Chapter 9 Notes

* The office of president was narrowly defined by the Constitution but many factors have shaped it into its modern form:
  1. The immediate need of the nation
  2. The personal energy and influence of each president
  3. Popular support for a president’s programs
* The Founders had 2 reasons to give the national government a strong executive office:
  1. The Founders knew that one of the main weaknesses of the *Article of Confederation* was its lack of an independent executive.
  2. Many of the Founders distrusted *direct participation by the people* in decision making.
* The Constitution’s list of the president’s powers is short and simple, but like all other aspects of our government, it has greatly expanded. Today, these powers come from several sources other than the Constitution:
  1. *Personal exercise of power*-a number of presidents have expanded the powers of the executive because of their beliefs about the office.
  2. *Immediate needs of the nation*-there have been extraordinary circumstances in our nation’s history that have required the president to react to emergencies.
  3. *Mandate of the people*-(Mandate-the expressed will of the people, often in an election) A mandate is the greatest source of presidential power and all presidents like to claim that their ideas and policies represent a mandate from the people.
* The Founders placed significant limits on the president’s power in the Constitution. Outside of these, the president’s actions can be limited in a number of other ways:

1. *Limitation by Congress*-the Constitution gives Congress the power to pass legislation even after a president has vetoed it. This power to override a president’s veto limits executive power.

* + - What other ways can Congress limit the president’s power:
      * *The Senate must approve all of the president’s appointments*
      * *The House of Representatives must approve the budget*
      * *The House and Senate can use the impeachment process to remove the president from office*

2. *Limitation by the federal courts*-The Supreme Court decision in *Marbury v. Madison* (1803) gave the federal court the power to limit the president by having the final interpretation of all laws and acts.

* 1. *Youngstown Sheet and Tube Company v*. *Sawyer* (1952)-President Truman feared that strikes by steel workers would threaten national security. Truman reported the issues to Congress, but they took no action. So, Truman ordered his Secretary of Commerce to seize and operate most of the nation’s steel mills. The steel mills responded by suing the Secretary of Commerce, Charles Sawyer. The Supreme Court decided that the president had no authority to seize and operate the steel mills and, furthermore, just because Congress had not exercised their power to seize the steel mills did not mean the president could do so. In other words, the Supreme Court decided that the president can’t jump in front of Congress and act before them.

3. *Limitation by the bureaucracy*-bureaucrats can obstruct the president’s programs unintentionally by failing to provide needed information, by misinterpreting instructions and y not completing a task properly. Bureaucrats also have some discretion to interpret laws and at times their interpretations do not line up with the president’s priorities.

4. *Limitation by public opinion*-without mostly favorable public opinion, no president can carry out a political program. Example: Major public dissatisfaction with President Johnson’s conduct of the Vietnam War convinced him to retire instead of running for another term in 1968.

* The President has 7 duties. 5 of these are specified in the Constitution:
  1. *Head of State*-the president represents the nation and performs many ceremonial roles (serving as host to kings and queens and heads of governments). As the Head of State, the president is not just a politician; but he is also a symbol of the United States. He is the collective image of the U.S. to the rest of the world.
  2. *Chief Executive*-the president sees that the laws of Congress are carried out. This ranges from Social Security, taxes, housing, and flood control to energy, civil rights, health care, education and environmental control.
     + As Chief Executive the president has several tools of influence as to how laws are carried out:
       - 1. The ability to issue *executive orders* (rules that have the force of law). This power is implied by the Constitution because it charges the president with making certain that the “laws be faithfully executed.” So, executive orders are issued to detail the specific actions federal agencies must take to implement a law.
         2. The power to *appoint* people to important offices in the executive branch. Remember, the president appoints cabinet members, federal judges, ambassadors, military officers and other top officials. This is a huge way to influence!
         3. The right to fire officials they have appointed.
         4. *Impoundment of funds*-a president can refuse to allow a federal department or agency to spend money that Congress has set aside for them.
         5. The president can *pardon and grant amnesty* to criminals. Amnesty is a group pardon to people for an offense against the government.
  3. *Chief Legislator-*Congress expects the president to propose legislation he wishes to see enacted. Usually the president outlines his legislative program in his State of the Union address to Congress. The president’s legislative program reflects his values and political beliefs and it is his idea of how to solve key problems.
     + One of the president’s greatest lawmaking tools is his power to veto. Congress passed the *Line Item Veto Act* in 1996 in order to give the president some power over individual items. This line item veto power was challenged and the Supreme Court decided it was unconstitutional in *Clinton v. City of New York*, 1998.
  4. *Chief Diplomat*-the president directs the foreign policy of the U.S., making key decisions about the relations the U.S. has with other countries in the world. Because Congress also has diplomatic power, a struggle exists over who will exercise more control over foreign policy. The president holds an advantage over Congress as he has access to more information than members of Congress.
     + As chief diplomat…
       - The president has the sole power to negotiate and sign *treaties*, which are formal agreements between the governments of two or more countries. All treaties must be approved by 2/3 of the Senate before they can go into effect.
       - The president also has the authority to make *executive agreements* with other countries. Executive agreements are pacts between the president and the head of a foreign government. These agreements have the same legal status as treaties, but they do not require Senate consent. Executive agreements usually involve routine matters, but can sometimes offer a president a way to get around Congress and conclude more serious arrangements.
       - The president decides whether the U.S. will recognize the governments of other countries. This power means the president will decide whether the government will acknowledge the legal existence of another government and have dealings with that government. Presidents sometimes use this “power of recognition” as a foreign-policy tool.
  5. *Commander-in-Chief*-This role gives the president the power to:
     + *Make War*-The president shares this power with Congress and must have their approval before declaring war.
     + *Military operations and strategies*-the president is responsible for the key military decisions that represent overall policy and strategy. He can do things like order the use of atomic weapons and even use federal troops to solve issues here in our own country (riots, natural disasters, etc).
* \*All of these roles combined, make the president of the U.S. the most powerful person in the world.
* The other 2 duties are not specified by the Constitution, but have developed over time:

1. Economic planner-this includes preparing the annual budget

2. Political party leader-this includes giving speeches and attending fund-raising activities to support and promote the party. Also, the president is expected to appoint members of his party to government jobs (remember our discussion of the appointment of cabinet members being a political process).

* When the Founders wrote the Constitution, they thought *Congress*, not the president, would lead the nation. Instead the powers and duties of the president have grown steadily over the years. Surveys show that the American people look to the *president* to keep the peace and to solve economic and social problems.
* Most often, presidents demonstrate leadership by responding to *crises, problems, or opportunities* as they occur. Example: President Nixon took advantage of tensions between the Soviet Union and China to open diplomatic relations between China and the United States.
* There are several qualities common to all presidents:
  1. *Understanding the public-*A president must know and understand the American people. The most successful presidents have a genuine feel for the hopes, fears, and moods of the nation. Understanding the people is necessary to gain and hold their support.
  2. *Ability to communicate*-Successful presidents must be able to communicate effectively and to present their ideas in a way that inspires public support. Example: President Franklin Roosevelt was a master communicator holding weekly press conferences called “fireside chats.”
  3. *Sense of timing*-A successful president must know when the time is right to introduce a new policy, to make key decisions or to delay such actions.
  4. *Openness to new ideas-*Good leadership also requires the capacity to be flexible and open to new ideas. Because things change so quickly, an effective president must be receptive to new solutions to problems.
  5. *Ability to compromise*-The nature of politics is such that even the president must be willing to give up something to get something in return. Presidents who are successful leaders are able to recognize that sometimes they have to settle for legislation that provides only part of the programs they want.
  6. *Political courage*-Successful presidents need political courage because sometimes they have to go against public opinion to do what they think is best. It takes courage to make decisions that will be unpopular.
* Information and realistic advice are key ingredients for successful decision making. As presidents have become more dependent on the White House staff, however, the danger is that they will become isolated from solid information and sound advice.
* Dangers of depending on White House Staff:
  1. Special treatment- Because of their powerful position, presidents may see themselves as deserving of only praise and consider their ideas above criticism.
  2. Voicing opinions- Presidents can easily discourage staff members from disagreeing with them or giving them unpleasant advice. Also, no matter how well advisers know the president, many stand in awe of the office of the president.
  3. Access to the president- Top White House officials are closer to the president than any other government officials. Presidents have different styles of managing staff.
* To keep the White House discussions confidential, modern presidents have sometimes used executive privilege, which is the right of the president and other high- ranking executive officers, with the president’s consent, to refuse to provide information to Congress or a court.
* In the landmark case of United States v. Nixon, 1974, the Supreme Court decided on executive privilege. President Nixon had secretly tape-recorded his conversations with key aides about the Watergate cover-up.
* In United States v. Nixon, 1974, the Court unanimously ruled that the president had to surrender the tapes to the special prosecutor investigating the scandal. Although the Court rejected Nixon’s claim of executive privilege in this case, it ruled that executive privilege is supported by the Constitution. This case is important because it did legally recognized executive privilege however; the question of how far it extends to presidential advisers has gone unanswered.