* Chapter 8
* The Presidency
* The Constitution gives the President specific powers:
  + He is commander in chief of the armed forces
  + With the consent of the Senate he can appoint heads of the executive departments (such as his cabinet)
  + He can pardon people convicted of federal crimes, except in cases of impeachment, or reduce a person’s sentence or fine
  + With the consent of the Senate, he can make treaties with foreign nations
  + With the consent of the Senate, he can appoint ambassadors, federal court judges, and other top officials
  + He delivers an annual State of the Union address to Congress
  + He can call Congress into special session when necessary
  + He meets with the Heads of State, ambassadors and other foreign officials
  + He commissions all military officers of the U.S.
  + He ensures that the laws Congress passes are “faithfully executed”
* Originally, the Constitution did not specify how many 4-year terms a president could serve.
* George Washington set a long-held precedent when he refused to run for a 3rd term. This tradition of only serving 2 terms lasted 150 years. Then in 1940, President Franklin D. Roosevelt successfully ran for a 3rd term and again in 1944 he successfully ran for a 4th term.
* Reaction to Roosevelt’s 3rd and 4th term and the fear of too much executive power, lead to the passing of the 22nd amendment in 1951, limiting the president to 2 terms.
* The Constitutional Convention decided that the President should receive a salary, but they left the amount up to Congress. In 1999, Congress raised the President’s salary to $400,000 a year plus a non-taxable allowance of $100,000 a year.
* Presidential benefits:
  + *Air Force One*, as well as other many other forms of transportation, are made available to the president.
  + Free medical, dental and health care
  + The White House (a 132-room mansion with swimming pool, bowling alley, private movie theatre and tennis courts. It also includes a domestic staff that does the cooking, cleaning and shopping. The government pays to run the White House, but the president must pay for private things like dinner parties and receptions that are not directly related to the government.)
  + Life-time pension upon retirement that is currently $148,400 per year.
  + Free office amenities like office space, mailing services, and up to $96,000 a year for office help.
  + Spouse pension upon the death of the president of $20,000 a year.
* The Constitution sets basic formal qualifications that are required for the presidency (and vice-presidency):
  + Must be a natural-born U.S. citizen
  + Must be at least 35 years old
  + Resident of the U.S. for at least 14 years before taking office
* Most Americans over the age of 35 easily meet the formal Constitutional requirements of the president. It is the informal requirements that very few people can meet:
  + Experience in government-a political career gives someone the chance to form the alliances necessary to be nominated as well as the name recognition that is necessary to win votes.
  + Money-running for president demands large sums of money—from supporters to one’s own finances. Ex) In 2008, Governor Mitt Romney spent $44 million of his own money on his campaign
  + Political beliefs-extremely liberal or conservative candidates have little chance of being elected, and so the major parties normally choose candidates who are more moderate.
  + Personal characteristics-What kind of people become president? Most are from northern European backgrounds (white), male, married, Protestant, and financially successful. A few have been from poor families—Abraham Lincoln, Harry Truman, Bill Clinton. A few from wealthy families—Franklin D. Roosevelt, John F. Kennedy (who was also the first Roman Catholic president). Barack Obama is the first African-American president.
* When President John Kennedy was assassinated in 1963, the nation realized that the Constitution’s rules for presidential succession were inadequate.
* In 1967, the 25th amendment was ratified to clarify the succession to the presidency and vice-presidency.
* The 25th amendment stated that in the case of the removal or death of the president, the VP shall become president. In the case of the removal or death of the VP, the president shall nominate a VP who shall take office upon confirmation from both houses of Congress.
* Ex: 1973, VP Spiro Agnew resigned as Nixon’s VP. Nixon nominated Gerald Ford and Congress approved. The next year Nixon resigned as President in light of the Watergate scandal and Ford became president. As president, Ford nominated Nelson Rockefeller as his VP and Congress approved. This is the only time in U.S. history that both the President and VP were not elected.
* What would happen if the office of the president and the VP became vacant at the same time? The Succession Act of 1947 established the order of presidential succession:
  + Speaker of the House
  + President pro tempore
  + Secretary of State
* Several presidents have become unable to fulfill their executive duties while in office. Who should fulfill their duties in these cases?
* The 25th amendment states that if the president is disabled, the VP becomes acting president under one of 2 conditions:
  + If the president informs Congress of an inability to perform in office
  + If the VP and a majority of the cabinet informs Congress that the president in disabled (this takes affect when a president is unable or unwilling to inform Congress of a disabling condition)
* The Constitution gives the vice president only 2 duties:
  + He presides over the Senate and votes in that body in case of a tie
  + Under the 25th amendment, the VP helps decide whether the president is disabled and acts as president should that happen
* Before Eisenhower, presidents generally ignored the VP and their role was almost ceremonial with him attending events in the place of the president and making goodwill tours in foreign countries.
* Today, the VP’s role is much more significant. VPs often:
  + Participate in policy meetings or undertake special assignments, such as giving speeches to promote the president’s policies or taking on a project of their own interest.
  + He’s involved not only in visits abroad, but also in serious diplomatic efforts.
  + He’s a member of the National Security Council and takes part in its policy deliberations.
* **Electoral College**
* The method for selecting the president was heavily debated in the Constitutional Convention:
  + The Founders proposed that **Congress chose the president**, but they decided this violated separation of powers
  + The Founders then turned to a **direct vote of the president**, but this educated group of men feared that citizens would make poor choices (in colonial times, there were no radios and news media so candidates were not as well known to the people)
  + **Alexander Hamilton** proposed the idea of an electoral college, which elected the president indirectly.
* The *original Electoral College system* was established by Article II, Section I of the Constitution:
  + Each state legislature would set up a method for choosing people who would be the electors.
  + The number of electors for a state would equal its number of Senators and representatives in Congress.
  + At election time, the electors would meet in their state and cast their electoral vote for president. In the early elections, citizens did not vote for president.
