

Study Outline

Chapter 12: The Presidency

- I. Presidents and prime ministers
 - A. Characteristics of parliaments
 - 1. Parliamentary system twice as common
 - 2. Chief executive chosen by legislature
 - 3. Cabinet ministers chosen from among members of parliament
 - 4. Prime minister remains in power as long as his or her party or coalition maintains a majority in the legislature
 - B. Differences
 - 1. Presidents are often outsiders; prime ministers are always insiders, chosen by party members in parliament
 - 2. Presidents choose their cabinet from outside Congress; prime ministers choose members of parliament
 - 3. Presidents have no guaranteed majority in the legislature; prime ministers always have a majority. The United States usually has a divided government.
 - 4. Presidents and the legislature often work at cross-purposes
 - a. Even when one party controls both branches
 - b. A consequence of separation of powers
 - c. Only Roosevelt and Johnson had much luck with Congress
- II. Divided Government
 - A. Divided versus unified government
 - 1. Fifteen of twenty-two congressional/presidential elections since 1952 produced divided government
 - 2. Americans dislike divided government because it can lead to gridlock.
 - B. Does gridlock matter?
 - 1. But divided government enacts as many important laws as a unified government
 - 2. Reason: Unified government is something of a myth in U.S.
 - C. Is policy gridlock bad?
 - 1. Unclear whether gridlock is always bad; it is a necessary consequence of representative democracy
 - 2. Representative democracy opposite direct democracy
- III. The evolution of the presidency
 - A. Delegates feared both anarchy and monarchy
 - 1. Idea of a plural executive
 - 2. Idea of an executive checked by a council
 - B. Concerns of the Founders
 - 1. Fear of military power of president who could overpower states
 - 2. Fear of presidential corruption of Senate
 - 3. Fear of presidential bribery to ensure reelection
 - C. The electoral college
 - 1. Each state to choose own method for selecting electors
 - 2. Electors to meet in own capital to vote for president and vice president
 - 3. If no majority, House would decide
 - D. The president's term of office
 - 1. Precedent of George Washington and two terms
 - 2. Twenty-second Amendment in 1951 limits to two terms
 - 3. Problem of establishing the legitimacy of the office
 - 4. Provision for orderly transfer of power
 - E. The first presidents
 - 1. Prominent men helped provide legitimacy
 - 2. Minimal activism of early government contributed to lessening fear of the presidency
 - 3. Appointed people of stature in the community (rule of fitness)
 - 4. Relations with Congress were reserved; few vetoes, no advice
 - F. The Jacksonians
 - 1. Jackson sought to maximize powers of presidency
 - 2. Vigorous use of veto for policy reasons
 - 3. Challenged Congress

- G. The reemergence of Congress
 - 1. With brief exceptions the next hundred years was a period of congressional ascendancy
 - 2. Intensely divided public opinion
 - 3. Only Lincoln expanded presidential power
 - a. Asserted "implied powers" and power of commander in chief
 - b. Justified by emergency conditions
 - 4. President mostly a negative force to Congress until the New Deal
 - 5. Since the 1930s power has been institutionalized in the presidency
 - 6. Popular conception of the president as the center of government contradicts reality; Congress often policy leader
- IV. The powers of the president
 - A. Formal powers found in Article II
 - 1. Not a large number of explicit powers
 - 2. Potential for power found in ambiguous clauses of the Constitution, such as power as commander in chief and duty to "take care that laws be faithfully executed"
 - B. Greatest source of power lies in politics and public opinion
 - 1. Increase in broad statutory authority
 - 2. Expectation of presidential leadership from the public
- V. The office of the president
 - A. The White House Office
 - 1. Contains the president's closest assistants
 - 2. Three types of organization
 - a. Circular
 - b. Pyramid
 - c. Ad hoc
 - 3. Staff typically worked on the campaign: a few are experts
 - 4. Relative influence of staff depends on how close one's office is to the president's
 - B. The Executive Office of the President
 - 1. Composed of agencies that report directly to the president
 - 2. Appointments must receive Senate confirmation
 - 3. Office of Management and Budget most important
 - a. Assembles the budget
 - b. Develops reorganization plans
 - c. Reviews legislative proposals of agencies
 - C. The cabinet
 - 1. Largely a fiction, not mentioned in Constitution
 - 2. President appoints or controls more members of cabinet than does prime minister
 - 3. Secretaries become preoccupied and defensive about their own departments
 - D. Independent agencies, commissions, and judgeships
 - 1. President appoints members of agencies that have a quasi-independent status
 - 2. Agency heads serve a fixed term and can be removed only "for cause"
 - 3. Judges can be removed only by impeachment
- VI. Who gets appointed
 - A. President knows few appointees personally
 - B. Most appointees have had federal experience
 - 1. "In-and-outers"; alternate federal and private sector jobs
 - 2. No longer have political followings but picked for expertise
 - C. Need to consider important interest groups when making appointments
 - D. Rivalry between department heads and White House staff
- VII. Presidential character
 - A. Eisenhower: orderly
 - B. Kennedy: improviser
 - C. Johnson: dealmaker
 - D. Nixon: mistrustful
 - E. Ford: genial
 - F. Carter: outsider
 - G. Reagan: communicator
 - H. Bush: hands-on manager
 - I. Clinton: focus on details

