

# Article II: The Executive Branch

# The Presidents

- Job: enforce the law
- Formal Requirements:
  - Must be at least 35 years old
  - Must be a natural-born citizen
  - Must have resided in U.S. for 14 years
- All manner of professions, but mostly political ones (former state governors, for example)

# The Presidents

- How They Got There
  - Elections: The Normal Road to the White House
    - Once elected, the president serves a term of 4 years.
    - In 1951, the 22<sup>nd</sup> Amendment limited the number of terms to two.
    - Most presidents have been elected to office.

# The Presidents

- How They Got There
  - Succession and Impeachment
    - The vice president succeeds if the president leaves office due to death, resignation, or removal.
    - Impeachment: a majority vote in the House for “Treason, Bribery, or other high Crimes and Misdemeanors”
      - If impeached, the president is tried by the Senate with the Chief Justice presiding.
      - Only two presidents have been impeached--Andrew Johnson and Clinton—neither was convicted.
    - The 25<sup>th</sup> Amendment clarifies what happens if the president becomes disabled.
      - The vice president becomes acting president if the vice president and president’s cabinet determine that the president is disabled.

# The Presidents

**Table 13.2 Incomplete Presidential Terms**

PRESIDENT	TERM	SUCCEDED BY
William Henry Harrison	March 4, 1841–April 4, 1841	John Tyler
Zachary Taylor	March 4, 1849–July 9, 1850	Millard Fillmore
Abraham Lincoln	March 4, 1865–April 15, 1865 <sup>a</sup>	Andrew Johnson
James A. Garfield	March 4, 1881–September 19, 1881	Chester A. Arthur
William McKinley	March 4, 1901–September 14, 1901 <sup>a</sup>	Theodore Roosevelt
Warren G. Harding	March 4, 1921–August 2, 1923	Calvin Coolidge
Franklin D. Roosevelt	January 20, 1945–April 12, 1945 <sup>b</sup>	Harry S Truman
John F. Kennedy	January 20, 1961–November 22, 1963	Lyndon B. Johnson
Richard M. Nixon	January 20, 1973–August 9, 1974 <sup>a</sup>	Gerald R. Ford

<sup>a</sup>Second term.

<sup>b</sup>Fourth term.

# Presidential Succession

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 (Department of Justice)
8. Secretary of 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

# Role of the Vice-President

- The Vice-President serves as
  1. President of the Senate- only formal duty designated in the Constitution; break a tie vote
  2. President-in-waiting (25<sup>th</sup> amendment)
  3. Advisor to the President

# Perks of the Presidency

- \$400,000 a year salary
- Lives in the White House (There are 132 rooms, 35 bathrooms, and 6 levels in the Residence)
- Works in the West Wing-Oval office
- Air Force One
- Marine One helicopter
- Camp David-Maryland
- Pension
- Excellent Health Care
- Motorcade approx. 15 vehicles long-Secret Service
- tennis court, jogging track, swimming pool, movie theater, and bowling lane
- Fully staffed kitchen

# Structure of the Executive Branch

- **Executive Office of the President**  
(Pres., VP, Cabinet, OMB, NSC, etc.)
- **Executive Departments**  
Headed by a Secretary; Department of State,  
Secretary of State- Mike Pompeo (confirmation  
pending)
- **Independent Agencies**  
CIA, FCC, FEC, etc.

# Structure: Executive Office of the President (EOP)

- **The Vice President**
- **The Cabinet**- advisors to the President
- **The White House Staff**- Chief of Staff, Chief Advisors
- **National Security Council (NSC)**
- **Council of Economic Advisors (CEA)**
- **Office of Management and Budget (OMB)**-  
advises the President on the Budget  
(similar to the Congressional Budget Office (CBO) that advises Congress on the Budget)

# Structure: Executive Departments

- Headed by Secretary
  - Nominated by the President; confirmed by the Senate
1. Department of State
  2. Department of the Treasury
  3. Department of Defense
  4. Department of Justice- headed by Attorney General
  5. Department of interior
  6. Department of Agriculture
  7. Department of Commerce
  8. Department of Labor
  9. Department of Health and Human Services
  10. Department of Housing and Urban Development
  11. Department of Transportation
  12. Department of Energy
  13. Department of Education
  14. Department of Veterans Affairs
  15. Department of Homeland Security (Added by George W. Bush after 9/11)

# Structure:

## Independent Executive Agencies

- Administrators are appointed by the President/consent of the senate; serve at the pleasure of the President
- Agencies make up the bureaucracy which are responsible for policy implementation
- For example, NASA

## **Table 13.3 Constitutional Powers of the President**

---

### **National Security Powers**

Serve as commander in chief of the armed forces

Make treaties with other nations, subject to the agreement of two-thirds of the Senate

Nominate ambassadors, with the agreement of a majority of the Senate

Receive ambassadors of other nations, thereby conferring diplomatic recognition on other governments

