

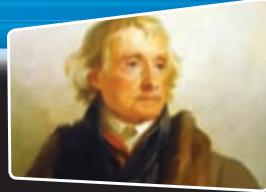
The Presidency

Essential Question What are the formal and informal powers of the presidency?



About the Photo The chief executive's residence was originally called the President's Palace, but renamed the Executive Mansion in 1810. In 1902 its official name was changed to the White House. The White House complex contains numerous reception rooms and the presidential family's living quarters. Both the West Wing and the East Wing contain offices; the president's Oval Office is in the West Wing.





HISTORY™

Jefferson's
Presidential Style

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CHAPTER AT A GLANCE

SECTION 1 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.

SECTION 2 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.

SECTION 3 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 has been left vacant.
- Over the years, the cabinet has increased in size, and presidents have varied in how much they rely on the cabinet for counsel.

CONNECTING TO THE CONSTITUTION

Our nation's system of government is based on constitutional law established by the United States Constitution. See the "We the People: The Citizen and the Constitution" pages in this chapter for an in-depth exploration of how the Constitution gives power to the president.



SECTION
1

The President

BEFORE YOU READ**Main Idea**

The Constitution gives only a brief description of the president's qualifications and powers. Yet the job is vast and complex, as the president must fulfill many roles.

Reading Focus

1. What are the roles of the president?
2. What are the formal characteristics of the presidency?
3. What are the informal qualifications for the presidency?

Key Terms

chief executive
commander in chief
foreign policy
diplomacy
chief of state
succession



Use the graphic organizer online to take notes on the duties and qualifications of the president.

WHY IT MATTERS**Responsibilities of a President**

President Lyndon Johnson once said, "A president's hardest task is not to do what is right, but to know what is right." Presidents make hundreds and hundreds of decisions that affect the nation, and, in making these decisions, they must try to consider what is in the best interest of the country and act accordingly.

When Richard Nixon became president in 1969, the Cold War was at its height. American military forces were fighting Communist forces in Vietnam, and the United States and the Soviet Union were locked in a nuclear arms race. The

Communist government of China seemed to be a solid ally of the Soviet Union. Nixon, however, believed that China and the Soviet Union were not as friendly as they appeared. So he took a risk. Nixon decided that improved relations with China would give the United States an advantage in the Cold War against the Soviet Union.

In 1972 Nixon made an historic trip to China, meeting with China's Communist leader, Mao Zedong. In doing so, Nixon officially recognized the People's Republic of China, causing many other nations to do the same.

Presidents make countless decisions every day. Some are historic and have long-lasting consequences, like Nixon's decision to visit China. Some are routine. Each decision is a part of the full-time, 24-hour-a-day job of leading a nation. ■

LEADING A Nation

**Commander in Chief**

Franklin Roosevelt visits American troops in Morocco during World War II.

**Foreign Policy Leader**

Richard Nixon and his wife Patricia meet with Chinese diplomats at the Great Wall.

Roles of the President

The presidency is one of the most complex jobs in the world. The person who sits in the Oval Office must fill a variety of roles in order to lead the nation. Some of these roles are stated in the Constitution. Others have developed over time.

Official Roles Article II of the Constitution outlines the executive branch of the federal government and, in particular, the presidency. It assigns the president the following duties:

- chief executive
- chief administrator
- commander in chief
- foreign policy leader
- chief agenda setter

The Constitution states, “The executive power shall be vested in a President of the United States . . .” (Article II, Section 1, Clause 1). “Executive power” means the power to execute, or carry out, the nation’s laws. The president carries out this duty as **chief executive**. It is the president’s responsibility to see that government programs are carried out and that the laws passed by Congress are implemented.

In running the government, the president does not act alone. The Constitution assumes that the president will have assistance. It states that the president “may require the opinion, in writing, of the principal officer in each of the executive departments.” As the

leader of the executive branch, the president acts as the chief administrator, or manager, of the fifteen executive departments and the numerous federal agencies that help carry out government policy.

Today the job of chief administrator is an enormous task. The executive departments employ about 1.8 million people while the postal service and other government agencies employ millions more.

The Constitution also names the president **commander in chief** of the nation’s military. As commander in chief, the president has the authority to order troops into action and to call them back home. This power is a significant one. While it is Congress’s duty to declare war on other nations, more often than not, U.S. forces go into action at the direction of a president and not because Congress has declared war.

As **foreign policy** leader, the president has the job of formulating the nation’s plans and procedures for dealing with other countries. This can involve negotiating treaties and receiving foreign ambassadors. The president also directs the activities of the country’s ambassadors and its diplomatic efforts. **Diplomacy** is the art of negotiating with foreign governments.

The Constitution specifies that the president will set the government’s agenda, or outline of things to do, during an annual State of the Union address. This duty makes the president the nation’s chief agenda setter. Often, the State of the Union address includes a number of specific programs for Congress to consider enacting into law.

As chief agenda setter, the president also helps Congress prepare the annual federal budget. You will read more about the budget process in Chapter 7.

Unofficial Roles In addition to the official duties, a president also fills other key roles in the federal government. These unofficial roles include:

- chief of state
- party leader
- chief citizen

As **chief of state**, also known as the head of state, the president takes on the role of the symbolic figurehead of the United States.



Chief Agenda Setter

Barack Obama delivers an address to a joint session of Congress.

When a president represents the country at the funeral of a foreign leader or at a major international sporting event, for example, it is in the role of chief of state. The role of chief of state often overlaps with other roles. For example, the president may host a foreign leader at a formal state dinner. In this particular instance, the president is acting as both chief of state and foreign policy leader.

The president is also recognized as the official party leader of his or her political party. The president takes the lead in shaping and then promoting the party platform—the important issues for which the party stands. At election time, the president may also help raise money and build support for party members around the country.

The president and vice president are the only two nationwide elective positions in the government. As such, they are said to be chief citizens, or the primary representatives of the nation. They should be seen as models of good citizenship and are often held to a high standard of personal behavior by the American public.

READING CHECK Comparing How are the president's roles as chief of state and foreign policy leader similar?

Why did the Framers restrict the presidency to natural-born citizens? They saw it as a way to safeguard the gains of the American Revolution. They feared that, without such a restriction, a rich duke or king could come to the United States and assume the presidency. That person might use the presidency to overthrow representative government. "The safety of a republic," observed Alexander Hamilton, "depends essentially . . . on that love of country, which will almost invariably be found to be closely connected with birth."

Some Americans today feel that the requirement unnecessarily blocks qualified people from the presidency and call for an amendment to the Constitution to eliminate it. Some of the people interested in reevaluating this requirement cite the example of former California governor Arnold Schwarzenegger, who is not allowed to run for president because he was born in Austria.

Term of Office Today a president can serve two four-year terms. At the Constitutional Convention, the Framers considered several different term lengths for the president, including a single six- or seven-year term. They also debated whether to allow a president to seek multiple terms. They wanted to ensure that a president had enough time in office to govern effectively without granting the officeholder too much power. In the end, they compromised on a four-year term with the chance for re-election.

George Washington, the first president, served two terms and declined to seek another because he felt himself beginning to weaken physically and desired some leisure time free from political stresses. Washington's decision established an unofficial two-term limit that guided future presidents for nearly a century and a half.

In 1940, however, Franklin Roosevelt broke this tradition and ran for a third term. At the time, World War II was raging in Europe, and Roosevelt believed the nation needed experienced leadership to help it get through this tumultuous time. While some criticized his decision, the voters returned him to office. Four years later, with American troops fighting in the war, Roosevelt sought and won a fourth term.

ACADEMIC VOCABULARY

ensure make certain

Formal Characteristics of the Presidency

In addition to describing the roles of the president, the Constitution lists the qualifications, term of office, election, succession, and benefits for the position. These topics are covered in only a few short paragraphs.

Written Qualifications As outlined in the Constitution, there are three formal qualifications for the presidency. Presidents must:

- be at least 35 years old
- have lived in the country for 14 years
- be a natural-born U.S. citizen

A natural-born citizen is a person who has been born a citizen of a country. Natural-born U.S. citizens also include persons born of U.S. citizens overseas or people who are born on U.S. soil, territories, or military bases overseas. No naturalized citizen—a person made a citizen by law, after his or her birth—can become president.

Roosevelt died in office in 1945. Two years later, Congress proposed a constitutional amendment to limit a president to two full terms and no more than 10 years in office. Proponents felt the amendment was necessary in order to prevent one person or party from gaining a dangerous hold on government. Opponents argued that it weakened a second-term president's authority, since Congress and foreign leaders knew that the president would soon be leaving office. Despite the opposition, the states ratified the Twenty-second Amendment in 1951.

Election to Office The formal process for electing the president of the United States is outlined in the Constitution. As discussed in Chapter 3, voters do not directly elect the president and vice president. Instead, voters are actually choosing electors, or people pledged to support the candidates that the voters choose. Taken together, these men and women are known as the electoral college.

The electoral college was a product of a Constitutional Convention compromise. Some of the Framers wanted direct popular election of the president while others worried that the public would be unable to make a wise choice and wanted Congress to select the president. The resulting compromise was the electoral college. The electoral college would help to maintain the balance between the small and large states. It would also ensure that a president would be elected by a cross-section of the country's voters.

Under the Constitution, every state is granted a number of electors equal to the number of its members in the House and the Senate. These electors represent the voters of the state. Additionally, Washington, D.C., has three electors. Today there are 435 representatives and 100 senators, which adds up to 535. Add in the three electors from Washington, D.C., for a total of 538 electors.

