statements**: issued at time of law’s signing, specify a provision president plans to ignore, modify
Executive Powers (cont’d.)

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**Executive Privilege**
- **Executive privilege** allows president to refuse to release information
- Claim made in interest of national security
- Keeping sensitive information secret vital to safety of nation
- Not mentioned by Constitution, but upheld by courts within limits
- Nixon, Watergate an exception
- Case eventually went to Supreme Court
Why It Matters:

The U.S. Supreme Court’s decision in United States v. Nixon was a major ruling on the concept of executive privilege and the limits of presidential power.
**Diplomatic Powers**

- President represents U.S. in interactions with foreign governments
- Constitution gives power for treaties, alliances, trade relationships
- Treaty-making power subject to 2/3rds Senate approval
- Congress can alter or override treaties.
- Power to make executive agreements between president, head of foreign government
- Executive agreement does not require advice, consent of Senate
- **Diplomatic recognition**: power to formally recognize legitimacy of foreign government
### Diplomatic and Military Powers

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#### Military Powers
- President has responsibility to ensure defense, security of nation
- Presidents have claimed power to take military action without Congressional declaration of war
- Armed Forces called out over 200 times
- Congress declared war only five times.
- 1973: War Powers Resolution requires president to consult with Congress before, during possible armed conflict
- Presidents have contested constitutionality of this measure, ignored requirement for consultation
- Iraq war typical of constitutional standoff
Legislative and Judicial Powers

Legislative Powers

Framers gave president some powers in both legislative and judicial branches as part of system of checks and balances:

• Great power to influence Congress in role of chief agenda-setter
• Proposes legislation to Congress
• Has power of veto, although Congress can override with 2/3rds vote
• *Threat* of veto also a great power
Judicial Powers

• Framers gave two means of exercising judicial power: nominating federal judges; altering sentences of people convicted of crimes

• President can nominate Supreme Court justices, other federal judges who have similar political beliefs

• Nomination power checked by Senate; must approve, confirm all presidential nominees

• Great responsibility: Supreme Court justices serve lifetime term

• Justice continues to rule in a way that supports president’s agenda long after his/her term
Reprieves and Pardons

- **Reprieve** postpones carrying out of sentence, jail time
- Granted for humanitarian reasons
- Granted to give person chance to present new evidence
- **Pardon** releases convicted criminal from having to fulfill sentence
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Amnesty and Commutation

• **Amnesty** grants general pardon to group of offenders for offenses committed
• To **commute** a sentence, included in power to pardon, means to reduce person’s sentence
• Reprieves, pardons, commutations only for federal crimes; no authority over state cases
• Cannot be overturned
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Presidential pardons, like the one granted by President Gerald Ford to former president Richard Nixon, can be very controversial.
President George W. Bush (above) performs a presidential legislative power by signing the "No Child Left Behind" bill into law in 2002. Following the resignation of Richard Nixon, President Gerald Ford (right) pardoned Nixon for crimes during the Watergate scandal. President Ford reads the pardoning statement to the American public in a live television broadcast. Why is pardoning an important presidential power?
Informal Powers

- Powers not directly stated in Constitution
- Play major part in success of presidency
- Two main sources: access to media; president’s position as party leader
- Television and radio coverage available any time
- Media experts help shape messages to present effectively to public
- Two good examples of skilled communicators: Ronald Reagan; John F. Kennedy
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- President’s position as party leader great source of informal power
- Fellow party members follow president’s agenda, work for passage
- Staff works to ensure unified message within party
- President’s ability to take advantage of informal sources of power varies
- National polls show approval ratings by public
- President with high approval rating better able to lead
The Constitution places checks on the president and the executive branch. Though the nature of the presidency has changed over the years, these checks on the president remain powerful.
Checks on the President’s Powers

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**Formal Checks**

- Actions subject to judicial review
- *Clinton v. City of New York*: Supreme Court ruled line-item veto used by President Clinton unconstitutional
- Took away presidential right to use line item veto
- Congress can block certain presidential choices for top positions, override vetoes
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**Informal Checks**
- Media primary source: keeps public informed, alert to possible abuses of power through First Amendment rights
- Example: Vietnam War, *Pentagon Papers*
- Public approval another check
- Presidents without public support have harder time with Congress
Changes in Presidential Power

• The First 100 Years
  – Framers created government based on separation of powers
  – Gave majority of power to Congress

• James Madison
  – *Federalist Paper* No. 51
  – “in a republican government, the legislative authority necessarily predominates”

• Some presidents shared this belief
  – Neither John Adams nor Thomas Jefferson vetoed any legislation.
  – Jefferson: vetoes reserved for cases where president doubts constitutionality of measure

