Chapter 8 – The Presidency

Origins and Rules
Origins

• Royal Governor Powers
  – Appointment, military command, expenditure, pardon, law-making

• After 1776
  – Most states lessen power of the office of Governor
  – New York was exception – popular election
  – James Wilson-Philadelphia
    • Suggest single more powerful president and:
      • Veto power
      • Independent of legislature
      • Popularly Elected
Presidential Qualifications

• Age 35
• 14 Years residency
• Natural born citizen
  – Diplomats were often out of country
• Two terms standard established by Washington
  – Fear of constitutional monarch
  – 22\textsuperscript{nd} Amendment – due to FDR four term election
    • 2 – 4 year terms
    • Vice President can serve for 10 years
    • Ratified 1951
• Ben Franklin supported impeachment
  – Without, assassination would be more prevalent
Impeachment

- Treason, Bribery, or other High Crimes and Misdemeanors
- House impeaches with simple majority
- Senate convicts by two-thirds vote
- Executive Privilege defined
  - Watergate - Court rules E.P. cannot be exercised
    - Must comply with court order for evidence in a crime
    - U.S. v Nixon (1974)
25th Amendment

• Followed 1947 Presidential Succession Act – See Table 8.2
• Assured continuation of Act
• New V.P. appointed by President w/Senate Approval
• Incapacitation of President
  – V.P. appointed as President
  – President Bush makes Dick Cheney President Temporarily in 2002
    • Underwent colonoscopy
Powers of the President

• Appointment
  – Advice and Consent of Senate
  – 3,000 of which 1,000 w/Senate confirmation
  – Appointment of Judges has lasting influence
    • Bush and Clinton attempt to change to ‘look like America’
    • Clinton first to not receive 97% approval of nominees
      – Effect relationship with Senate and perception by public

• Convene Congress
  – State of the Union Address
  – Extraordinary Circumstances – Treaties
    • Requires Senate Approval – Federalist #77
Powers of the President (cont’d)

• Make Treaties and Receive Ambassadors
  – Senate 2/3 vote of approval
  – Recognize existence of other nations
  – 70% approved - 13 rejected
    • Treaty of Versailles
      – End WWI and create League of Nations
      – Opposed by Senator Henry Cabot Lodge
      – Recognize U.S. as World Power
    – Amend – Carter turned over Panama Canal
    – Un-sign – Bush withdrew support of International Criminal Court (to prosecute war crimes, genocide)
Powers of the President (cont’d)

• Trade Agreements
  – Congressional ‘fast track’ authority
    • Bar amendments
    • Up or down vote within 90 days

• Executive Agreements
  – Used since Washington was President
  – Secret arrangements w/nations w/o Senate Appvl.
  – Used more frequently than treaties
Powers of the President *(cont’d)*

- **Veto Power and Threat of Veto**
  - Ben Franklin feared abuse of veto to extort money
  - 2/3 vote to overturn as remedy
  - Line item veto first used by U.S. Grant
    - Clinton v. City of New York
      - Balanced Budget Act of 1997
        » Provision to forgive $2.6 billion in taxes levied against Medicaid providers by the State of New York.
        - Ruled unconstitutional by Supreme Court
Powers of the President (cont’d)

• Pardoning Power
  – Before or after conviction
  – Used for general amnesty
    • 10,000 Draft dodgers who fled U.S. during Viet Nam conflict pardoned by Carter
Expansion and Development of Presidential Power

• Crises

• Washington
  – Whiskey Rebellion
  – Cabinet System
  – Foreign Affairs – Negotiator
  – Inherent Powers – Sovereignty
    • Neutrality
    • Diplomatic Relations
Expansion and Development of Presidential Power

- Andrew Jackson
  - 1st Strong National Leader
  - 11 New States
  - Common Man
  - Political Appointments as Rewards

- Lincoln - Ignoring Congress
  - Suspension of *writ of habeas corpus*
  - Expanded Army
  - Blockage of Southern Ports
  - Closed U.S. Mail to treasonable correspondence
Expansion and Development of Presidential Power

• Great Depression equal to War
• EOP established 1939
  – (NSC, CEA, OMB)
    • Duties defined by Congress
• White House Staff
• Policymaker
  – FDR as legislator and Contract with America
  – Divided government makes legislative duties nearly impossible
  – Patronage
  – Executive Agreements
    • Truman – Ended segregation of military
    • LBJ – affirmative action – executive order 11246
    • Reagan, Clinton, G.W. Bush, Obama
      – Stem Cell Research
      – Abortion Counseling
      – Freedom of Conscience
Presidential Leadership

- State of the Union Address to draw public attention

- Leadership Style
  - Shape national destiny (Lincoln and FDR)
  - “Stage” or “fitting honor” to cap one’s career

- Richard Neustadt
  - “the power to persuade”
  - Important to start rating the president immediately
  - The Great Initiator – clerkship and decisionmaker
Presidential Personality

• James David Barber, *The Presidential Character*

• Character, Style, and World View are main determinants of whether a president will:
  – Adapt positively to challengers -or-
  – Retreat negatively to challenges

• Predict by looking into president’s past
  – Childhood – **Character** grows out of relating to peers, siblings and parents
  – Adolescence – **World View** - observing others
  – Early Adulthood – **Style** developed from first successes
    • How something is done is profoundly important
    • Grasps that style and hangs on to it
• Character
  – Self esteem is prime resource
    • Derived from either sense of achievement or
    • Affection from others

• Style
  – Habitual way of performing
  – Rhetoric, Relationships, Homework

• World View effects what president pays attention to:
  – Social Causality
  – Human Nature
  – Central Moral Conflicts
<table>
<thead>
<tr>
<th>Positive</th>
<th>Presidential Character</th>
<th>Negative</th>
</tr>
</thead>
</table>
| **Active** | Achieve Results  
High Self Esteem  
Values high productivity  
Difficulty w/ Irrational Political Behavior | **Passive** | Orientation toward Duty  
Guardian of ‘Right and Proper Way’  
Emphasize Civic Virtue |
| **Power-seeking** |  | Achieve love as reward  
‘Other’ directed compliant  
Low Self Esteem  
Superficial Optimism  
Likely to be disappointed |
| **Intense Effort** |  |  |
| **Low emotional reward** |  |  |
| **Compulsive** |  |  |
| **Aggressive** |  |  |
| **Perfectionist** |  |  |
| **Vague Self Image** |  |  |
• Possible Essay Questions:

1. The years 1804-1933 are called the years of “congressional triumph.” The years after 1933 are generally characterized as an era of rising presidential power. Discuss the history of executive-legislative relations by commenting on this shift in power. Give specific examples, and explain how and why this shift came to be.

2. Which historical events have enhanced the power of the president? Explain specifically how each impacted the presidency.