Presidency:

The powers of the President:

- Signing statements
- Power of veto
    - The regular veto is often used
    - Even the threat of a veto can be an important tool when the president has to bargain with congress
    - Congress may try to override the veto yet they need a two thirds majority which is not usually successful
    - They can also pocket veto legislation
    - However this can only be used at the end of the congressional year as the bill is then put to one side to die and it will have to then restart the process again in the next session
- Executive orders
- To propose legislation
    - Annual state of union address
- Can also propose legislation at any time by calling a press conference or an announcement at a public event
    - Bush proposed legislation on education reform, tax cuts and anti-terrorist measures in his first two years in office
- Can submit the annual budget
    - The Office of Management and Budget which is part of EXOP draws up the annual federal budget for the President
    - The President then submits this budget to Congress
    - This submission will usually be followed by some bargaining between the president and Congress
    - Especially in times of a divided government
- The president signs legislation
    - Once bills have passed through Congress they go to the President to be made into law
    - He will then sign these bills if he wants to take some credit for their passing
    - The president can also refuse to sign the bill
        - He can use a regular veto or a pocket veto, which is for bills he really doesn't agree on
- Act as chief executive
    - Opening lines of article two of the constitution state that the president is in charge of running the executive branch of government
    - Actually a very big job
    - Most of the day to day running is delegated to the people who run the government departments and agencies
    - Modern presidents need their own bureaucracy which is why they now use EXOP to help with this
- The power to nominate all executive branch officials
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        - For example, when Trump came into office in 2017 he had lots of spaces to fill in his cabinet and regularly has to reappoint people due to his habit of firing them not long after their initial appointment
            - Ie recently hired Betsy Devos at the Head of the department of education
            - Has replaced his head of state Rex Tillerson with Mike Pompeo
            - Also replaced H.R.McMaster as national security advisor with John Robert Bolton
        - The senate must confirm these appointments by a simple majority vote
- The power to nominate all federal judges
    - Trump recently appointed Neil Gorsuch to replace Antonin Scalia on the Supreme Court in 2017
    - All these appointments have a life tenure
    - They must be confirmed by a simple majority vote in the Senate
- Commander-in-chief
    - Was most important in the 1940s-1980s
    - Lost importance after the Cold War as there was no major conflicts which lead to a decrease in importance of this role
    - However, has now gained importance again due to 9/11 terrorist attacks, Bush having wars in Iraq and Afghanistan
    - Congressional checks on this power are questionable
        - Has the power to declare war but that was last used in 1941
        - War Powers Act 1973 meant for the president to check with congress before going into war
        - Congress does have the 'power of the purse' which gives some check yet this is not always effective
- Negotiation of treaties
    - Example, Trump met with Kim Jong Un two days ago to negotiate a peace treaty regarding nuclear weapons
    - Also, the Chemical Weapons Ban by Bush 41
    - This power is checked by the senate as they need a majority vote confirmation
- Power of the pardon
    - On his last day in office, Clinton pardoned 140 times in one day
    - Bush 43 pardoned 189 people in 8 years
    - So far Trump has pardoned 7 people
    - They can use this power as much as they want and however often they want

Theories of Presidential power:

The Imperial presidency:

- Established idea in the early 1970s
- Suggested that the president cast aside the system of checks and balances and should rule more like an empire
- Best example would be Nixon's presidency

- Abroad he conducted a secret war with Cambodia and at home he refused to spend money mandated by congress
- This did provoke a big reaction from Congress
    - War Powers Act 1973
    - Budget and Impoundment Control Act 1974
- Died down during the 1980's and 1990's
- Made a comeback under Bush 43 and Dick Cheney as they both wanted to strengthen and reassert the executive and after the 9/11 attacks this allowed Bush 43 to take a number of measures for the 'war on terror'
- Critics claim they were working outside of congressional checks
- Argument has died down since Obama

The 'two presidencies'

- First devised in the 1960's
- Describing the difference between a president's success domestically and in foreign affairs
- Also describes the differences in constraints on the president while they are operating in these two areas
- The president has few constraints abroad and can assume much of the control regarding the overall direction of foreign policy
- Not always so free to act as public opinion can influence
    - For example, Obama set a time limit on the 'surge' in Afghanistan in 2010 to reassure the public on the matter
- Their relationship with the military commanders may also be close because they will need their advice in a lot of circumstances
- The Supreme Court can also hinder the work abroad
    - For Example, in Hamdan v Rumsfeld 2006 when Bush suffered several setbacks regarding Guantanamo Bay suspects