• Some presidents challenged congressional predominance
  – Jefferson later stretched boundaries of power with Louisiana Purchase
  – Andrew Jackson believed president was one true representative of the people
Presidential Power Expands

• Civil War marked turning point
• Government expanded to meet the emergency.
• President Lincoln believed threat to nation endangered Constitution
• Any steps taken to defend nation, he deemed legal
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- Franklin Roosevelt expanded powers during Great Depression
- Convinced Congress to create host of new government programs
- People expected government to solve societal problems.
Growth of Presidential Power

Throughout history, presidents have increased presidential power as they deemed necessary. In what ways has presidential power grown from 1789 to the present?

1789
George Washington sets the precedent for the two-term limit and creates a cabinet.

1803
Thomas Jefferson authorizes the purchase of Louisiana from France.

1829–1837
Andrew Jackson expands the powers of the presidency; he vetoes more bills than all six previous presidents combined.

1861–1865
Abraham Lincoln uses the power of the presidency to preserve the Union during the Civil War.

Boundaries of the United States following the purchase of Louisiana
Presidential Power Expands (cont’d.)

- 1960s, 1970s: Some began to worry about growth of presidential power.
- Conservatives: government had become too big
- Liberals: presidency had taken qualities resembling monarchy
- Concerned about *imperial presidency*, one with executive power virtually unchecked
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Much of that power concentrated in executive branch

By virtue of the nation’s economic and military strength, American presidents are today possibly the most powerful leaders in the world.
One of Franklin Roosevelt’s New Deal programs, the Works Progress Administration (WPA) provided public-works jobs to Americans in need of relief during the Great Depression.

**1901–1909**
Theodore Roosevelt uses presidential power to break up trusts, establish conservation lands, and gain control of the Panama Canal.

**1933–1938**
Franklin Roosevelt expands the power of the executive branch with New Deal programs he establishes during the Great Depression.

**1981–1989**
Ronald Reagan greatly increases defense spending in order to fight the Cold War.

**2001–2009**
George W. Bush expands the national security powers of the presidency in an effort to protect the nation from terrorist threats.

Theodore Roosevelt uses his “Big Stick” over big businesses and trusts. As unofficial leader of the free world, Reagan calls for the dismantling of the Berlin Wall.
Presidential Power and the Media

• Presidents project power through media
• Technology has changed, but presidents have long relied on media
• Early 1800s: posters, pamphlets, friendly newspapers
• Roosevelt: radio for “fireside chats”
• Modern presidents use television, internet
• Goal the same: to convince voters, Congress to support plans
• Media can scrutinize, criticize
• Presidents try to control how message, image presented
• Prepare for press conferences, major speeches with media experts
• Use carefully scripted “town hall meetings”
• Intense media scrutiny can work against presidents and decrease power.
Are the chief executive’s expanding war powers constitutionally sound?

THE ISSUE

The president of the United States is arguably the most powerful person in the world. Over the years, presidential powers—especially those involving war and national security—have increased. As part of the War Powers Resolution, enacted to check increasing executive power after the Vietnam War, Congress required the president to seek its approval before committing U.S. troops abroad for longer than 60 days. Presidents have disputed the constitutionality of the law. The legislative and executive branch have yet to resolve the issue once and for all.
The President’s Administration

• The Executive Office of the President works closely with the president to determine domestic, economic, and foreign policy.
• The role of the vice president has grown a great deal. Nine vice presidents have had to assume the title of president when the position became vacant.
• Over the years, the Cabinet has increased in size, and presidents have varied in how much they rely on the Cabinet for counsel.
The Powers of the Presidency

Main Idea
The president leads a large team of people who help carry out the duties of the office. This team includes a staff of advisers, the vice president, and members of the Cabinet.

Reading Focus
• What is the Executive Office of the President, and what are its duties?
• How has the role of the vice president changed over time?
• What is the Cabinet, and how does it work with the president?
The President’s Staff

Inside the West Wing

The West Wing undergoes construction in 1934. George W. Bush’s cabinet (inset) meets in the Cabinet Room of the West Wing.
Executive Office of the President

- President’s **administration** includes all working for executive branch
- Most are career employees; at top are presidential appointees, who change when new president elected
- Many belong to **Executive Office of the President**, including White House Office staff, National Security Council, Council of Economic Advisers

**Formation of EOP**

- Relatively recent organization
- Expansion of president’s staff began with Theodore Roosevelt
- Franklin Roosevelt created new programs, agencies during Great Depression of 1930s
- 1939: Executive Office of President authorized by Congress
- Most members nominated by president, confirmed by Senate
- EOP members often most influential people in administration
The White House Office

