

## 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 \_\_\_\_\_<sup>nd</sup> Amendment in 1951=2\_\_\_\_=2 terms 22<sup>nd</sup> 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 20<sup>th</sup> Amendment)

## INAUGURATION

- Inauguration- marking the beginning of an institution, activity, or p\_\_\_\_\_ of office.
- President inaugurated on January 20 (established by the \_\_\_\_<sup>th</sup> 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? \_\_\_\_\_
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## 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 executive orders (have the force of law) to carry out laws. Do not need congressional 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 after 9/11 through an executive order. (Later made a Cabinet Dept. by Congress.

### Checks

- Congress passes the laws and has the “power of the purse” and oversight
- Senate can ratify treaties and confirm appointments
- Impeachment (by House) and removal (by Senate if convicted).
- Supreme Court can strike down executive orders through judicial review.

### **EXECUTIVE PRIVILEGE- NOT IN THE CONSTITUTION but implied in the separation of powers.**

- Definition: The independent power of the president to conduct 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 abused this privilege by claiming it under the guise of “national 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 armed forces (link w/civilian supremacy)

### Checks

- Congress appropriates funds for the military
- Congress declares 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 curtail the president's power to commit the United States to an armed conflict without the concurrence of the U.S. Congress.

## PRESIDENT CONSTITUTIONAL ROLES: CHIEF DIPLOMAT

### Powers

- Sets overall foreign policy.
- Appoints and removes ambassadors.
- Negotiates both treaties and executive agreements.
- Gives diplomatic recognition to foreign governments.

### Checks

- Congress advises and consents for foreign affairs.
- Senate can ratify treaties and confirm appointments.

## **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 after WWII.**

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