



Chapter 12 Supplemental Notes - *The Presidency*

The Growth of Presidential Power

Article II

Article II, the Constitution's **Executive Article**, begins this way:

“The executive power shall be vested in a President of the United States of America.”

With these few words, the Framers established the presidency.

The Presidential View

The nature of the presidency depends on how each President views the office and exercises its powers.

Two Classic Views:

- Some Presidents, such as Teddy Roosevelt, have taken a broad view of the powers they inherited.
 - “Stewardship”
- Other Presidents, like William Howard Taft, have felt that they cannot exercise any power not specifically granted to them.
 - “Whig”

21st century theory; a third view - “Unitary Exec”

Why Presidential Power Has Grown

- Over the course of American history, the champions of a stronger presidency have almost always prevailed.
- The nation's increasingly complex social and economic life has also influenced the growth of presidential power.
- By passing laws and expanding the role of the Federal Government, Congress has increased presidential power as well.
- *Crisis and Conflict lead to expansion of presidential power.*
- The ability to use the **mass media**, as every President since Franklin D. Roosevelt has, aids in gathering and holding public attention.

**The president has many
symbolic roles...**

(Share “Roles” #1, #3, and #7)

**... but many of his roles are
tied to constitutional powers.**

**The president has many
symbolic roles...**

**(Chief of State, Chief
Diplomat)**

**... but many of his roles are
tied to constitutional powers.**

The President's Executive Powers

(Share #2)

The President's Executive Powers

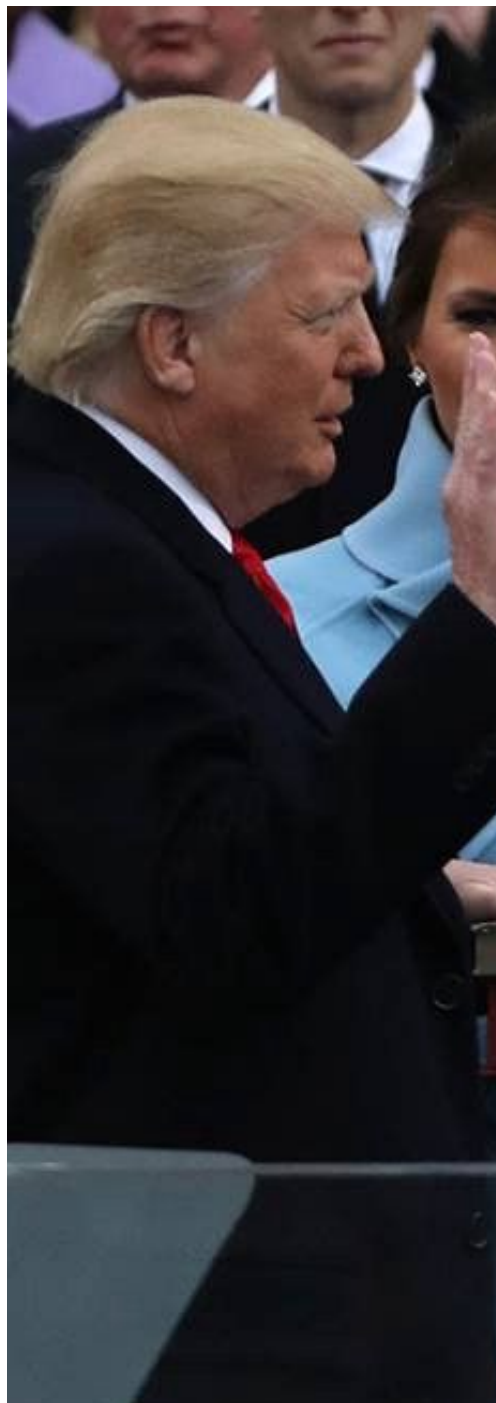
Executing the Law

- Chief executive
 - President executes (enforces, administers, carries out) the provisions of federal law.
- Oath of office
 - Instructs the President to carry out the laws of the land.
- Constitution commands that “he shall take care that the laws be faithfully executed.”