Heart of EOP

• President’s key personal, political staff
• Most work in White House or Old Executive Office Building
• President determines size of staff
• Chief of Staff manages staff
• Role varies president to president
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### Duties of Chief of Staff

- Oversee president’s personal secretary, legal counsel
- Directs Congressional relations, Cabinet relation teams
- Deals with presidential mail, appearances, other members of staff
- Manages speechwriters, press secretary, communications staff
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The Chief of Staff is the primary presidential adviser who controls all access to the president and helps map political strategy.
**SELECTED WHITE HOUSE OFFICES**

**Chief of Staff**
- **Domestic Policy Council**: Advises the president on domestic policy.
- **Office of Cabinet Liaison**: Serves as the main contact between the White House, the cabinet, and executive agency heads.
- **National Economic Council**: Advises the president on matters that concern national and global economic policy.
- **Office of Communications**: Oversees the planning and scheduling of media events for the president.
- **Office of the First Lady**: Assists First Lady in her duties as White House hostess.
- **Office of Legislative Affairs**: Serves as the contact between the president and Congress.
- **White House Counsel**: Advises the president on legal issues.
- **USA Freedom Corps**: Promotes and expands volunteer service in America.
- **Office of Speechwriting**: Responsible for writing the president’s speeches and other public remarks.
- **Office of Political Affairs**: Works to make the president and executive branch aware of the issues that affect Americans.
National Security Council

- **National Security Council** coordinates security with top military, foreign affairs, intelligence officials
- Created 1947 in reaction to Cold War rivalry with Soviet Union
- Activities coordinated by national security adviser appointed by president
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Council of Economic Advisers

- Created 1946, **Council of Economic Advisers** provides expert analysis of economy
- Studies how trends, events may affect economic policy, how policy affects economy
- Three members nominated by president, confirmed by Senate
- Publishes annual Economic Report, study of economy after president submits budget
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<td>• Studies how trends, events may affect economic policy, how policy affects economy</td>
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<td>• Three members nominated by president, confirmed by Senate</td>
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<td>• Publishes annual Economic Report, study of economy after president submits budget</td>
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<td>• Office of Management and Budget develops federal budget, oversees execution</td>
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<td>• Gathers information, sets policies on government finances, purchases</td>
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<td>• Largest in EOP, more than 500 employees; headed by appointed director confirmed by Senate</td>
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The Vice President

The Vice Presidency

• Only other elected official in president’s administration
• Three major duties: presiding over Senate; opening, counting electoral votes; serving as president if president unable to serve—9 have done so
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The Modern Vice Presidency

• Since 1970s, presidents rely more heavily on vice presidents to make policy, carry out programs
• Have own staffs, more interaction
• Vice president’s office close to Oval Office in West wing
The Vice Presidency

Then
Many early vice presidents felt as though the job was not challenging and that the position held little prestige. The first vice president, John Adams, said of the position:

“My country has in its wisdom contrived for me the most insignificant office that ever the invention of man contrived or his imagination conceived.”

Now
Today’s vice presidents, in comparison to earlier ones, have taken a far more active role. As vice president in the Bush administration, Dick Cheney demonstrated this active role during his two terms in office by:

- Attending cabinet meetings and sitting on the National Security Council
- Making several visits to foreign nations as one of President Bush’s foreign policy liaisons
- Serving as a key adviser to the president

How was Dick Cheney’s role as vice president different from that of John Adams?
The Cabinet

• Organization of heads of executive departments, known as secretaries

• **Executive departments** responsible for carrying out laws, administering programs, making regulations

• Main task of each department head to formulate, carry out president’s policies

• As Cabinet, secretaries act as advisory body to president; nominated by president, confirmed by Senate
The Cabinet’s History

• Duties outlined by Article II of Constitution
• Chief executive
• Chief administrator
• Commander-in-chief
• Foreign policy leader
• Chief agenda setter

The Cabinet Today

• Nearly four times as large as first cabinet
• 16 official cabinet positions, including vice president
• Other high-ranking officials like chief of staff may be invited to join cabinet
• Some presidents rely more heavily on Cabinet than others.
We the People: The Citizen and the Constitution

Executive Power and the President

Deciding how to organize the executive branch and check the power of the president was a difficult decision for the Framers. Read to explore the limitations that the Framers placed on the presidency.

• How did the delegates think about executive power, and what questions did organizing the executive branch raise?
• How did the Framers envision the presidency?
• How do the president’s powers expand during war and emergency?