The Presidency as Paradox

• The last eight presidents left office under a cloud.
• Yet many aspire to the office, and the president is perceived to be all-powerful.
• One explanation for this paradox is that the presidency is the one unitary institution in the federal government.
• “I am the decider.” – George W. Bush
The Constitutional Basis of the Presidency: Article II

• Article II of the Constitution begins by asserting, “The executive Power shall be vested in a President of the United States of America.”

• Two important elements:
  – What “the executive power” is has remained a matter of dispute.
  – Power is vested in “a” president, thus establishing the unitary nature of the office.
The Constitutional Basis of the Presidency: Selection

- The president is chosen by the electoral college, a somewhat indirect and undemocratic institution originally intended to provide a system of peer review for presidential selection.
- Some of the elements of this system of peer review have been eroded over time, but the electoral college remains in place.
The Constitutional Powers of the Presidency: Article II

- **Expressed Powers**: Specific powers granted to the president under Article II
- **Delegated Powers**: Constitutional powers that are assigned to one government agency but exercised by another agency with the express permission of the first
- **Inherent Powers**: Powers claimed by a president that are not expressed but are inferred from it
The president’s power to propose a budget every year is which of the following?

A. expressed power
B. delegated power
C. inherent power
Clicker Question

The president’s power to propose a budget every year is which of the following?

A. expressed power
B. delegated power
C. inherent power
Expressed Powers

• Military
  – Article II gives the president the title of commander in chief.
  – Presidents have effectively used this title as the power to make war.

• Judicial: May grant pardons and amnesty

• Diplomatic
  – Negotiate treaties
  – May receive foreign ambassadors
Expressed Powers

• Executive
  – The president “shall take Care that the Laws be faithfully executed.”
  – The president may nominate executive and judicial officials.

• Legislative
  – The president gives information to the Congress and recommends measures.
  – The veto
## Nominations to Federal Courts

<table>
<thead>
<tr>
<th>PRESIDENT</th>
<th>CONGRESS</th>
<th>NOMINATIONS</th>
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<td>113</td>
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The Veto Process

1. Bill passes Congress.
2. Bill is presented to the president.
3. Bill is reviewed by:
   - special assistants
   - Office of Management and Budget party
   - relevant department head
   - key legislative leaders in president’s party
   - key lobbyists close to president
   - Justice Department
4. If no action is taken after 10 working days while Congress is in session...
   - Bill dies (pocket veto).
5. If no action is taken after 10 working days while Congress is in recess...
6. President signs the bill, usually in a public ceremony in the presence of key sponsors and supporters. Pens used become souvenirs.
7. Bill becomes law and is given a legal designation (e.g., PL-111-999).
8. Bill is vetoed.
9. If a veto is recommended, the bill goes to...
   - Staff assistants
   - Relevant department head
   - Speech writers
10. Bill is returned to Congress. Override requires two-thirds vote of both houses.
11. Congress fails to override veto.
Delegated Powers

- Congress creates agencies by law, and these agencies use discretion in how they carry out their functions.
- The president is sometimes given authority directly and sometimes indirectly through the power to appoint agency officials.
Inherent Powers

- War Powers: the president’s power to make war
- Legislative Initiative: the president’s power to bring a legislative agenda before Congress
- Executive Order: a rule or regulation issued by the president that has the effect of legislation
## Obama and Legislative Initiative: House of Representatives

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<tr>
<th>LEGISLATION</th>
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## Obama and Legislative Initiative: Senate

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The Legislative Epoch: 1800–1933

• Presidential power has varied over time and among particular occupants of the office.
• Most of our institutional history (1800–1933) can be described as “the legislative epoch”—an era when Congress dominated national policy making.
The New Deal and the Presidency

• The New Deal introduced new interventions in economic life and regulation by the federal government that necessarily meant a larger role in governance for the chief executive.
• This larger role for the president has only expanded since the New Deal.
Presidential Government: Formal Power Resources

- Cabinet: the secretaries, or chief administrators of the major departments of government report to the president
- White House Staff: analysts and advisers who work directly for the president
- Executive Office of the President: Permanent agencies that perform defined management tasks for the president
- Vice President
Clicker Question

Which of the following presidents was the most effective?

A. John Kennedy    F. Ronald Reagan
B. Lyndon Johnson  G. George H. W. Bush
C. Richard Nixon   H. Bill Clinton
D. Gerald Ford     I. George W. Bush
E. Jimmy Carter
The Contemporary Bases of Presidential Power: Parties

• Presidents rely on their partisans for help, but presidents cannot control their party.
• In 2009 and 2010, President Obama had large Democratic majorities in both chambers of Congress.
• Since 2011, the president has had to “negotiate” with a House Republican majority and a Senate Republican minority with the power to filibuster.
Presidential Success on Congressional Votes
Contemporary Bases of Presidential Power: Going Public

• Going public is a tactic by which presidents seek to force members of Congress to support their policies by appealing directly to and mobilizing the public.
• Presidents increasingly went public throughout the twentieth century through speeches, radio, television, and now the Internet.
Public Appearances by Presidents
Contemporary Bases of Presidential Power: Personal President

- As presidents increasingly went public, their personal characteristics and skills became more important.
- For instance, Ronald Reagan’s success in divided government was attributed to his ability to communicate through television, a skill he honed as an actor.
One of the problems of the rise of the personal presidency is that presidents seem to become less popular over time.
Contemporary Bases of Presidential Power: Administrative State

- As the limits of going public have become more apparent, contemporary presidents have turned more and more to their executive powers to achieve policy goals.
  - Increasing size and importance of EOP
  - Increasing use of regulatory review
  - Increasing directives to agencies through executive orders
  - Increasing use of signing statements
Significant Executive Orders
Clicker Question

Is the rise of presidential power good for democracy?

A. Yes! The president is more directly accountable because it is a unitary institution and more highly visible.

B. No! The president cannot possibly represent the views of 300 million Americans and is hard to hold accountable.
Concerns about the Rise of Presidential Power

• Presidential power and democracy: The president is not democratically chosen and has a long term of office.
• Emergency power: Presidents can act quickly in an emergency but, as unitary actors, may not be transparent.
• The public interest: The president is the one truly national actor, but there is rarely national consensus on policy.