POLS 205

American National Government

The Executive Branch

Presidential Power and Politics

Rules, Roles and Hats

Rules, Roles and Hats

Formal Requirements –

Constitutional Requirements

Constitutional Changes

Constitutional and Traditional

Roles

Powers

Article II: President of the United States

Section 1: Qualifications, election and electors, compensation, oath

Section 2: Authority

* Commander in chief of armed forces
* Power to grant reprieves and pardons, except in case of impeachment.
* Make treaties with 2/3 concurrence of Senate.
* Appoints ambassadors, judges, and other officers, fills vacancies

Section 3: Duties

* State of Union address
* Can Convene Congress
* Recommends "necessary and expedient measures” to Congress.
* He shall “take care that the laws be faithfully executed..."

Section 4: Grounds for impeachment.

*Constitutional Qualifications for the Presidency*

Thirty-five years of age

Fourteen years a resident

A natural-born citizen

90 million plus meet these requirements

Ch-Ch-Ch Changes

20th Amendment – Lame Duck. Presidents sworn in on January 20th

22nd Amendment – term limited to 2 consecutive 4 year terms

25th Amendment – provided for selecting a replacement Vice President and for times of Presidential Disability

Term of Office

Presidents are elected for a 4 Year Term

Term Limits

Originally, no formal limit existed

Washington Set Precedent for Stepping Down After 2

Most Others Followed Suit

Attempt by Teddy Roosevelt

Franklin Roosevelt Breaks Tradition (Elected to 4 Terms)

22nd Amendment

May be elected to only 2 terms

Maximum of 10 Years

Constitutional Powers

* Proposes to the Legislature
  + Legislation (but must get a sponsor)
  + Budget
* Veto Power
* Convening Congress
* Pardons and Reprieves
* Appointment
  + Cabinet and Other Executive Branch Positions
  + Federal Judges
  + Executive Office of the President
* Negotiating Treaties
* Serving as Commander-In-Chief
* Receiving Ambassadors
* Executive Authority
  + Issuing Executive Orders
    - Have Force of Law without Congressional Approval
    - May Not Contradict Existing Law
    - Can Be Overturned by Congressional Statute
  + Executive Agreements

Presidential Stamp of Approval (or NOT!)

When a Bill is Sent to the President

* May Sign Bill – Becomes Law
* May Do Nothing

After 10 Days, Becomes Law Without His Signature if Congress Remains in Session

If Congress Adjourns Before 10 Day Period Ends, the bill dies – Pocket Veto (doesn’t work during recess)

* May Veto Bill

(but must veto the WHOLE thing – no “Line Item Veto”)

Returns to Congress

2/3 Vote in Both Chambers Required to Override

Presidential Succession

1st in Line – Vice President

Death

Incapacitation – 25th Amendment

Presidential Succession Act of 1947

Speaker of the House

President Pro Tempore of Senate

Cabinet Officials in Order Departments Created

Inherent the Wind…

Expressed Powers

Constitutional

Statutory

Inherent Powers (Residual Powers; Implied Powers)

The “take care” clause

Article II, Section 3

…he shall take Care that the Laws be faithfully executed…

Compare to “necessary and proper”

More Power!

Persuasion

* Often Cited as Most Significant Power of Presidency

Prestige of Office

Personal Popularity

Party Leadership

Powers Delegated by Congress

Popularity is affected by factors beyond anyone’s control – consider Bush’s approval ratings following the September 11th attacks

* <http://online.wsj.com/public/resources/documents/info-presapp0605-31.html>

“Mommy” Elections and “Daddy” Elections

Presidential Hats

Presidential Moses

Perceived Vs. Actual Power

Perceived Executive Power:

One person who we ALL get to vote on

He has “Supreme Executive Power”, right?

He’s THE MAN, right?

Actual Executive Power:

Checks and Balances

Congress

The Supremes

Political Party Opposition

The Press

The Bureaucracy

Other Nations

LOTS to deal with (just like Moses)

Chief of State

“Well, they get all the good bands and we get edible food and no royalty, so it's a fair deal.”

Chief Diplomat

Chief Legislator

He proposes and implements.

He’s like ‘bookends’ on the process.

Chief Executive

Commander in Chief

Party Leader

Democratic Priest-King

Persuader in Chief

The Presidential Press Conference

The “Bully” Pulpit

Special Powers

Executive Orders

Emergency Powers

Executive Privilege

Impoundment/Rescission

The Electoral College  
(Cliff Notes Version)

You are actually voting for an elector, NOT a Presidential Candidate

Each State gets electoral votes equal to the number of Senators (2) plus the number of House members (proportionate to their population).

Courtesy of the 23rd Amendment, DC gets 3 electors

Every state except Maine and Nebraska has a “winner take all” system

Because of this, plurality (most but not a majority) presidents are not uncommon

There are 538 electors; you need 270 to win (the 11 largest states alone would get you 230)

The Electoral College, not the popular vote, determined the winner in 2000 (Bush-Gore),1888 (Harrison-Cleveland), 1876 (Hayes-Tilden), 1824 (Adams-Jackson)

If no one gets 270 electors, then the question goes into the House of Representatives to be decided

Next:

Cabinets: Not just for Kitchens Anymore!

The Executive Office of the President:

Helping the president be The President