*I do solemnly
swear (or affirm)
that I will faithfully
execute the office of
President of the
United States, and
will to the best of
my ability, preserve,
protect and defend the
Constitution of the
United States.*

*Presidential Oath of Office
Article II, Section 1,
United States Constitution*





The Ordinance Power

- Executive order
 - Directive, rule, or regulation that has the effect of law.
- Power to issue these orders (ordinance power) arises from two sources:
 - Constitution and acts of Congress.
- Controversy



Donald J. Trump ✓
@realDonaldTrump

Following

Why is @BarackObama constantly issuing executive orders that are major power grabs of authority? This is the latest



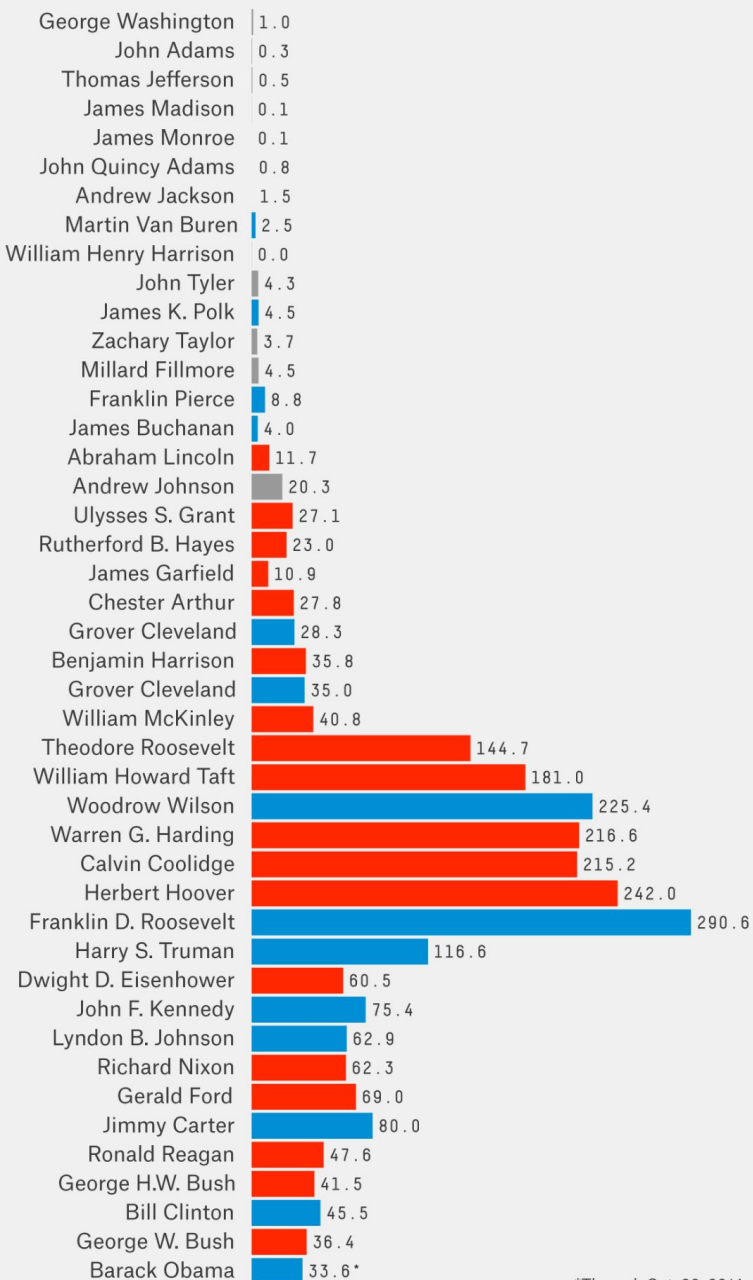
Executive Order -- Assignment of National Security and Em...
EXECUTIVE ORDER - - - - -
obamawhitehouse.archives.gov



President Obama reversed President Bush's executive order banning stem cell research.