  + Electoral votes from all the states would be counted in a joint session of Congress. **The candidate receiving a majority would become the president and the candidate with the second-highest number would become vice president.**
  + If there was a tie, the **House of Representatives** would choose the president with each state having one vote.
* **Today’s Electoral College system:**
  + Political parties choose their nominees at a convention in late summer.
  + Voters cast their vote for president **every 4 years**, on the first **Tuesday** following the first Monday in November.
  + While the names are listed on the ballots, American citizens are not voting directly for president. They are actually voting for **all of their party’s electors in their state**. (A vote for the Democratic candidate is a vote for the Democratic electors and a vote for the Republican candidate is a vote for the Republican electors.)
  + The EC includes **538 electors** (a number determined **by the total of House and Senate members plus 3 for DC**.) **Each state has as many electors as it has senators and reps in Congress**.
  + To be elected president, a candidate must win at least 270 of the 538 votes.
  + The EC is a winner-takes-all system*.* ***The party whose candidate receives the largest popular vote in any state wins all its electoral votes even if the margin of victory is one singular popular vote*.**
  + The winning presidential candidate is usually announced on the same evening as the popular election because the popular-vote counts indicate who won each state.
  + The electors meet on the **Monday following the second Wednesday in December** and formally cast their ballots. The ballots are sealed and mailed to the president of the Senate where they are opened and counted by both houses of Congress on January 6 and Congress then officially declares the winning president.
  + (**Most states do not legally require electors to vote for a candidate who wins the popular vote but electors usually do anyway**. Over the years, 9 electors have broken the rules and voted for the other candidate. )
* The Electoral College system has 3 major weaknesses that could affect the outcome of an election:
  + Winner take **all-when a candidate wins the most popular votes in a state, he then wins all of that state’s electoral votes**. People argue that this is unfair to those who voted for the losing candidate. Shouldn’t those votes count for *some* of the EC votes? The winner-takes-all system makes it possible for a candidate to who loses the overall popular vote, still win the EC vote. This usually happens when a candidate wins several large states by a narrow margin.
  + Third party candidates-a **3rd party candidate could win enough electoral votes to prevent either major party candidate from receiving a majority of the votes**.
  + Election by the House-(when the House must decide a presidential election, each state casts one vote) this raises 3 problems:
    - **States with small populations have as much weight as populous states**
    - **Under the rules, if a majority of a state’s representatives cannot agree on a candidate, the state loses its vote**
    - **If some House members favor a strong third-party candidate, it could be difficult for any candidate to get the 26 votes needed to win.**
* Many ideas for **reform** have been proposed.
  + One is to choose electors from **congressional districts. Each state would have 2 electoral votes, plus one vote for each congressional district in the state. The candidate with the most votes in a congressional district would win its electoral vote; then the candidate with the most districts in a state would receive the 2 statewide electoral votes**. This plan would cure the winner-takes-all problem. Also, it would remove the possibility of electors’ voting for someone they are not pledged to support.
  + Another plan for reform is to do away with the Electoral College completely and have people vote directly for president. Some criticize saying this would undermine federalism. HOW?
    - **Because states would lose their role in the choice of president.**
    - **Also, that large cities like LA and NYC could control the outcome of an election and therefore candidates would concentrate their efforts there.**
* Until the inauguration in late January, the new president is known as the “president-elect.” The new president takes office **at noon on January 20 in the year following the presidential election**. (Until 1933, the inauguration occurred in March—*Marbury v Madison issue*.)
* One of the first responsibilities of the president is to organize and staff the executive branch of government. George Washington met regularly with his department heads to get their advice on policy matters. The newspapers of the time called this group Washington’s “cabinet” and the name stuck.
* Today, the president appoints the secretaries that head the 15 major executive departments (cabinets). Each appointee must be approved by the Senate.
* Secretaries should have some credible expertise in the policy areas their departments will manage. Appointees must be acceptable to all groups that have political power. They should provide geographical balance (should be from all states—ex: Sec of Agriculture should be from a farming state, Sec of Interior is usually from out west and has experience in land policy and conservation issues), racial and gender representation as well as party loyalty.
* The selection of the president’s cabinet is largely a political process because the president has a “need” to satisfy powerful interest groups that have a stake in a department’s policies. For example, the Secretary of Labor is generally someone who is acceptable to labor unions.
* Cabinet secretaries earn $191,300 per year. For most, this is a large pay cut from what they earn in the private sector. Most accept the cabinet positions out of a deep sense of public service.
* Long before Election Day, the president-elect draws up a list of candidates after consulting with campaign advisers, congressional leaders and representatives of interest groups. Campaign staffers meet with potential candidates to discuss the issues facing the department they may be asked to head. Before making final decisions, members of the president-elect’s team may deliberately disclose some candidates’ names to the news media in order to test the reaction of Congress, interest groups and the public.
* The Senate holds confirmation hearings on the president’s nominees for cabinet posts. Nominees answer questions about their views and backgrounds. Since the cabinet members are viewed as part of the presidential family, the Senate is usually willing to routinely confirm most of the president’s nominees.
* Each cabinet member is responsible for the executive department that he or she heads. As a group, the cabinet is intended to serve as an advisory body to the president. Yet most presidents have been reluctant to give the cabinet a major advisory role. The cabinet meets when the president calls it together. Historically, most presidents have paid little attention to their cabinets. It has not been the body of advisors that Washington envisioned.
* There are several factors that limit the president’s use of the cabinet for key decisions or help in running the executive branch:

1. Conflicting loyalties-even though the president appoints them, cabinet officials have loyalties to 3 other constituencies-

a. Long-term officials in their own departments

b. Members of Congress

c. Special interest groups

(Each of these groups has a stake in the department’s programs.)

2. Secrecy and trust-it is difficult to maintain secrecy and trust when 15 cabinet heads are involved in a discussion of sensitive topics. Because of the politics involved, many times presidents end up appointing relative strangers to some cabinet departments.

* Some cabinet members have greater influence because their departments are concerned with the most sensitive national issues. The secretaries of state, defense, and the treasury, as well as the attorney general fill this role in most administrations. These officials are often called the “inner cabinet.”
* The Executive Office of the President (EOP) is made up of people and agencies that directly assist the president with advice and information.
* The EOP was created by FDR in 1939.
  + **WHY?** FDR created many new government programs to deal with the country’s severe economic problems during the Great Depression. As Congress passed one special program after another, the size of the federal government grew rapidly. Roosevelt and his assistants were unable to coordinate all the programs or gather all the information he needed to make decisions. So, Congress passed the Reorganization Act of 1939 which created the EOP.
* Today, the EOP consists of the White House Office and several specialized agencies that report directly to the president. The EOP currently has more than 1,500 full-time employees, many who work in the west wing of the White House.
* The Executive Office of the President has grown rapidly for several reasons:
  + Every president has reorganized it, adding new agencies or expanding existing ones in response to the problems of the day
  + Because some problems facing the nation’s industrial society are so complex, presidents have wanted experts available to advise them about issues related to those problems. (The Council of Economic Advisers was created for this reason.)
  + Many of today’s huge federal programs require that several executive departments and agencies work together.
* **Three of the oldest agencies in the EOP have played the greatest role in presidential decision making:**
  + The Office of Management and Budget (OMB)-largest agency in the EOP. The OMB prepares the national budget for the president and then presents it to Congress. This is a very important job because the nation’s budget is not unlimited so the president must decide which spending is most important. The OMB budget reflects what the federal government will spend money on and how much.
  + The National Security Council (NSC)-its job is to advise the president and to coordinate American military and foreign policy. The council includes the president, the VP, the secretary of state, and the secretary of defense. The president can ask other advisers to participate in NSC meetings when he sees fit. The *National Security Advisor* directs the NSC. The importance of the NSC depends on the president’s use of it. (some use it more than others)
  + Council of Economic Advisers-the council assesses the nation’s economic health, predicts future economic conditions, and supports other executive agencies that are involved in economic planning. It also proposes solutions to specific problems, such as unemployment and inflation.
* The nation’s first presidents had no personal staff.
* George Washington hired his nephew at his own expense to be his personal secretary.
* President James Polk’s (1845-49) wife served as his secretary. (Cleveland and McKinley answered the White House telephone)