Each state has a different number of representatives, so those states with more representatives, such as California, New York, and Texas, have more electoral votes. This fact makes a win in these states a big advantage for a presidential candidate.

The Constitution gives states the power to decide how to pick their electors. Historically, some states chose their electors

THE ELECTORAL COLLEGE

JUNE/JULY: Electors are Selected

Electors are nominated by state political parties the summer before the election.

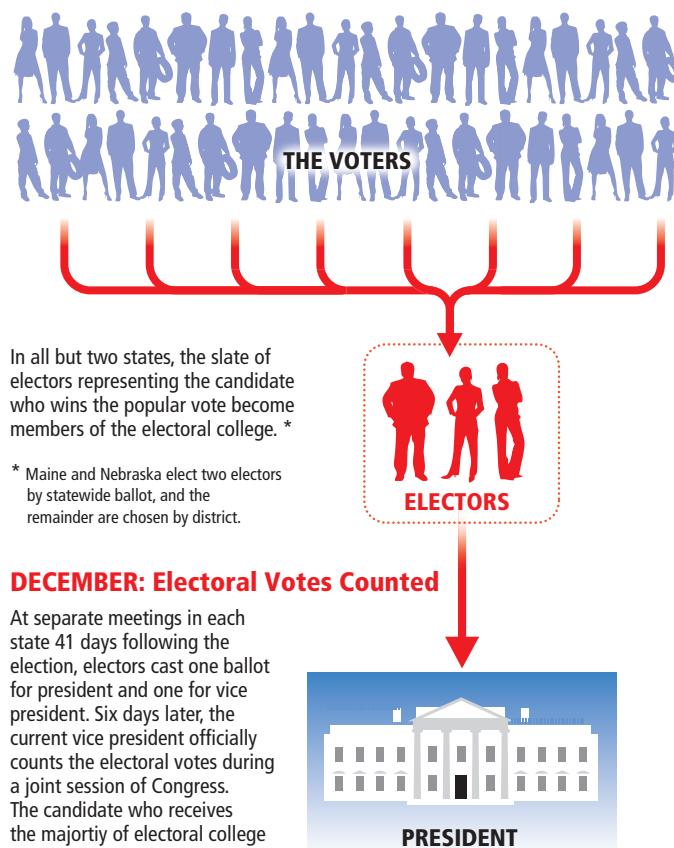
States nominate electors through different means:

- 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.



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.

Skills Focus

INTERPRETING CHARTS

What political issues are raised by the use of the electoral college? Explain.



VIDEO

The Electoral College

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by popular vote; others through their state legislatures. Today all states use the popular vote. Electors can be nominated through a primary election or at the party's convention. Electors can also be named by campaign committees who work on behalf of a certain presidential candidate.

Today electors have little or no discretion in deciding for whom to vote. Each political party chooses a slate of electors pledged to represent its candidate. In most states, if that candidate wins the popular vote, then the party's electors cast their votes for that candidate. This "winner-take-all" rule is required by 48 states. However, two states, Maine and Nebraska, pick some of their electors by congressional district. In these states there could be a split in electoral votes since their electors are pledged to choose the popular candidate in their district only.

As discussed earlier in Chapter 3, there are criticisms of the electoral college system. The original purpose of the electoral college, that of having more enlightened people select the president, no longer exists. What remains is a system that gives small states unequal representation but requires candidates to campaign broadly across the country in order to win electoral votes.

Succession According to the Constitution, the vice president is the first in the line of succession to the presidency. **Succession** is the process of succeeding, or coming after, someone. The Constitution's wording, however, was unclear as to whether a vice president becomes president, or just acts as president, if there is a presidential vacancy.

This question was first tested in 1841, when William Henry Harrison died in office. Vice President John Tyler assumed not just Harrison's duties but also the title of president. The nation followed this custom for more than a century. In 1967 the Twenty-fifth Amendment formally incorporated it into the Constitution.

The Twenty-fifth Amendment not only set guidelines for succession but it also created the procedures for handling presidential disability, such as temporary illness. In such cases the vice president assumes the role of acting president until the president is no longer disabled.

The Constitution gives Congress the power to decide the order of succession. In 1947 Congress passed the Presidential

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.

Succession Act. It establishes the Speaker of the House as the person next in the line of succession after the vice president. President Truman, who signed the act, pushed for the Speaker of the House to be the next in line because the Speaker is elected by his or her district and is the chosen leader of the House. The Speaker, Truman argued, was a true representative of the people.

Salary and Benefits Compared to the average American's income, the president and vice president make quite a lot of money. The president makes \$400,000 per year, and the vice president makes \$208,100 per year. The Constitution states that a president's salary is not to be altered during his or her term in office. This clause stops Congress from threatening to cut a president's salary as a bargaining tool or from rewarding a popular president.

In addition to a salary, presidents receive other benefits. The president has a large staff that includes chefs, butlers, and doctors who are on call whenever the president may need them. Presidents live with their family in a mansion in Washington, D.C., the White House, for the duration of their term and receive health and retirement benefits along with special tax deductions. The president also has access to numerous cars and *Air Force One*, the president's private plane.

READING CHECK Summarizing How did the current plan for presidential succession come to be?

Unwritten Qualifications for the Presidency

The constitutional requirements for the presidency are few. However, the informal qualifications—the experience and personal qualities that the public looks for in a president—are many.

Presidential Backgrounds The backgrounds of the people who have become president share many common features. Most presidents have been well-educated white men from middle- to upper-class families. In 1984, though, Geraldine Ferraro became the first woman to run for vice president on a major party ticket. Several

PRESIDENT AND VICE PRESIDENT: TERMS, SALARY, AND BENEFITS

Title	Term	Salary
President	Four years	\$400,000
Vice President	Four years	\$208,100
Benefits		
• Travel allowances • Staff including Secret Service officers for protection	• Tax deduction for two residencies	• Health and retirement benefits

Source: Congressional Research Service, 2007

African American men and women have sought the presidency, none winning a major party's nomination until 2008. That year, Barack Obama made history when he was elected the first African American president of the United States, after winning the Democratic Party's nomination.

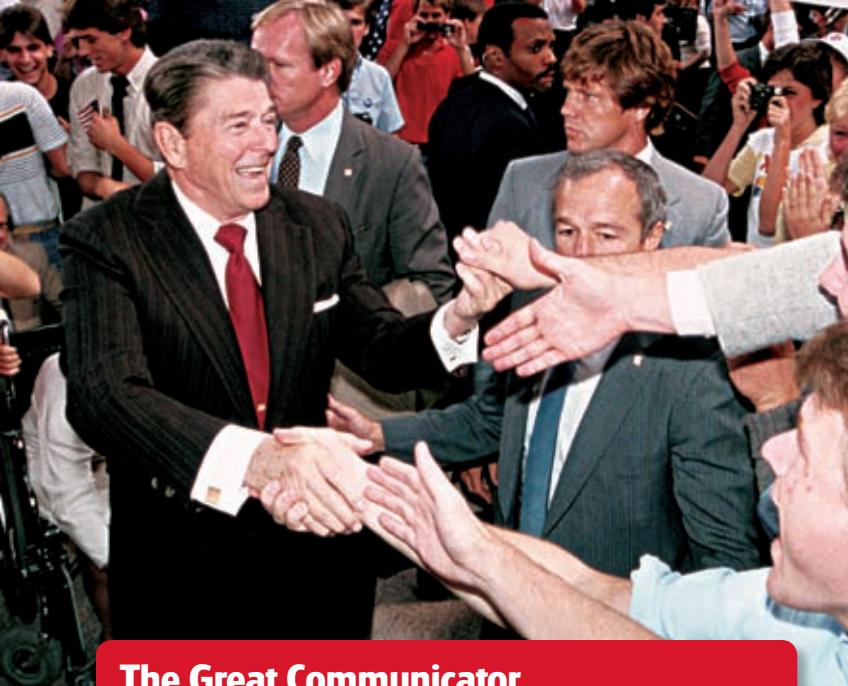
All presidents to this point have had a religious background in some Christian denomination. There has only been one Roman Catholic president thus far—John F. Kennedy, who was elected in 1960. Al Smith, who lost to Herbert Hoover in 1928, was the first Roman Catholic to be a major presidential candidate. In the 2000 election, Joe Lieberman made history as the first Jewish person to run for vice president.

Three-fourths of the presidents have had some background in the military. George Washington established a pattern followed by such men as Andrew Jackson, Zachary Taylor, and Ulysses S. Grant.

In recent years, Americans have tended to favor former governors for the White House. For example, four recent presidents—Jimmy Carter, Ronald Reagan, Bill Clinton, and George W. Bush—have served as governors.

Personal Qualities A president does not get the position by filling out an application. Instead, a president must win the support and eventually the votes of the American public. While the backgrounds of potential presidents are important, presidents must also possess appealing personal qualities.

QUICK FACTS



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.

Successful presidents are likeable and possess evident qualities of leadership. They are also able to communicate their ideas effectively. They should be persuasive at a minimum and, if possible, inspiring.

In the age of television and the Internet, when public access to the president is at an all-time high, a president's appearance is also

significant. A president needs to appear dignified, confident, and poised, and should demonstrate a certain degree of charisma.

Presidents must continue to demonstrate these qualities in the faces of constant challenges. As President Harry Truman soon realized, there is no relaxing as president.

PRIMARY SOURCE

"Within the first few months I discovered that being a President is like riding a tiger. A man has to keep on riding or be swallowed. . . [A] President either is constantly on top of events or, if he hesitates, events will soon be on top of him. I never felt that I could let up for a single moment."