### **Legislative Powers**

Present information on the state of the union to Congress

Recommend legislation to Congress

Convene both houses of Congress on extraordinary occasions

Adjourn Congress if the House and Senate cannot agree on adjournment

Veto legislation (Congress may overrule with two-thirds vote of each house)

### **Administrative Powers**

“Take care that the laws be faithfully executed”

Nominate officials as provided for by Congress and with the agreement of a majority of the Senate

Request written opinions of administrative officials

Fill administrative vacancies during congressional recesses

### **Judicial Powers**

Grant reprieves and pardons for federal offenses (except impeachment)

Nominate federal judges, who are confirmed by a majority of the Senate

---

# Informal Powers of the President

- “bully pulpit”
- Invitation to the White House
- Air Force One
- Camp David
- Use members of the administration to “spread the message”
- Campaign fundraisers/events
- Photo op with the President
- Prestige and Gravitas of the office

# Roles of the President

- Commander in Chief
- Chief Executive
- Chief Administrator
- Chief Legislator
- Chief Citizen
- Chief of State
- Chief diplomat
- Chief of party

# Constitutional Role of the President

- Commander-in-Chief
  - Writers of the Constitution wanted civilian control of the military.
  - Use Secretary of Defense as point person for military affairs
  - Presidents command a standing military and nuclear arsenal
  - Head of the armed forces: Army, Navy, Air Force, Marines, & Coast Guard

# Constitutional Role as Commander in Chief

- War Powers
  - Shared War Powers in Constitution
    - Congress has the power to declare war.
    - President, as Commander-in-Chief, can commit troops and equipment in conflicts
  - War Powers Resolution (1973)
    - Intended to limit the president's use of the military
    - Requires president to consult with Congress prior to using military force. The President MUST
      1. notify Congress within 48 hours about troop commitment
      2. withdraw forces after 60 days unless Congress declares war or grants an extension; +30 days to bring the troops home
      3. Congress can end the action at any time
  - Presidents continue to test the constitutional limits of using the military in foreign conflicts.

# Chief Executive

- President as CEO of the government
- The government takes in revenue (taxes) and expenses (services and programs) money
- The President must submit a budget to Congress; the budget is designed to identify priorities and set agenda items
- Congress is ultimately responsible for the budget; Congress appropriates \$ and controls the “purse strings”
- issues pardons, commutations, etc.

# Chief Administrator

- The President is the leader of the bureaucracy; the bureaucracy is responsible for policy implementation
- The President gets to appoint heads of the bureaucratic agencies with the consent of the senate
- executive order- directive issued to the bureaucracy which has the full force of law

# Role of the President

## Chief Legislator

- Chief Legislator
  - Domestic policy- decisions, laws, and programs made by the government which are directly related to issues in the country
  - The President cannot make the law; the President uses the “bully pulpit,” high approval ratings, the budget, State of the Union, tools of the Presidency to influence policymakers and policy
  - Veto/Pocket-veto

# Role of the President

## Chief Citizen

- Going Public
  - A President must represent “all the people” and not be seen as too partisan.
  - Public support is perhaps the greatest source of influence a president has.
    - The higher a President’s public approval ratings, the more influence a President has
    - The President can bypass Congress and take the case to the people
  - “bully pulpit”
    - the media covers Presidential speeches, appearances, and ceremonies
    - President can use this platform to influence the agenda
  - Presidential appearances are staged to get the public’s attention.

# Role of the President Chief of State

- Required by the Constitution to give an annual State of the Union address
- As head of state, presidents often perform many ceremonial functions, which usually result in favorable press coverage.
- recognize and receive ambassadors
- For example, hosting a foreign leader for a State Dinner

# Role of the President Chief Diplomat

- Chief Diplomat
  - Use Secretary of State and other members of the administration to “talk out” problems
  - Foreign Policy-strategies dealing with issues involving the U.S and other countries
  - Negotiates treaties with other countries
    - Treaties must be ratified by 2/3 vote in the Senate
    - Use executive agreements to take care of routine matters with other countries; does not require senate consent
  - May negotiate for peace between other countries
  - Lead U.S. allies in defense and economic issues

# Role of the President

## Chief of Party

- Party Leadership
  - The Bonds of Party
    - Being in the president's party creates a psychological bond between legislators and presidents, increasing agreement.
  - Leading the Party
    - Presidents can offer party candidates support and punishment by withholding favors.
    - The President can help raise campaign \$ and campaign for members
    - The President can use the “bully pulpit” to raise the profile of party members
    - Presidential coattails occur when voters cast their ballots for congressional candidates of the president's party because they support the president.
  - Slippage in Party Support
    - Presidents cannot always count on party support especially if the President has low approval ratings.

# Other Presidential Powers

- pardon- an unchecked power that allows the President/Governor to forgive someone of a crime and the penalty associated with it.
- amnesty- a pardon given to a large group of people
- clemency- showing mercy or leniency when issuing a punishment
- commutation- shortening the length of a sentence
- reprieve- a temporary setting a side of a punishment for further review