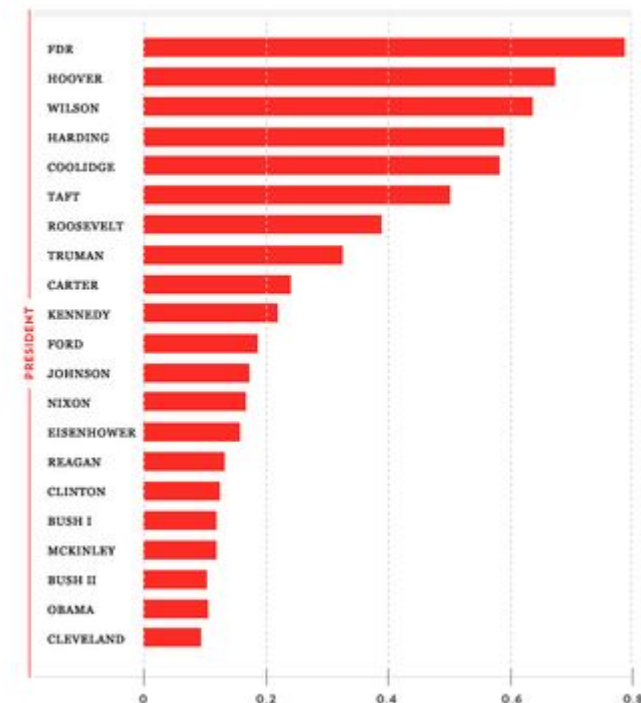
Executive Orders Have Become A Lot Rarer

Orders per year in office, by president



*Through Oct. 20, 2014

Presidential Executive Orders Issued Per Day in Office



Most (in)famous Executive Orders

1. Emancipation Proclamation
2. Manhattan Project
3. Japanese American Internment
4. Suspension of Habeas Corpus
5. Creation of Fema
6. Ford Pardons Nixon
7. The New Deal (Works Progress Administration)
8. Desegregating the Military

The Appointment Power

- President names most of the top-ranking officers of the Federal Government with Senate consent:



- (1) ambassadors and other diplomats;
- (2) Cabinet members and their top aides;
- (3) the heads of such independent agencies as the EPA and NASA;
- (4) all federal judges, attorneys, and U.S. marshals;
- (5) all officers in the armed forces.



Patronage- Rewarding those who helped someone with an appointment

The Removal Power

- Historical Debate
- View that President may remove officials he appoints without Senate consent has prevailed over time.

-Impeachment of Andrew Johnson

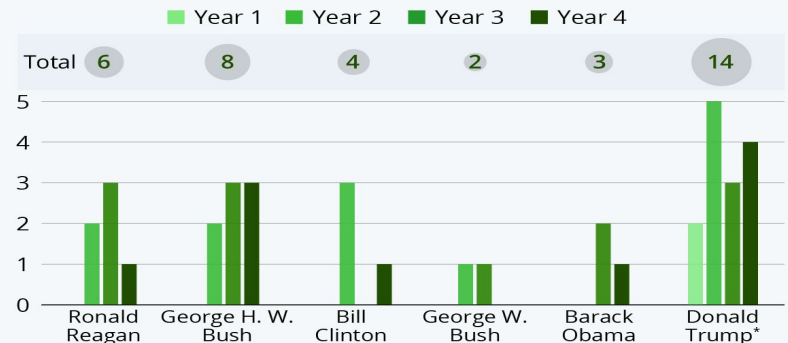
-Myers v. United States (1926)

Note: In general, the President may remove any appointees except federal judges.



How Does Trump's Turnover Compare?

Number of cabinet secretary turnovers per year of presidential administration



* Fourth year of term ongoing

Source: Brookings Institution; Photo: Wikipedia



The President's Diplomatic and Military Powers

(Share #4 and #5)

The President's Diplomatic and Military Powers

**(Chief Diplomat, Commander
in Chief)**

The Power to Make Treaties

- Def'n: a formal agreement between two or more sovereign states.
 - President negotiates, often with help of Sec. of State
- All must pass approval by a two thirds of the members present vote in the Senate.



President Jimmy Carter Signed the Panama Canal Treaty - September 7, 1977

Executive Agreements

- An executive agreement is a pact between the President and the head of a foreign state, or a subordinate.
 - Unlike treaties, executive agreements do not require Senate consent.
 - Nafta, WTO

The Power of Recognition

President acknowledges the legal existence of another sovereign state.

- President may recall a nation's ambassador or other diplomatic representatives in this country.
 - Symbolic punitive action
 - The official is declared to be *persona non grata*, or an unwelcome person.