—Harry S Truman, *Memoirs, Volume Two: Years of Trial and Hope*, 1956

Day in and day out, presidents must work well with friends and foes alike. They must effectively manage the vast workings of a huge executive department. They must be able to present a clear vision of what they plan to do for the nation and how they plan to do it. When a crisis strikes, they must exhibit calm and control, and they must do all of this under constant scrutiny and enormous pressure.

READING CHECK Identifying Supporting Details

Details What are some of the personal qualities that presidents have possessed?

SECTION 1 ASSESSMENT

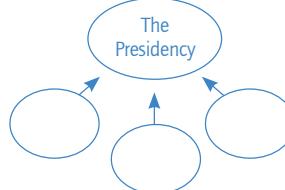
Reviewing Ideas and Terms

1. **a. Define** What is diplomacy?
b. Contrast What are the differences between the president's jobs as **commander in chief** and **chief of state**?
c. Rank Which of the presidential roles do you think is the most important? Explain your answer.
2. **a. Describe** What are some of the benefits that the president and vice president receive?
b. Explain Why do you think that the presidential requirement of natural-born citizenship is still in effect today?
c. Evaluate What is your opinion about the arguments for and against the electoral college?
3. **a. Describe** What are some informal job requirements for the presidency?
b. Make Generalizations In what ways have presidents past and present been similar?
c. Design What are some possible features and qualities that you think an ideal president should have?

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ONLINE QUIZ

Critical Thinking

4. **Make Generalizations** Copy the graphic organizer below and use information from the section to identify characteristics of the presidency. What are the main features of the American presidency?



FOCUS ON WRITING

5. **Persuasive** Write a speech in which you, as a presidential candidate, try to persuade your audience that you have the qualities necessary to be a good president. Think about the qualities of past presidents that made them effective leaders.

21st CENTURY

SECTION
2

The Powers of the Presidency

BEFORE YOU READ**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

1. What are the executive powers of the president?
2. What are the diplomatic and military powers of the president?
3. How does the president exercise legislative and judicial powers?
4. What are some of the informal powers of the president?
5. How are the president's powers checked by the other branches?
6. In what ways has presidential power changed over the years?

Key Terms

executive orders
executive privilege
diplomatic recognition
reprieve
pardon
amnesty
commute

 hmhsocialstudies.com**TAKING NOTES**

Use the graphic organizer online to take notes on the powers of the presidency.

WHY IT MATTERS

The Burden of Power With great power comes great responsibility—and the pressure that goes with it. The president of the United States is one of the most powerful people in the world, and the decisions that he or she makes affect not only American citizens but also people throughout the world.

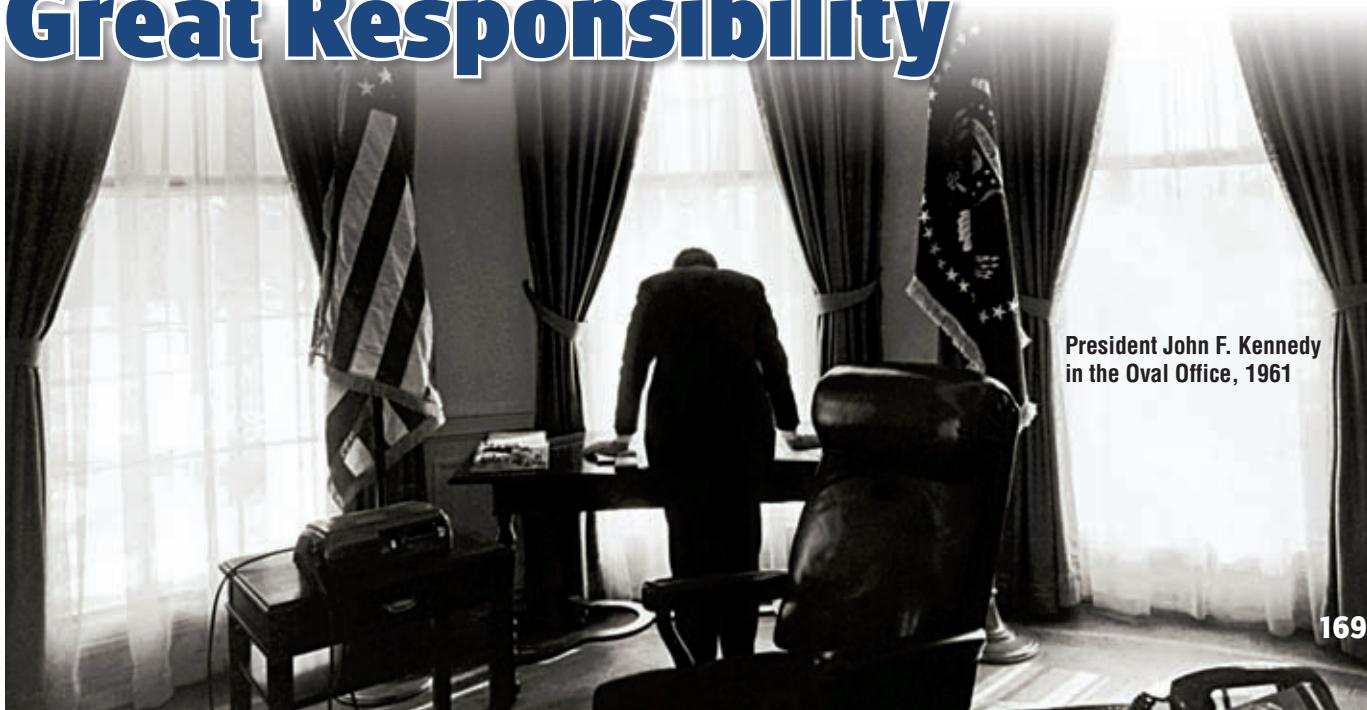
In 1962 President John F. Kennedy experienced the full weight of presidential responsibility during the Cuban missile crisis. Government intelligence revealed that the Soviet Union

was stockpiling missiles in Cuba, just 90 miles off the coast of Florida. For Kennedy, the stakes could not have been higher: One wrong move might plunge the world into nuclear war.

With the world nervously watching and waiting, Kennedy enlisted the counsel of his top advisers. Some suggested an air strike on Cuba, others a naval blockade. In the end, Kennedy chose the blockade and a course of vigorous diplomacy with Soviet leaders. The crisis ended with neither country attacking the other—and with Soviet missiles being withdrawn from Cuba.

Presidents today continue to confront challenges. Their office grants them an incredible array of powers. They must use these powers with care and in the best interest of the nation. ■

Great Power and Great Responsibility



President John F. Kennedy
in the Oval Office, 1961

Executive Powers



Article II, Section 1, gives the president "executive power" but does not define what that power is. What other provisions of Article II give an indication of what the Framers meant by "executive power"?

When presidents take the oath of office, they pledge to “preserve, protect and defend the Constitution of the United States.” This pledge includes exercising the powers of their office in a constitutional manner. As chief executive, the president has three main powers: appointment and removal of key executive branch officials, issuing executive orders, and maintaining executive privilege.

Appointment and Removal Powers The Constitution gives the president power to appoint people to fill the top posts in the executive branch. These officials help presidents carry out their duties as chief executive. Presidents today directly appoint some 3,000 people.

Oftentimes, a president will use the power to nominate and appoint as a political tool, rewarding political supporters and winning new ones. This power also allows presidents to place in key positions people who support their policies.

Of the many jobs a president fills, about a third are subject to the “advice and consent” of the Senate. Such posts include Supreme Court justices and federal judges, the ambassadors who represent the United States in foreign countries, members of the cabinet, and top military advisers.

Most presidential appointees serve “at the pleasure of the president,” which means a president may remove these people at any time for any reason. However, there are some exceptions. For example, a president is not allowed to fire federal judges, who serve for life. Only Congress can impeach them.

Executive Orders As chief executive, presidents also have the power to issue executive orders—a formal rule or regulation instructing executive branch officials on how to carry out their jobs. Executive orders have the force of law. While the Constitution does not specifically permit presidents to issue executive orders, presidents past and present have used this tool as a way of taking “care that the laws be faithfully executed” (Article II, Section 3). Executive orders give the president great power to interpret laws passed by Congress.

Executive orders are used for a variety of purposes. A president may use an executive order to clarify a law’s application. In October 2006 President George W. Bush issued an executive order announcing penalties against the nation of Sudan under the terms of existing laws.

An executive order may also establish rules and regulations for the operation of an executive agency. In 2000, for example, President Clinton ordered that all executive agencies make appropriate accommodations to employees with disabilities.

As discussed in Chapter 5, presidents also issue signing statements, which have grown increasingly controversial. Signing statements differ from executive orders in that they are issued at the time of the law’s signing and often specify some provision in the law that the president plans to ignore or modify.

Executive Privilege The final power that presidents claim as chief executive is the right of **executive privilege**. This power allows a president to refuse to release information to Congress or a court. This power, though, is often disputed by the other branches.

Presidents claim the right of executive privilege in order to shield information in the interest of national security. They argue that being able to keep sensitive information secret is vital to the safety of the nation.

Presidents have also argued that they must be able to hold private discussions with advisers in order to make good decisions. They feel that only by guaranteeing confidentiality can a president receive honest feedback from his or her advisers.

The Constitution does not mention executive privilege. Nevertheless, courts have generally supported the concept—with limits. During the Watergate scandal of the early 1970s, for example, President Richard Nixon was accused of covering up crimes committed by members of his administration. The courts and Congress sought audiotapes about specific White House conversations, which Nixon refused to turn over, claiming executive privilege. The case eventually went to the Supreme Court.

READING CHECK Summarizing What are the extent of and the limits of a president’s right to hire and fire?

