

Framer's Vision: DELIBERATIONS AT THE CONSTITUTIONAL CONVENTION

ALTERNATIVES

- Some proposed a p_____ executive
- Some wanted an e_____ council to have v_____ power over presidential actions
- Some (e.g., Alexander Hamilton) wanted a president with a life term
- Eventually, compromises brought about a single, elected president with a fixed term of office

CONCERNS OF THE FOUNDERS

- **Fear of an excessively strong president**
 - Fear that the presidency would be the "fetus of monarchy"
 - Concern over no term limits (no 22nd Amendment until 1951)
- **Fear of an excessively weak president who would become a "tool of the Senate" because of its ratification and confirmation powers.**
- **The basic problem of creating a presidency:**
 - Make him too weak: the legislature will u_____ his powers.
 - Make him too strong: he will u_____ the legislature.

ELECTION OF THE PRESIDENT

Some wanted C_____ to elect the President ---> fear of congressional d_____.

Some wanted direct election. Problems:

- Inordinate weight to l_____ states
- D_____ might have excessive appeal to the masses
- I_____ was common
- C_____ was poor. Today's news was read 2 months later. No internet

THE COMPROMISE: THE ELECTORAL COLLEGE

- The people had some input- popular elections
- Large states had a good amount of influence, but small states were protected by having a minimum of three electoral votes
- Small states would also have a great deal of clout if the election were thrown into the House (and it was assumed that this would happen often since the two-party system was not anticipated). Under this scenario, a state has one vote and small states are therefore grossly overweighed.

TERM OF OFFICE

- F_____ -year term
- Fear of an unlimited number of terms of office were quieted when Washington chose not to run for a third term
- Precedent was followed until 1940 (FDR) -> creation of _____nd Amendment in 1951=2____=2 terms 22nd amendment

QUALIFICATIONS

- N_____ -born citizen
- At least _____ years of age
- Residency for at least _____ years

SELECTION

- Elected in November in years divisible by 4
- People >> Electors >> President
- Electoral votes counted on January 6
- President inaugurated on January 20 (established by the 20th Amendment)

INAUGURATION

- Inauguration- marking the beginning of an institution, activity, or p_____ of office.
- President inaugurated on January 20 (established by the ____th Amendment)
- The president's i_____ address is the first official action undertaken as president, and the speech often sets the t_____ and overall a_____ for the administration. For example, President Kennedy, used it to rally Americans to his belief of how the Cold War should be fought and to encourage them to be more civic-minded.
- **Informal “requirements”:**
 - White (except one) - Obama
 - Male
 - Protestant (except one) – Kennedy
 - Married, except Reagan- Divorced
 - All manner of professions, but mostly political ones (former state g_____, for example)
 - Last president with no political experience before Trump was Eisenhower (1953-61). He was a general.

PRESIDENT CONSTITUTIONAL ROLES: CHIEF LEGISLATOR

- **Powers**
 - P_____ legislation
 - V_____ legislation
 - Veto: Sending a bill back to Congress with the reasons for rejecting it. Can be overridden.
 - Pocket Veto: Letting a bill die by not signing it in 10 days when Congress is adjourned.
 - Lacks line-item veto struck down by Supreme Court because of conflict with separation of powers. The president must sign or veto all of a bill.
 - Calls special s_____ of Congress.
 - Makes a S_____ of the U_____ A_____ to Congress. President outlines his agenda to Congress and the nation
- **Checks**
 - Congress need n_____ pass suggested legislation
 - Congress can o_____ veto with ____/____ majority in both h_____
- **SIGNING STATEMENTS**
 - A signing statement is a written message issued by the president upon signing a bill into law that states objectives to some of the provisions in the bill.
 - They are not provided for in the Constitution.
 - Why would a president issue a signing statement? _____

PRESIDENTIAL APPROVAL RATINGS

- **Presidential Approval**
 - Product of many factors: war, the economy, the “honeymoon” period
 - Changes can highlight good/bad decisions
- **When is the best time for a president to negotiate with Congress? Why?**

PRESIDENT CONSTITUTIONAL ROLES: CHIEF EXECUTIVE and ADMINISTRATOR

Powers

- “Take care” clause of Article II requires that President enforces laws, treaties, and court decisions. This clause has also been used to justify:
 - Impoundment
 - Lincoln’s suspension of habeas corpus
 - Electronic eavesdropping by Bush 43 administration
- **Appoints officials to office and can fire them.**
- Issues e _____ orders (have the force of l _____) to carry out laws. Do not need c _____ approval.
 - FDR issue an executive order to intern Japanese- Americans during WW II
 - LBJ’s executive order #11246 that required affirmative action programs for federal contractors.
 - Bush 43 created Homeland Security acer 9/11 through an executive order. (Later made a Cabinet Dept. by Congress.