- J. Bush: a different kind of outsider
- VIII. The power to persuade
- A. Formal opportunities for persuasion
 - B. The three audiences
 - 1. Other politicians and leaders in Washington, D.C.; reputation very important
 - 2. Party activists and officials inside Washington
 - 3. The various publics
 - C. Popularity and influence
 - 1. Presidents try to transform popularity into support in Congress
 - 2. Little effect of presidential coattails
 - 3. Members of Congress believe it is politically risky to challenge a popular president
 - 4. Popularity is unpredictable and influenced by factors beyond the president's control.
 - D. The decline in popularity
 - 1. Popularity highest immediately after an election
 - 2. Declines by midterm after honeymoon period
- IX. The power to say no
- A. Veto
 - 1. Veto message
 - 2. Pocket veto (only before end of Congress)
 - 3. Congress rarely overriden vetoes in 1996
 - B. Executive privilege
 - 1. Confidential communications between president and advisers
 - 2. Justification
 - a. Separation of powers
 - b. Need for candid advice
 - 3. *U.S. v. Nixon* (1973) rejects claim of absolute executive privilege
 - C. Impoundment of funds
 - 1. Defined: presidential refusal to spend funds appropriated by Congress
 - 2. Counteracted by Budget Reform Act of 1974
 - a. Requires president to notify Congress of funds he does not intend to spend
 - b. Congress must agree in forty-five days
- X. The president's program
- A. Putting together a program
 - 1. President can try to have a policy on everything (Carter)
 - 2. President can concentrate on a small number of initiatives (Reagan)
 - 3. Constraints
 - a. Public reaction may be adverse
 - b. Limited time and attention span
 - c. Unexpected crises
 - d. Programs can be changed only marginally
 - 4. Need for president to be selective about what he wants
 - 5. Heavy reliance on opinion polls
 - 6. Impact of dramatic events and prolonged crises
 - B. Attempts to reorganize the executive branch
 - 1. An item on presidential agendas since the administration of Herbert Hoover
 - 2. Bush and the Department of Homeland Defense
 - a. White House Office of Homeland Security created in aftermath of terrorist attack of September 11
 - 1. Small staff
 - 2. Little budgetary authority
 - 3. No ability to enforce decisions
 - b. Bush's call for a reorganization
 - 1. Creation of third largest cabinet department encompassing twenty-two federal agencies
 - 2. 170,000 employees and an annual budget of almost \$40 million
 - c. Fate of proposal is pending, but it is neither the first of its kind nor the largest
 - 3. Reasons for reorganizing

- a. Large number of agencies
 - b. Easier to change policy through reorganization
 - 4. Reorganization outside the White House staff must be by law
- XI. Presidential transition
 - A. Few presidents serve two terms
 - B. The vice president
 - 1. May succeed on death of president
 - a. Has happened eight times
 - b. John Tyler defined status of ascending vice president: president in title and in powers
 - 2. Rarely are vice presidents elected president
 - a. Unless they first took over for a president who died
 - b. Only five instances otherwise: Adams, Jefferson, Van Buren, Nixon, and Bush
 - 3. "A rather empty job"
 - a. Candidates still pursue it
 - b. Preside over Senate and vote in case of a tie
 - c. Leadership powers in Senate are weak
 - C. Problems of succession
 - 1. What if the president falls ill?
Examples: Garfield, Wilson
 - 2. If vice president steps up, who becomes vice president?
 - a. Succession Act (1886): designated secretary of state as next in line
 - b. Amended in 1947 to designate Speaker of the House
 - 3. Twenty-fifth Amendment resolved both issues
 - a. Allows vice president to serve as "acting president" if president is disabled; decided by president, by vice president and cabinet, or by two-thirds vote of Congress
 - b. Requires vice president who ascends to office on death or resignation of the president to name a vice president
 - 1. Must be confirmed by both houses
 - 2. Examples: Agnew and Nixon resignations
 - D. Impeachment
 - 1. Judges most frequent targets of impeachment
 - 2. Indictment by the House, conviction by the Senate
- XII. How powerful is the president?
 - A. Both president and Congress are constrained
 - B. Reasons for constraints
 - 1. Complexity of issues
 - 2. Scrutiny of the media
 - 3. Power of interest groups