ACADEMIC VOCABULARY

Issue make or announce



"LANDMARK SUPREME COURT CASES"

Constitutional Issue: Powers of the President

United States v. Nixon (1974)

WHY IT MATTERS

The Supreme Court's decision in United States v. Nixon was a major ruling on the concept of executive privilege and the limits to presidential power.

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Background

During the 1972 presidential election campaign, administration officials of President Richard Nixon helped plan and cover up an illegal break-in at the Democratic Party's campaign headquarters at the Watergate Hotel in Washington, D.C. After the break-in was discovered, President Nixon had to appoint a special prosecutor to conduct a criminal investigation. Congress began hearings on the matter. In those hearings, a former presidential aide revealed that Nixon had tape-recorded conversations in the Oval Office. Investigators realized that these tapes revealed whether Nixon knew of the Watergate burglary, so the special prosecutor subpoenaed Nixon to force him to turn over the tape recordings. Nixon refused. The special prosecutor, representing the U.S. government, and Nixon's attorneys took the case to the Supreme Court.

Arguments for the United States

The special prosecutor needed access to certain audiotapes in order to establish the credibility of witnesses and to determine whether or not any criminal activity had taken place. Under claims of executive privilege, past presidents had generally been allowed to keep official presidential conversations and meetings private. In this case, however, the special prosecutor argued that the taped discussions concerned only political matters related to Nixon's re-election committee, not to presidential business. These political conversations, he said, were not protected by executive privilege. Furthermore, Nixon had already released edited transcripts of portions of some tapes, which weakened any claim to confidentiality.

Arguments for Nixon

Nixon and his attorneys argued that the Supreme Court had no jurisdiction over the matter, claiming that the constitutional separation of powers prevented the courts from stepping into what was a dispute among departments within the executive branch. They compared the matter to a disagreement among congressional committees, which would be resolved by Congress without any involvement by the Supreme Court. Furthermore, they argued that under the right of executive privilege, Nixon was completely within his power to refuse to give the tapes to the special prosecutor and Congress.

THE IMPACT TODAY

The Supreme Court's decision in favor of the United States was a constitutional landmark that established limits to executive privilege and presidential immunity that are still recognized today. While the president does have some privileges that are not granted to other citizens, these rights have conditions. The president must recognize the legitimate claims of the other two branches of government and understand that these branches may have valid reasons to seek information from the executive branch. In criminal proceedings, for example, the courts' need for information may outweigh the president's right to confidentiality.

CRITICAL THINKING

What Do You Think? All presidents exert executive privilege at some point during their presidency. Under what circumstances, if any, is such a claim legitimate? Can you think of a case in which they are not legitimate? Explain your answer.

Diplomatic and Military Powers

The president is foreign policy leader, chief of state, and the commander in chief of the United States. These roles give the president wide, but not unlimited, diplomatic and military powers.

Diplomatic Powers As foreign policy leader, the president represents the United States in its interactions with foreign governments. The Constitution gives the president the power to negotiate treaties, or formal agreements between two or more countries that are used to end conflicts, form alliances, and establish trade relationships.

The president's treaty-making power is limited by Congress. Two-thirds of the Senate must vote to approve any treaty, making any amendments it sees fit to in the process. On some occasions, Senate opposition has even blocked treaties. For example, the Treaty of Versailles, the peace settlement following World War I, was never approved by the Senate. In addition, even after a treaty is ratified, Congress can still pass laws that alter or override parts of it.

In addition to their treaty-making powers, presidents also have the power to make executive agreements. Executive agreements are agreements between a president and the head of a foreign government. Unlike a treaty, an executive agreement does not require the advice and consent of the Senate. However, executive agreements are similar to treaties in that they have the effect of law.

In general, presidents employ executive agreements for simple or routine interactions with foreign governments. Yet, executive agreements have sometimes been used for more far-reaching ends. The North American Free Trade Agreement, or NAFTA, is an example of an executive agreement. NAFTA is now a congressional-executive agreement (see Chapter 14).

The president also has the power to formally recognize the legitimacy of a foreign government. This power is known as **diplomatic recognition**, and it can have a major impact on international relations. President Truman's recognition of Israel's government in 1948, for example, was vitally important to that nation's survival because the United States, as a world power, held great influence over other nations in the region. If the United States recognized Israel, other nations would, and did, follow.

Military Powers As commander in chief, the president has the responsibility to ensure the defense and security of the nation and its interests around the world. The Constitution gives Congress the power to declare war, but from the beginning, presidents have claimed the power to take military action without a formal declaration of war from Congress.

Presidents have called out the armed forces more than 200 times in American history. In fact, on only five occasions in U.S. history has Congress actually declared war—the War of 1812, the Mexican-American War, the Spanish-American War, World War I, and World War II. Both the Korean War and the Vietnam War were fought without a formal declaration of war.

Following the Vietnam War, Congress decided to restrain the president's power to commit troops. Over President Richard Nixon's veto, Congress passed the War Powers Resolution in 1973. This law calls on

PROFILES IN GOVERNMENT

George WASHINGTON

1732-1799



As the nation's first president, George Washington set precedents that defined the office for generations. In serving only two terms, Washington

established the unofficial two-term limit. Washington also established the first cabinet and instituted financial concepts such as the National Bank and the federal debt.

Washington declined to serve a third term as president. He then set the precedent for giving a farewell address upon taking leave from office. In his eloquent address, published in September 1796, he counseled Americans to shun political parties and factionalism, and he warned of the dangers of foreign alliances, a principle that guided America for nearly 100 years. Washington's dignity, reserve, and measured use of presidential power exemplified what the Framers believed the chief executive should be.

Draw Conclusions Why do you think Washington believed foreign alliances and political parties were dangerous to Americans?

PRIMARY SOURCES

Declaring War

The Constitution grants Congress the power to declare war. However, citing their constitutional role as commander in chief, presidents throughout history have taken it upon themselves to call troops into action without getting a formal declaration of war from Congress. Despite the efforts of Congress to clarify war-making responsibility with the passage of the War Powers Resolution in 1973, there remains tension between Congress and the president when it comes to the use of U.S. troops. According to this political cartoon, the tension is grounded in the Constitution itself.

21ST CENTURY



Courtesy William Costello

Skills Focus

INTERPRETING PRIMARY SOURCES

Making Inferences What does this cartoon say about the war-making powers of Congress?

See **Skills Handbook**, p. H9.

the president to consult with Congress before and during any possible armed conflict involving U.S. military forces.

Under the terms of the resolution, if a president must commit forces without congressional authorization, he or she must report to Congress within 48 hours to explain the reasons for the action. Unless Congress then declares war or approves continued action, U.S. forces must be withdrawn within 60–90 days. The law allows Congress to force a president to end the use of armed forces at any time if Congress passes a concurrent resolution to that effect.

Since the law's enactment, presidents have contested its constitutionality. They have also frequently ignored its requirement for congressional consultation prior to committing troops. Still, presidents have submitted 118 reports to Congress about military actions. For its part, Congress has not forced the issue by demanding troop withdrawals.

The war in Iraq in 2002 dramatized the constitutional standoff. In authorizing the use of force, Congress explicitly required the president to comply with the stipulations of the War Powers Resolution. However, in his signing statement, President George W. Bush

was careful to assert that his “signing . . . does not constitute any change in the long-standing positions of the executive branch on either the President’s constitutional authority to use the Armed Forces . . . or on the constitutionality of the War Powers Resolution.”

READING CHECK Sequencing Under the War Powers Resolution, what must a president do first?

Legislative and Judicial Powers

The Constitution calls for a separation of powers among the branches. However, in order to make the system of checks and balances effective, the Framers gave the president some powers in both the legislative and judicial branches of the government.

Legislative Powers The president has great power to influence the work of Congress in the role of chief agenda setter. Through the annual State of the Union address and the federal budget proposal, the president proposes legislation to Congress.

Furthermore, the president is permitted to suggest legislation at any time. It is common, in fact, for a president to work closely with lawmakers on a legislative agenda.

The president's main legislative power is the veto. While the Framers gave supreme lawmaking power to the legislative branch, they also wanted the president to have a voice in the process. That "voice" is the veto. After Congress passes a bill, a president can either sign it or veto it, meaning the president does not sign the bill into law.

Congress has the power to override the veto if two-thirds of the members of each house vote to do so. Overriding a veto is difficult since it can be hard to obtain enough

votes. Because it is so hard to override a veto, veto power is a significant check on Congress. The threat of a veto can also hold power. If lawmakers believe that a president is going to veto a bill, they will change parts of the bill in order to gain presidential approval.

As discussed in Chapter 5, for a brief time, Congress allowed the president to use the line-item veto, which gave the president the power to cancel certain provisions in a bill without vetoing the entire bill. This procedure was made legal in 1996 but was struck down by the Supreme Court in 1998.

Judicial Powers The Constitution gives presidents two means of exercising judicial power. First, presidents may nominate the people who become federal judges and justices. Second, they may alter the sentences of people convicted of crimes through their powers of clemency, or mercy.

The Constitution grants the president the power to nominate federal judges and justices. With this power, a president can place men and women on the Supreme Court and other high courts who have similar political beliefs. The nomination power is checked by the Senate, which must approve and confirm all presidential nominees.

Nominating judges and justices is a great responsibility, especially in the case of the Supreme Court. Supreme Court justices serve a lifetime term. In most cases a president's appointment will remain on the bench for years after the president's term. The justice may continue to rule on cases in a way that supports a president's agenda, allowing a president to have an influence on government long after his or her term has ended.