Checks

- Congress passes the laws and has the “power of the p _____” and o _____
- Senate can r _____ a _____ and t _____
- I _____ (by H _____) and removal (by S _____ if convicted).
- Supreme Court can strike down e _____ orders through j _____ r _____.

EXECUTIVE PRIVILEGE- NOT IN THE CONSTITUTION but implied in the s _____ of p _____.

- Definition: The i _____ power of the president to n _____ d _____ conversations between himself and his advisers.
- Presidents claim that if such conversations were not “privileged,” advisers would be hesitant to give straight forward advice.
- Critics claim that Presidents have a _____ this privilege by claiming it under the guise of “n _____ security.”
- In *U.S. v. Nixon* (1974), the Supreme Court stated that Presidents are in fact entitled to executive privilege most of the time, but not in criminal cases.

PRESIDENT CONSTITUTIONAL ROLES: COMMANDER IN CHIEF

Power

- Head of the a _____ forces (link w/civilian supremacy)

Checks

- Congress appropriates f _____ for the military
- Congress d _____ war
 - “Yesterday, December 7, 1941 – a date which will live in infamy....” President Roosevelt was asking Congress to declare war
- **War Powers Act of 1973**
 - Federal law intended to c _____ the president’s power to c _____ the United States to an armed conflict without the c _____ of the U.S. C _____.

PRESIDENT CONSTITUTIONAL ROLES: CHIEF DIPLOMAT

Powers

- Sets overall f _____ policy.
- A _____ and r _____ ambassadors.
- N _____ both t _____ and e _____ agreements.
- Gives diplomatic recognition to foreign governments.

Checks

- Congress a _____ f _____ for foreign affairs.
- Senate can r _____ a _____ and t _____.

PRESIDENT CONSTITUTIONAL ROLES: CHIEF OF STATE

The c_____ head of our nation, e.g., tosses out the first ball of the baseball season, bestows the medal of honor, visits areas struck by natural disaster, visits school children and reads them a story.

Most nations separate the Chief Executive and Chief of State roles (e.g., Britain has a prime minister and a monarch, respectively), but the office of the presidency combines both roles.

PRESIDENT CONSTITUTIONAL ROLES: CHIEF JURIST

Powers

- Appoints f_____ judges.
- Issues p_____ (e.g., Ford pardoned Nixon for Watergate) and a_____ - is a group pardon.

Checks

- Senate can r_____ judicial appointments.
- Senators can place "h_____ " on appointments.
- Senators can f_____ nominations.

PRESIDENT NON-CONSTITUTIONAL ROLES

HEAD OF POLITICAL PARTY

- Selects the party's chairman of the national committee and VP nominee.
- Political patronage.

• CHIEF ECONOMIST

- Responsible for the overall health of the economy.
- Proposes the federal budget (though Congress can alter it)

(INFORMAL Powers) NON-CONSTITUTIONAL SOURCES OF PRESIDENTIAL POWER

Unity of the office: the office is held by one man, as opposed to the 535-member Congress.

Presidential character and personality: Strong personalities such as the Roosevelt's and LBJ can have great impact.

Growing complexity of society: With a highly industrial and technological society, people have demanded that the federal government play a larger role in areas of public concern, e.g., pollution, labor issues, air travel safety. The executive branch has thus grown to meet those public demands.

Congressional d_____ of authority to the executive branch.

- Congress often writes broadly worded legislation and lets executive agencies "fill in the holes."
- Congress often b_____ to presidential demands in time of economic or foreign c_____.
- Congress often b_____ to the President when he can proclaim a m_____ from the people after a large electoral victory, e.g., Reagan insisting upon tax cuts and higher defense spending after the 1980 election.

Development of the mass media casts the President into the public eye -> use of TV as the "electronic throne."

- Special addresses, press conferences, Saturday morning radio chats, photo opportunities, sound bites, staged events, "going public." Some call this the **BULLY PULPIT**. First coined by Pres Teddy Roosevelt

Emergence of the U.S. as the great superpower acer WWII.

- Development of the Cold War placed the U.S. into a virtual non-stop crisis situation acer 1945 -> assumption of great p_____ by the President to deal with various foreign crises.