Barack Obama shakes hands with Vladimir Putin

Commander in Chief

The Constitution makes the President the commander in chief of the nation's armed forces.

Making Undeclared War

- Many Presidents have used the armed forces abroad without a declaration of war.

Wartime Powers

- The President's powers as commander in chief are far greater during a war than they are in normal times.

The War Powers Resolution, 1973

- Limits the President's war-making powers; must notify congress 48 hours within use of military.

Executive Privilege- the president's ability to withhold information from Congress or the courts for security reasons.

Commander in Chief



The President's Legislative and Judicial Powers

(Share #6 and #8)

The President's Legislative and Judicial Powers

(Chief Legislator, Chief Jurist)

Legislative Powers

Message Power

- *“He shall from time to time give to Congress information of the State of the Union and recommend to their Consideration such measures as he shall judge necessary and expedient.”*

-Article II, Section 3 of the Constitution



The Veto Power

- All legislation passed by Congress is sent to the President for approval.
- President may veto a bill if he disapproves.
 - Can be overturned

The Line-Item Veto and Other Legislative Powers

The Line Item Veto

- Would allow President to reject specific dollar amounts in spending bills enacted by Congress.
 - In 1996, Congress passed the Line Item Veto Act

-Struck down by the Supreme Court in 1998

Other Legislative Powers

- Only the President can call a Congress into special session (Article II, Section 3 of the Constitution).
- Signing Statements- Set the precedent of the president's intention regarding interpretation

Judicial Powers

- The Constitution gives the President the power to “...grant reprieves and pardons for offenses against the United States, except in cases of impeachment.” —Article II, Section 2, Clause 1
- Powers of **clemency** may be used only in cases of federal crimes.

Postponement of the execution of a sentence.

Pardon: Legal forgiveness for a crime.

Lil Wayne and Kodak Black Among 4 Hip-Hop Figures Trump Pardoned

An executive from Jay-Z's Roc Nation and a founder of Death Row Records also received pardons or commutations, capping a long, strange relationship between the former president and the rap world.



Lil Wayne and Kodak Black were among the 143 pardons and commutations announced by former President Trump during his final hours in office. Associated Press



Donald J. Trump

@realDonaldTrump

Following

Just spoke to [@KanyeWest](#) about his friend A\$AP Rocky's incarceration. I will be calling the very talented Prime Minister of Sweden to see what we can do about helping A\$AP Rocky. So many people would like to see this quickly resolved!

1:01 PM - 19 Jul 2019

Here are a couple of practice questions from each section...

Part 1 Review

1. The Executive Article of the Constitution is

- (a) Article I.**
- (b) Article II.**
- (c) Article IV.**
- (d) Article V.**

2. The two views of presidential power are mostly centered on

- (a) the extent of powers the President may act with.**
- (b) the President's relationship to the electorate.**
- (c) constitutional amendments curtailing presidential power.**
- (d) none of the above.**

Part 2 Review

- 1. The President is commanded to execute the provisions of federal law by**
 - (a) acts of Congress.**
 - (b) the oath of office and another constitutional provision.**
 - (c) the Supreme Court.**
 - (d) the electoral college.**

- 2. Which of the following government officials is not appointed by the President?**
 - (a) Supreme Court justices**
 - (b) Cabinet members and their top aides**
 - (c) Speaker of the House**
 - (d) ambassadors and other diplomats**

Part 3 Review

1. A treaty is

- (a) the power to build a navy and other armed forces.
- (b) a formal agreement between two or more sovereign states.
- (c) recognition of a foreign government by the President.
- (d) a condemnation of a foreign government by the American people.

2. When acting as head of the nation's armed forces, the President is filling the role of

- (a) commander in chief.
- (b) chief legislator.
- (c) head elector.
- (d) president *pro tempore*.

Part 4 Review

- 1. A presidential veto of legislation can only be overturned by a**
 - (a) two-thirds vote in both houses of Congress.**
 - (b) two-thirds vote in the Senate.**
 - (c) two-thirds vote in the House.**
 - (d) three-fifths vote in both houses of Congress.**

- 2. Reprieves and pardons are both examples of the President's**
 - (a) appointment power.**
 - (b) wartime powers.**
 - (c) ordinance power.**
 - (d) clemency power.**