In addition to the appointment of justices and judges, the Constitution says that the president "shall have the power to grant reprieves and pardons for offences against the United States." A **reprieve** postpones the carrying out of a sentence, or the length of time a person is put in jail. It is sometimes granted for humanitarian reasons or to give a person the chance to present new evidence. A **pardon** releases a convicted criminal from having to fulfill a sentence.

The president can also offer **amnesty**, which grants a group of offenders a general pardon for offenses committed. Though the

The President's Legislative and Judicial Powers



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?



exact words do not actually appear in the Constitution, included in the power to pardon is the power to **commute**, or reduce, a person's sentence.

A president can issue reprieves, pardons, or commutations for federal crimes. The president has no authority over state cases, and clemency is not allowed in cases of impeachment. Once issued, however, a president's grant of clemency cannot be overturned by Congress or the courts.

Presidents may issue clemency in order to free a person wrongly convicted or for prior or current service to the nation. For example, following the assassination of President Abraham Lincoln, one of the alleged assassination conspirators, Dr. Samuel Mudd, was convicted and sent to prison. Mudd, who claimed that he had no ties to the assassination, served four years of a life sentence. In 1869 President Andrew Johnson pardoned Mudd after he helped stop a yellow fever epidemic that claimed the life of the prison doctor and many other prisoners.

Presidential pardons can be very controversial. President Gerald Ford was widely criticized for pardoning former president Richard Nixon after he resigned from office in 1974. President Bill Clinton also aroused anger for pardoning 140 people on his final day in office.

READING CHECK **Contrasting** What is the difference between a reprieve and a pardon?

Informal Powers

The informal powers of the president are those powers that are not directly stated in the Constitution but, nonetheless, play a major part in the success of a presidency. The two main sources of a president's informal powers are access to the media and the president's position as party leader.

Today a president is followed everywhere by a large group of reporters. Television and radio coverage is available to the president at any time. Presidents can easily present their case to the public at a media press conference. They also employ a professional staff of media experts dedicated to helping them shape their message and present it most effectively to the public.

A president who is skilled in using the media has greater success in persuading the public and building support. You have read about President Ronald Reagan's skills as a communicator. President John F. Kennedy was also able to charm reporters and voters with his easy manner at press conferences. A president who lacks such skills can find the job of leading the nation very difficult.

Another source of informal power comes from the president's position as party leader. Fellow party members in Congress are expected to follow the president's agenda and work for its passage. The president's staff works to ensure that there is a unified message among all members of the party. In return, the president offers support to fellow party members at election time.

A president's ability to take advantage of these informal sources of power varies. Presidents strive for high approval ratings, which are determined by national polls that rate how Americans feel about the president. A president who has a high approval rating and the support of the public is better able to command respect and lead effectively than a president with low approval ratings.

READING CHECK **Identifying the Main Idea** What is meant by the term *informal powers*?

RESPONSIBILITIES OF LEADERSHIP

Presidential pardons are clear examples of leaders doing what they think is necessary, rather than what is known to be popular. Citizenship calls for the same responsibility.

Checks on the President's Powers

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.

Formal Checks Presidential actions are subject to judicial review. Sometimes, a president's actions violate the Constitution. For example, in *Clinton v. City of New York* (1998) the Supreme Court ruled that the use of the line-item veto by President Clinton violated the Presentment Clause of the Constitution, since it gave the president undue power to amend or repeal parts of laws that had already been passed by Congress. This decision took away the right of the president to use the line-item veto.

Presidential power is also checked by Congress. The Senate, for example, can block a president's choice for certain top positions. Congress can also choose to override a presidential veto if two-thirds of the members of each house vote to do so.

Informal Checks The media is the primary source of informal checks on presidential power. The media can keep the American public informed and alert to potential abuses of power. The Framers thought this task important enough to grant it special protection in the First Amendment. The importance of media scrutiny of government was demonstrated during the Nixon administration. The *New York Times* published the Pentagon Papers, revealing how the government had misled the nation about the Vietnam War. Without the media, the public would not have known of this information.

Public approval is another check on presidential power. Presidents today draw much power from their public image. Successful presidents have strong public support and can sometimes bully Congress to follow them. At the same time, presidents who lose public support have a harder time getting Congress to follow them.

READING CHECK Identifying Supporting Details

What are some of the informal checks on a president?

Changes in Presidential Power

The power and influence of the presidency has grown significantly over the years. Two factors have driven this change: the growth of government itself in response to new challenges and changing situations, and the growth of the nation as a world power.

The First 100 Years The Framers created a government based on a separation of powers, and they gave the majority of government power to Congress. They believed, in the words of James Madison in *Federalist Paper No. 51*, that “in a republican government, the legislative authority necessarily predominates.”

Early presidents largely shared this belief and acted accordingly, deferring to Congress on most matters of domestic policy. Neither Presidents John Adams nor Thomas Jefferson vetoed a single piece of legislation during their collective 12 years in office. Jefferson believed that vetoes should be reserved for cases where a president doubts the constitutionality of a measure.

A few early presidents, however, did challenge congressional predominance in the 1800s. Jefferson stretched the boundaries of presidential power when he authorized the

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.



Boundaries of the United States following the purchase of Louisiana



Andrew Jackson portrayed as King Andrew the First in a political cartoon

1861–1865

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

purchase of Louisiana from France in 1803, even though the Constitution gave him no clear authority to do so. Andrew Jackson, who was president from 1829 to 1837, viewed the president as the one true representative of the people. To Jackson, this gave a president power that even Congress could not claim. He thus reserved for himself the right to veto acts of Congress simply because he disagreed with them. Most presidents since Jackson have taken a similar position.

Congress did not take Jackson's assertiveness kindly. When he withdrew government funds from the congressionally chartered Second Bank of the United States, Congress censured, or reprimanded, him.

Presidential Power Expands The Civil War marked a turning point in presidential power. Not only did government itself expand to meet the emergency, but President Abraham Lincoln also took on great powers. Lincoln believed that the threat to the nation endangered the Constitution, which he was sworn as president to preserve. Therefore, any steps he took that were necessary to defend the nation were legal.

Interestingly, Lincoln's relations with Congress were friendly. He deferred to it on most domestic issues and rarely used his veto. Once the war and Reconstruction had

ended, Congress resumed its traditional leading role in national affairs. But Lincoln's actions were to prove a model for later presidents intent on vigorous action.

President Theodore Roosevelt was one such person. He saw the presidency as a "bully pulpit" that shaped public opinion and, if necessary, pressured Congress to pass legislation he supported. Roosevelt believed that the rise of big business presented the nation with new challenges and that government needed new tools to meet those challenges. He convinced Congress to give the executive branch stronger powers to regulate commerce, to protect park lands, and to ensure the safety of the food supply.

The Great Depression offered President Franklin Roosevelt an opportunity to expand presidential powers even further. To meet the economic crisis, he convinced Congress to create a host of new government programs, including Social Security. These New Deal programs represented a shift in the way Americans thought about government and its responsibility. People now looked to the government, and to the executive branch, to help solve problems in society.

By the 1960s and 1970s, some observers began to worry about the growth of presidential power. For conservatives, the government had simply become too big.



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.

Theodore Roosevelt uses his "Big Stick" over big businesses and trusts.

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.

As unofficial leader of the free world, Reagan calls for the dismantling of the Berlin Wall.

RESPONSIBILITIES OF LEADERSHIP

In using the media, presidents balance how much to promise the public with the risk of raising its expectations far beyond what he or she can actually do.

Liberals felt the presidency had taken on qualities resembling those of a monarchy. Citing concerns for national security, they talked about an *imperial presidency* in which executive power went virtually unchecked.

These concerns were not unfounded. Government today is vastly more powerful than it was at the time of the founding of the nation, and most of that power is vested in the executive branch. Moreover, following victories in World Wars I and II, the United States became the most powerful nation in the world. Again, much of that power is concentrated in the executive branch, with the president at its head. By virtue of the nation's economic and military strength, American presidents are today the most powerful leaders in the world.

Presidential Power and the Media One of the ways modern presidents project that power is through the media. This is nothing new. Though the technology has changed, presidents have long relied on the media to get their message out. Presidents in the early 1800s used posters, pamphlets, and friendly

newspapers. Franklin Roosevelt used radio in his famous “fireside chats.” Modern presidents use television and the Internet. The goal is the same: to convince voters—and Congress—to support their plans.

As you read earlier, the media can scrutinize and criticize a president. Presidents go to great efforts to control how their message and image is presented. They prepare rigorously for press conferences and major speeches. They employ experts, often from the media itself, to help them craft their presentations. Choosing the right phrase or backdrop can mean the difference between voter acceptance or indifference. Even “town hall meetings” are carefully scripted to avoid anything embarrassing or unexpected.

Despite these efforts, the power available to modern presidents through the media can also work against them. Intense media scrutiny can quickly damage less popular presidents and, as a result, decrease their power as president.

READING CHECK Summarizing How have the people's expectations of presidents changed over time?

SECTION 2 ASSESSMENT

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ONLINE QUIZ

Reviewing Ideas and Terms

1. **a. Define** What are executive orders and executive privilege?
b. Explain Why do you think it is necessary for a president to be involved in the hiring of so many people?
2. **a. Define** What is an executive agreement?
b. Predict What might happen if a president were unable to commit military forces without first getting the approval of Congress?
3. **a. Define** What is the meaning of the terms reprieve, pardon, and commute?
b. Draw Conclusions In what circumstances do you think a president might rightfully use a veto?
4. **a. Describe** What is the role of the media as a source of a president's informal powers?
b. Predict How do you think popularity and public approval ratings affect a president's ability to use the informal powers of the office?
5. **a. Identify** What are some formal checks on the president's power?
b. Analyze Why do you think a popular president is able to push Congress into following an agenda?

6. **a. Define** What is meant by the term *imperial presidency*?
b. Elaborate How do you think the growing military power of the United States has given it more power in general? Explain your answer.

Critical Thinking

7. **Rank** Copy the chart below and identify examples of the powers given. Which power do you feel is the most important? Which is the least important? Explain your answer.

Executive	
Diplomatic	
Military	
Legislative	
Judicial	
Informal	

FOCUS ON WRITING

21ST CENTURY

8. **Expository** Review the ideas of the early presidents regarding the proper relationship among the president, the people, and Congress. Think about the ways in which these ideas have changed and how they have remained constant. Write a brief article that evaluates this relationship.

The Presidential Power to Make War

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.

VIEWPOINTS

The power to make war is a vital and constitutional presidential power. The Constitution names the president commander in chief of the armed forces in Article II, Section 2. As commander in chief, one of the president's primary duties is to protect the immediate security interests of the country. To fulfill their oath to "preserve, protect, and defend the Constitution," presidents have at times been forced to act in secrecy or without the full support of Congress. Citing reasons of national security, presidents sometimes decide that it is necessary to bypass certain channels or checks on their war-making powers. In fulfilling the responsibility as the commander in chief, a president must make quick and effective decisions for the good of the nation. Limiting this power would undermine the authority of the presidency.



U.S. soldiers talk to a local Afghani farmer through an interpreter while on patrol in the Nuristan Province of Afghanistan.

The scope of presidential war powers is too expansive and is overstepping its constitutional bounds. The Framers did not intend for the chief executive to have as much power as is commonly accepted today. Critics of expanding executive power say that recent presidents have misinterpreted the implicit rights of the president outlined in the Constitution to commit troops to war. Committing a nation to war without the approval of the people or their representatives is characteristic of a monarchy or dictatorship, not a democracy. Congress has been criticized in recent years for giving the president unusual unilateral, or one-sided, powers following the terrorist attacks of September 11, 2001. Since then, some in Congress have worked to check presidential war-making powers. So far, they have been unsuccessful.

What Is Your Opinion?

1. Why do you think presidential power has expanded over time? Explain your answer.
2. Should the president be able to commit troops without congressional approval? Why or why not?

SECTION
3

The President's Administration

BEFORE YOU READ**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

1. What is the Executive Office of the President, and what are its duties?
2. How has the role of the vice president changed over time?
3. What is the cabinet, and how does it work with the president?

WHY IT MATTERS

The President's Staff Early presidential staffs were small, consisting of little more than personal secretaries who performed a variety of tasks, such as communicating with Congress or dealing with job seekers. As late as 1900, President William McKinley had a staff of fewer than 30 people, including a gardener and telephone operator. But in 1902, in order to accommodate this ever-expanding presidential staff, President Theodore Roosevelt had a new wing, the West Wing, added to the White House. In 1933 President Franklin Roosevelt remodeled the West Wing in order to accommodate even more presidential staff members.

The West Wing today is the nerve center of the executive branch. The president's office, known as the Oval Office, is situated in one corner of the West Wing and is attached to the Cabinet Room, which is where the cabinet holds meetings. The

Key Terms

administration
Executive Office of the President
White House Office
chief of staff
National Security Council
Council of Economic Advisers
Office of Management and Budget
executive departments

hmhsocialstudies.com**TAKING NOTES**

Use the graphic organizer online to take notes on the president's administration.

vice president, press secretary, White House counsel, national security adviser, congressional liaison, and the chief of staff all have offices and conduct their daily work within the West Wing. The West Wing also has a press briefing room where the president can meet with the press at any time or have the press secretary share the president's ideas.

In the West Wing, the president is surrounded by key staffers ready to assist with the daily work of the executive branch as well as handle unexpected emergencies. The West Wing is a symbol of how the scope of presidential power, and the presidency itself, has grown since the Framers first created the position of president of the United States. ■

The West Wing undergoes construction in 1934. Barack Obama's cabinet (inset) meets in the Cabinet Room of the West Wing.



Executive Office of the President

A president's **administration** is made up of all the people who work for the executive branch—from your local mail carrier on up to the president. Most of these people are career government employees. But the top ranks of an administration are filled by people appointed to their posts by the president. These people usually change when a new president is elected.

Many of the top administration officials belong to the **Executive Office of the President** (EOP). The EOP consists of a number of separate offices that help the president formulate policy. Among them are the White House Office—the center of much of the daily business in the White House—the National Security Council, the Council of Economic Advisers, and the Office of Management and Budget. You will read more about each of these offices below.

The Formation of the EOP The now-vast organization known as the EOP did not exist 100 years ago. Early presidents had small personal staffs. They also relied on a circle of informal, unpaid advisers. Until the turn of the last century, most presidents continued to look to the cabinet as their primary source of advice and assistance.

Starting with the presidency of Theodore Roosevelt, an era of activist government led to an expansion of the president's staff. During the Great Depression in the 1930s, President Franklin Roosevelt and Congress created many new government programs and agencies.

In 1939 Roosevelt asked Congress to authorize a new organizational structure to help manage these new agencies—the Executive Office of the President. Since then, new challenges—global leadership following World War II, the threat posed by nuclear weapons, the need to manage an ever-rising tide of information flooding into the White House—have spurred further growth of the Executive Office of the President.

With some significant exceptions, members of the EOP are nominated by the president and confirmed by the Senate.

Today they are often some of the most influential people in a president's administration. As one top staff member of the Clinton White House has said, "In a very fast-moving world . . . staff in the closest proximity to the President can have the greatest degree of power in influencing the decisions of that President."

The White House Office At the heart of the EOP is the **White House Office**. The White House Office consists of the president's key personal and political staff. They are, in short, the White House staff. Most work in the White House itself or across the street in the Old Executive Office Building. They serve without Senate confirmation.

The president determines the size of his or her White House Office. President George W. Bush, for example, has had more than 400 people on his White House staff. This is a bit larger than President Clinton's staff, but smaller than the nearly 600 employed in President Nixon's White House Office.

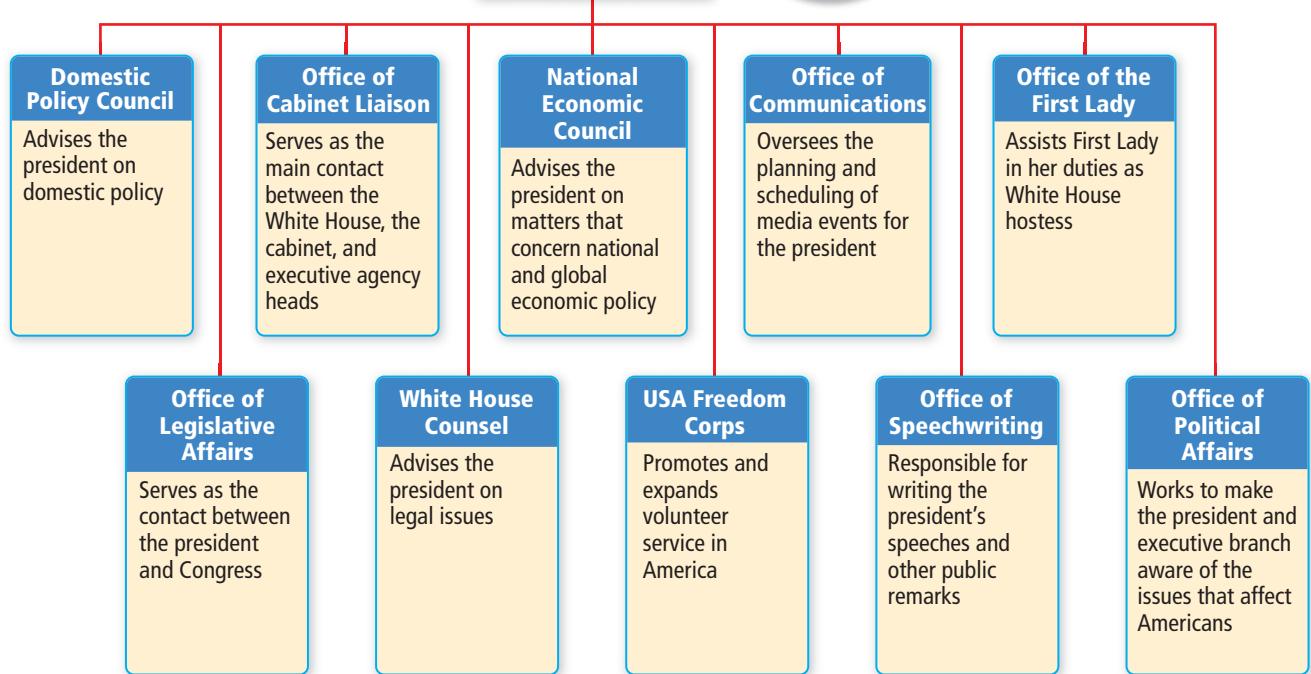
To manage the White House Office the president appoints a **chief of staff**. The precise role of the chief of staff varies from president to president. In some cases, the chief of staff focuses on managing the everyday operations of the White House Office. In other cases, the chief of staff is a primary presidential adviser who controls all access to the president and helps map political strategy. President Ronald Reagan's first chief of staff, James Baker, took an active role. In the first term of Reagan's presidency, Baker exercised a great deal of influence with the president over domestic policy.

The president's personal secretary and legal counsel report to the chief of staff. In addition to directing these two key staffers, the chief of staff also oversees teams charged with political tasks such as handling relations with Congress and the cabinet, dealing with presidential mail, planning presidential appearances, and hiring other members of the president's staff.

The chief of staff also manages the work of the staff offices that are responsible for getting out the president's message. These offices include the professional speechwriters who work in the Office of Speechwriting.



Chief of Staff



The Executive
Office of the
President

The White House press secretary, whose job it is to handle relations with news reporters, is also a part of the communications staff. This particular position has taken on increasing importance in recent decades as mass media, including television and the Internet, has become more and more important to the success of a presidency.

National Security Council One of the most important parts of the EOP is the **National Security Council** (NSC). The National Security Council brings together the top military, foreign affairs, and intelligence officials in the administration to coordinate U.S. national security policy.

The NSC was created in 1947. At the dawn of the Cold War rivalry with the Soviet Union, it became apparent that national security required more than maintaining strong military forces. A coordinated plan combining vigorous diplomatic efforts, military preparedness, and secret intelligence-gathering activities was now essential. Congress established the National Security

Council to manage these coordinated planning efforts. Eventually, the NSC became part of the Executive Office of the President.

The president chairs the National Security Council. The activities of the NSC are coordinated by the assistant to the president for national security affairs, also known as the national security adviser. This person is a presidential appointee who does not require Senate approval.

Presidents have differed in how much they rely on their national security advisers. In some cases, the national security adviser has ranked among the most powerful people in the administration. President Richard Nixon, for example, relied heavily on his national security adviser, Henry Kissinger, sending him as a secret envoy to negotiate agreements with foreign nations, often bypassing his secretary of state.

NSC meetings include the vice president, the secretaries of state, treasury, and defense, the director of national intelligence, and the chairman of the Joint Chiefs of Staff. The latter is a group composed of the heads of

each major branch of the armed forces. The president's chief of staff, chief counsel, and the attorney general may also be involved in NSC meetings. Other members of the cabinet, including the secretary of homeland security, or senior executives may be invited, depending on the matters under discussion.

Council of Economic Advisers Congress created the **Council of Economic Advisers** (CEA) as a part of the EOP in 1946. The CEA provides the president with expert analysis of the economy. Its members examine the economy to see how trends and events may affect the president's economic policy as well as how economic policy is affecting the economy. The CEA also assists the president in forming economic policy.

The Council of Economic Advisers consists of three members nominated by the president. These members must be confirmed by the Senate. In addition to these three advisers, the CEA has its own staff of assistants and advisers. The CEA helps the president prepare the annual *Economic Report*. This report is a detailed study of the nation's economy, published soon after the president submits his or her budget.

It is important to note that the CEA is not the same as the National Economic Council, which is a part of the White House Office. That office is focused on coordinating government-wide economic policies.

The OMB Another key component of the EOP is the **Office of Management and Budget** (OMB). The purpose of the OMB is to help develop the federal budget and to oversee its execution by the agencies in the executive branch. The OMB also gathers information and sets policies regarding the management of government finances and the purchase of goods, services, and property for the entire government. The OMB works not only with the president and other members of the executive branch but also with Congress.

The OMB is the largest organization in the EOP, employing more than 500 people. It is headed by an appointed director, who is nominated by the president and confirmed by the Senate. Many of the remaining OMB employees are not political appointees but rather are career staff. That is, they are

people with specialized skills who are not replaced when a new president comes to office. You will read more about the Office of Management and Budget in Chapter 7.

READING CHECK Summarizing What are some of the primary offices located within the Executive Office of the President?

The Vice President

The vice president is also a part of the president's administration. This position is unique in that it is the only other elected position in a president's administration.

The Constitution assigns the office of the vice president three major duties: presiding over the Senate, opening and counting the electoral votes in presidential elections, and serving as president if the president cannot do the job. To date, nine vice presidents have had to perform this last duty. Presidents John Tyler, Millard Fillmore, Andrew Johnson, Chester Arthur, Theodore Roosevelt, Calvin Coolidge, Harry Truman, and Lyndon Johnson all became president after the death of a president. President Gerald Ford became president after Richard Nixon resigned.

The Early Vice Presidency In the 1800s, the vice president's role did not amount to much more than carrying out the duties outlined above. They generally did not attend cabinet meetings or help make policy. The very first vice president, John Adams, did not even run for office with George Washington. Adams came in second in the presidential election and was thus made vice president. In 1804, however, Congress passed the Twelfth Amendment, requiring separate ballots for president and vice president.

Besides assuming the presidency in the event of a vacancy, the main role of the vice president in the past was to help elect the president. A vice presidential candidate can help balance the ticket—bring in votes from a certain political group or particular geographical areas that the presidential candidate cannot get on his or her own.

For example, Abraham Lincoln's first vice president was Hannibal Hamlin, from Maine. When it came time for re-election, Lincoln felt secure in winning Maine's vote.

ACADEMIC VOCABULARY
trends tendencies or developments

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?



So he chose Andrew Johnson, from the less-certain state of Tennessee, for his second running mate.

The few formal duties for the vice president have both pleased and troubled the people who held the office. Thomas Jefferson had a positive outlook on the position:

PRIMARY SOURCE

“A more tranquil and unoffending station could not have been found for me. It will give me philosophical evenings in the winter [while at the Senate] and rural days in the summer.”

—Thomas Jefferson, letter to Benjamin Rush, 1797

On the other hand, Theodore Roosevelt, who served under William McKinley, called the vice presidency a “steppingstone to . . . oblivion” and complained, “I would a great deal rather be anything . . . than Vice

President.” John Nance Garner, who was vice president under Franklin Roosevelt, called it the “spare tire on the automobile of government.”

The Modern Vice Presidency Since the 1970s presidents have begun to rely more heavily on their vice presidents to help make policy and carry out their programs. Jimmy Carter’s vice president, Walter Mondale, established a tradition of weekly lunch meetings with the president. Some recent vice presidents have also been given special assignments. Bill Clinton charged Vice President Al Gore with a project to reform the organization of the executive branch. Similarly, President George W. Bush relied heavily on his vice president, Dick Cheney, who took an extremely active role in assisting the president with foreign policy and energy programs.

To help them carry out their duties, vice presidents today have their own staffs. Additionally, the vice president’s office is in close proximity to the Oval Office in the West Wing, which allows for more interaction between the two offices.

READING CHECK Making Generalizations How has the role of the vice president changed over time?

The Cabinet

Another key part of the president’s administration is the cabinet. As discussed in Chapter 3, the cabinet is an organization made up of the heads of the executive departments. The **executive departments** are responsible for carrying out laws, administering programs, and making regulations in their particular area of responsibility. You will take a look at the departments in more detail in Chapter 7.

The main task of each department head, or secretary, is to run his or her department, helping to formulate and carry out the president’s policies. When assembled as the cabinet, though, the secretaries can act as an advisory body to the president. Cabinet members are nominated by the president, but they must be confirmed by the Senate. In recent years, presidents have given other administrative officers, like the director of the OMB and the chief of staff, cabinet rank.

The Cabinet's History The Articles of Confederation called for committees similar to what we know today as the executive departments. But these departments were a part of the legislative branch of government, not the executive branch.

The Constitution does not directly mention the term *cabinet*. It does say, though, that a president “may require the opinion, in writing, of the principal officer of each of the executive departments.” From these words, as well as the ideas from the Articles of Confederation, came the plan for creating an advisory body of “principal officers,” or a cabinet. President George Washington created the first cabinet, which consisted of only four members—the secretaries of state, war, and treasury, and the attorney general.

Historically, cabinets provided valuable guidance to presidents. In order to receive the best advice, some presidents choose people with varying political views to serve as members of their cabinet. Abraham Lincoln, for example, assembled a cabinet that included many top figures from his political party. This cabinet, however, included bitter political rivals, many of whom had run against Lincoln for the Republican presidential nomination in 1860. There was often disagreement and dissent between these cabinet members. Despite

these differing views, or perhaps, because of them, Lincoln got much useful advice and input from his cabinet.

Some presidents choose a different course, placing skilled administrators on their cabinets rather than powerful political figures. Presidents also often choose cabinet members with strong ties to the business community—an important source of funding during election campaigns.

The Cabinet Today Today’s cabinets are nearly four times as large as the first cabinet. As new executive departments have been created, the size of the cabinet has increased. Today there are 16 official cabinet positions, including the vice president. As you read earlier, some presidents choose to invite other high-ranking officials to sit on the cabinet, such as the chief of staff.

Recent presidents have varied in how much they relied on their cabinet for advice. President Dwight Eisenhower, for example, made heavy use of his cabinet. Most of his successors, however, have used it less. As you read earlier, the role of other advisory bodies, such as the Executive Office of the President, has increased.

READING CHECK Identifying the Main Idea How has the cabinet and the degree to which a president relies on it changed over time?

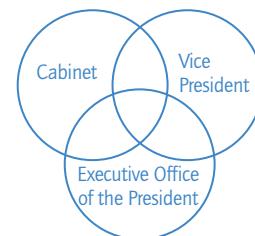
SECTION ASSESSMENT

Reviewing Ideas and Terms

1. **a. Define** What is the Executive Office of the President?
- b. Make Inferences** What has led to the growth of the Executive Office of the President?
- c. Evaluate** Why do you think a president might rely more on the White House Office than on the cabinet for counsel?
2. **a. Identify** What are the formal duties of the vice president?
- b. Summarize** How have presidents traditionally regarded the role of vice president?
- c. Elaborate** What qualities do you think a presidential candidate should look for in a vice president?
3. **a. Identify** Who makes up the cabinet?
- b. Make Generalizations** Besides the job of running the executive departments, what have presidents expected their cabinet members to do for them?
- c. Rank** What do you think would be the most important quality to have in a cabinet member?

Critical Thinking

4. **Compare and Contrast** Copy the Venn diagram below and use information from the section to compare and contrast the roles and functions of the Executive Office of the President, vice president, and the cabinet.



FOCUS ON WRITING

5. **Narrative** Write a brief narrative explaining the growth of presidential administrations over the years.



CONNECTING TO 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? The Articles of Confederation did not provide for an executive branch, but the Confederation Congress had found it necessary to create executive officials for specific purposes, including coordination of foreign affairs and management of the treasury. The Framers wanted to give the executive branch of the new government enough power and independence to fulfill its responsibilities. In contrast to the deliberative nature of Congress, the executive needed “energy”—the capacity to act quickly when necessary for the common defense, to preserve the public peace, and in international relations. However, the delegates did not want to give the executive any power or independence that could be abused.

The Philadelphia Convention did not discuss the executive branch until after it had resolved most issues concerning Congress. No delegate had come with a plan for organizing the executive. The Virginia Plan said only that the national executive should be elected by the national legislature, not what the executive branch should look like, or what its powers should be.

To achieve the balance between an energetic executive and limited government, the delegates had to resolve a number of questions. Each question concerned the best way to establish an executive strong enough to check the power of the legislature but not so powerful that it would endanger republican government. Three key matters needed to be decided.

First, would there be more than one chief executive? Many Framers agreed that there should be a single executive to avoid conflict between two or more leaders of equal power. Some delegates argued also that it would be easier for Congress to keep a watchful eye on a single executive. Others argued for a plural executive, claiming that such an arrangement would be less likely to become tyrannical. The Framers agreed that there would be one president of the United States. They also assumed that there would be an executive branch composed of departments.

Second, how long should the chief executive remain in office? The Committee on Detail recommended a seven-year term for the president, but many delegates thought seven years too long. The Committee on Postponed Matters changed the term to four years, and the convention adopted that proposal.



Third, should the executive be eligible for re-election? Under the Committee on Detail's proposal for a seven-year term of office the president would not have been eligible for re-election. When the term was reduced to four years, the Framers decided to allow the president to serve more than one term. The Constitution originally set no limit on the number of times a president could be re-elected.

How did the Framers envision the presidency? The Framers envisioned the president as an official above partisan politics. Publius explained in *Federalist Paper* No. 68 that they wanted the president to be a person who had earned the esteem and confidence of the entire nation, with a character "pre-eminent for ability and virtue." They designed the electoral college to identify people of such character. There was no expectation that candidates would campaign for the office. The Framers thought that the president should remain above partisan politics. But their expectations were unmet even during President Washington's administration, when factions arose that led to the development of political parties.

The Framers did not want the president to have the powers of a monarch. But they did want the president to be "energetic," a quality they contrasted with legislative "deliberation." "Energy" refers to the capacity of one person to act efficiently and vigorously on behalf of the nation. The Framers feared what they called a "feeble executive." As Hamilton argued in *Federalist Paper* No. 70, "A feeble execution is but

another phrase for a bad execution; and a government ill executed, whatever it may be in theory, must be, in practice, a bad government."

How do the president's powers expand in war and emergency? During wars and emergencies, presidents commonly exercise powers not granted by the Constitution. Grover Cleveland (in office, 1885–1889 and 1893–1897) deployed federal troops without congressional authorization in 1894 to put down a strike among Pullman train car workers. President Franklin Roosevelt transferred destroyers to Great Britain in 1940, a year before the United States entered World War II. Harry Truman (in office, 1945–1953) ordered the secretary of commerce to operate the nation's steel mills during a strike to ensure an adequate supply of steel during the Korean War.

On occasion Congress and the Supreme Court have tried to rein in the president. In 1952 the Supreme Court held that President Truman exceeded his authority in seizing the steel mills. Congress debated withdrawing funding for the Vietnam War when the war began to lose public support in the 1970s. In 2006 the Court held that President George W. Bush's creation of special military commissions to try alleged terrorists violated the Uniform Code of Military Justice passed by Congress in 1950 and the 1949 Geneva Convention, an international treaty that the United States had signed. These examples aside, during wars and national emergencies both Congress and the courts tend to defer to the president.

Reviewing Ideas and Terms

- 1. Identify** What issues did the delegates have to decide regarding the organization of the executive branch?
- 2. Make Generalizations** How is the system of checks and balances designed to limit the exercise of presidential power?

Critical Thinking

- 3. Evaluate** How would you define a "feeble" executive? In what ways might a feeble executive be as dangerous as an overly "energetic" executive?

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Comprehension and Critical Thinking**SECTION 1** (pp. 162–168)

a. Review Key Terms For each term, write a sentence that explains its significance or meaning: chief executive, commander in chief, diplomacy, foreign policy, succession.

b. Explain How has the term of office of the presidency changed over the years?

c. Evaluate Do you think presidents should be judged by their personal qualities as shown in their behavior in public?

SECTION 2 (pp. 169–178)

a. Review Key Terms For each term, write a sentence that explains its significance or meaning: executive orders, executive privilege, reprieve, pardon, commute.

b. Make Inferences What does a president need in order to effectively exercise the informal powers of the presidency?

c. Predict What might happen if the president alone did not have the power to negotiate with foreign governments?

SECTION 3 (pp. 180–185)

a. Review Key Terms For each term, write a sentence that explains its significance or meaning: Executive Office of the President, chief of staff, National Security Council, Council of Economic Advisers, Office of Management and Budget.

b. Contrast How does the cabinet differ from the Executive Office of the President?

c. Evaluate How do you think the growth in the size of presidential administrations affects the president's power?

Critical Reading

Read the passage in Section 1 that begins with the heading “Election to Office.” Then answer the questions that follow.

4. Which group of people casts the official vote for the candidates running for president of the United States?

- A** American citizens
- B** electors chosen by each state
- C** the cabinet
- D** members of the Senate

5. How do most states today choose their electors to the electoral college?

- A** The governor selects the representatives.
- B** State legislatures appoint representatives.
- C** Representatives are elected by popular vote.
- D** The current vice president chooses representatives.

Read the passage in Section 2 that begins with the heading “Diplomatic Powers.” Then answer the questions that follow.

6. What is one way that a president can enter into an agreement with a foreign country?
- A by exercising the right of executive privilege
B by issuing executive agreements
C by nominating judges and justices to the Supreme Court
D through the use of line-item vetoes
7. What are the purposes of treaties?
- A to make agreements between the United States and foreign countries that do not require the advice and consent of the Senate
B to ensure the president’s right to declare war on another country
C to end conflicts, form alliances, and establish trade relationships
D to formally recognize the existence of a foreign government

RESPONSIBILITIES OF LEADERSHIP

21ST
CENTURY

8. Select a president from any time period in U.S. history and conduct research on how that particular president asserted **presidential authority and power**. Consider how that president used executive, diplomatic, military, legislative, judicial, and informal powers while in office. Use your research to write a short biography of that president. Be sure to discuss the ways your president exercised each of the powers of the presidency. Then create a bar graph that illustrates the six areas of presidential power. Rate on a scale of 1 to 5 (5 being the highest rating and 1 being the lowest) how you think that particular president executed presidential power in each area. Share your graph results with the class, using examples from your biography. Be prepared to support your conclusions.

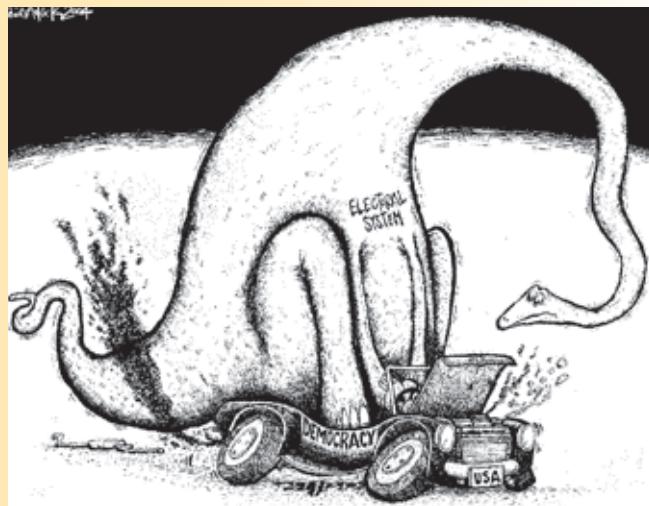
CONNECTING TO THE CONSTITUTION

9. Go to your school or community library and research some of the suggested alternatives to the present term of office of the president. What advantages and disadvantages do these alternatives have?

ANALYZING PRIMARY SOURCES

21ST
CENTURY

Political Cartoon The electoral college is the constitutional framework for electing the president and vice president of the United States. Critics of the electoral college system today are opposed to it because the winner in the electoral vote may not be the winner of the popular vote. Others think that the system provides a more equal voice to less densely populated areas of the country.



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10. **Analyze** What is happening in this cartoon?

11. **Draw Conclusions** How does the imagery in the cartoon illustrate the cartoonist’s opinion of the U.S. electoral system?

FOCUS ON WRITING

21ST
CENTURY

Think about the following issue:

The power and responsibilities of the president have grown and changed a great deal since 1790. Today some people consider the president to be among the most powerful people in the world. This power is not something that should be taken lightly or abused.

12. **Assignment** Do presidents today have too much power? Should there be greater limitations placed on presidential power? Write a short essay in which you develop your position on this issue. Support your point of view with reasoning and examples from your reading and studies.