The Federal Bureaucracy:

General information on the Federal Bureaucracy:

- This grew in power during the 20th century as the size of the federal government expanded which was brought on by a number of developments such as industrialisation, immigration, the New Deal etc
- It is the administrative system of the national government that carries out policy
- It is spread throughout the country as almost every city contains one of its headquarters
- It can be split into 4 rough categories
    - Executive departments
    - Executive agencies
    - Government corporations
    - Independent regulatory agencies

Functions:

- Executing laws
    - This is the main reason that they are needed by the president
    - Also reason for its expansion as to the growth in policy area
- They have to ensure that laws are carried out
    - For example, that mail is delivered, taxes are collected, planes are inspected etc
    - This is their main function
    - Carrying out laws within their policy area
- Creating rules
    - Legislators usually only establish the broad principles of policy
    - Left to them to write the specific rules that decide as to how the laws will be executed
    - The growing complexity of society has led to a greater need for specialist bureaucrats to create specific rules
    - The regulatory commissions of the federal government play a significant role
- Adjudication
    - Executing laws and carrying out the rules, disputes will arise
    - One party will consider that a law is being applied too much yet the other will consider that it is not being applied enough
    - Therefore the job of the federal bureaucracy to adjudicate such disputes

Problems:

- Clientelism
    - Agencies tend to serve the interests of those who they are meant to be overseeing
    - This is seen as a particular problem with regulatory commissions
    - They are watchdog agencies yet they can often turn into lap dogs
    - Special interests are protected instead of public interests
- Imperialism
    - Agencies want to expand their powers and responsibilities and will do this at the expense of other agencies
    - Political interest will become dominant and can sometimes be regardless of public opinion
    - This can manifest itself in ‘turf battles’ over who has jurisdiction over which policy area
- Parochialism
    - Agencies will tend to focus on their own goals rather than the administration as a whole
    - Department interest usually takes priority at the expense of the nation’s interest
- Instrumentalism
    - Most of the agencies in the Federal Bureaucracy act slowly and cautiously because they often do not like change
    - Can be frustrating for a new president especially one who wants to introduce radical policy changes
    - They are seen as highly conservative due to their resistance to change

- Arbitrariness
    - When applying rules and regulations the concerns and merits of those who will be affected will be ignored
    - This makes the Bureaucracy be seen as inhumane and overly committed to the form and process
- Waste
    - Their size and dedication to routine often mean that they use their resources less efficiently compared to other private sector organisations
- Iron triangles
    - These are strong bonds between three bodies that can hinder processes because they have other commitments
    - Can result in policies that are created to benefit these mutual bodies and therefore can exclude public interest
    - This can have a negative effect on the process
        - For Example, the Senate Armed Forces Committee, Boeing and the Department of Defence
        - This iron triangle resulted in a large national defence budget
- Going native
    - There is always a fear that the Federal Bureaucracy could go rogue
    - They could start to stop imposing the president's wishes and resisting their changes
- Inefficiency
    - This is a widespread belief
    - Many think this because the pay of a civil servant is determined more by their length of service rather than the quality of their work
        - For example, the response of the Federal Emergency Management Agency (FEMA) to hurricane Katrina and Rita in 2005

Checks on their power:

Congress

- This is the main source of checks on the Federal Bureaucracy
- They have the power to establish, merge or abolish departments or agencies
- They have reorganised it on a number of occasions
    - For Example, in 2002, congress extracted 170,000 current federal government employees from 22 different agencies
    - They then merged these together to form the new department of Homeland Security which was a reaction to the 9/11 terrorist attacks
- They can use their 'power of the purse'
    - This is used to finance various departments and agencies
- Power of oversight
    - Congress can investigate federal departments and agencies
    - This is usually in the policy specialist standing committees in both houses

President

- Many modern presidents have found it almost impossible to control the federal bureaucracy in their attempts
- They must rely on EXOP and members of their cabinet
- This can create efficiency problems for the government yet it does increase democracy
- If a president could control the whole of the federal bureaucracy they would be in a very powerful position

The Cabinet

Purpose:
- They are an advice giving group selected by the president and they are there to offer their opinions and advice on their specific policy area
- Presidents will usually try and achieve a 'balanced' cabinet as their primary aim should be to make the cabinet as diverse and mixed as the US society

Meetings:

Frequency
- Can depend on the president
    - In his first year Reagan held 36 cabinet meetings
    - In Clinton only held 6
    - Obama held 19 in his first term
- The trend is usually that the longer that the president has been in office, the less cabinet meetings that they will hold
- This happens for a variety of reasons
    - Some functions of the cabinet are no longer valid
    - The president will have other issues to worry about such as re-election
    - They may think that the cabinet has become disloyal
        - Nixon and carter are examples of this

Who attends
- All the heads of the executive departments
- The vice president
- All other administration officials granted cabinet rank are expected to attend

The function of the meetings for the President
- Engender team spirit
    - Important at the start of the president's time in office
    - This will be used so they can get to know each other
    - Will cease to be a function after the first year in office
- Will make the president appear open and consultative
    - Particularly important post Nixon as he lacked openness
    - Also is a good photo opportunity
    - A good way for the president to send reassuring signals that they are running an open administration
- Information giving and gathering

        - The president can make statements at the meeting knowing that everyone has heard them
        - They can also be specific with asking departments about what they will do regarding certain issues
        - Can be an efficient way for the president to know what is going on within the federal bureaucracy
- Debate policy
    - An example would be Reagan's defence secretary, Frank Carlucci who stated that 'cabinet meetings were often vigorous, such as the one on the pros and cons of building the russian oil pipeline - it was quite the shouting match'
- President can present 'big picture' items
    - Things that will affect all cabinet members such as the budget and upcoming elections
- Check on legislation going through congress
    - Some presidents have used these meetings as a way to check up on congress where they have particular interest
    - They can also use the meetings to get congressional action on certain areas
    - For example, Bush 43 wanted congressional action on military action against Iraq, the passage of the Homeland Security Bill and the budget
- The president gets to see the cabinet members
    - While they would see first tier members quite often it gives them an opportunity to see second tier members
    - For example, the secretary of agriculture
- A place to catch the president
    - It can be a good opportunity to catch the president if he hangs around after one of their meetings
    - Could be dangerous for a president if they agree to something rash that appears innocent at the time
- Increase status and position of cabinet officers back in their departments
    - Gives them increased standing back in their own departments
    - They are able to hear what the president wants and are able, therefore, to act on it
    - Means they won't hear from someone else what they think the president wants instead

EXOP- The Executive Office of the President:

What this means

- This is an umbrella term for the organisation that is made up of the president's staff agencies which provide help, advice, coordination and administrative support for the president
- Created under Roosevelt
- Was reported that 'the president needs help'
- This was because of the increase in size and scale of the government as the federal government was expanding rapidly

- The great depression also meant that the states started to look to the federal government for help because they did not not the resources to deal with such a crisis
- The US had also become a world superpower which added to the president's role as commander in chief
- More people depended on the president so they needed something to help them cope

The president's relationship with congress:

- Almost every power held by the president is checked by congress
- 'Separated institutions sharing powers'
- President cannot always rely on support from their own party
    - Trump struggles to always gain support from congressional republicans
    - Also difficulties of Clinton with his healthcare reform 1993-1994
- The president can do very little with congress
    - Checks and balances stop the president becoming too powerful
- The founding fathers wanted cooperation and compromise between each of the two branches
    - If this does not happen then gridlock will occur
- Therefore, the president's power is to persuade

President and foreign policy

- The constitution gives the power of foreign policy to both congress and the president as the provisions are left vague
- The president is given specific powers regarding the foreign agenda
    - To act as commander in chief
    - To negotiate treaties
- These powers are open to checks from congress
    - Congress are able to declare war
    - They have the ability to control the purse strings
- Effectiveness of theses checks are questionable
    - Congress hasn't declared war since 1941
    - The power of the purse can be seen as insignificant if the president has already committed troops
        - This was the case when Bush 43 deployed troops to Iraq
- President has foreign policy powers
    - Can make appointments to the executive branch
    - Foreign policy implications ie secretary of state
        - However, has to be confirmed by the senate
    - Can sign executive appointments
        - This is an international agreement by the president with a foreign head of state that does not require senatorial approval
        - It is roughly around 300 a year but regarding small matters
    - Is looked to by the public over congress in times of conflict, seen as the figurehead regarding foreign policy

Limits on presidential power:

Congress

- Hold significant checks and balances over the president and the executive
- They can amend, delay or reject legislative proposals
- Can override the veto with a super majority
- Amend their budget proposals
- Check the commander in chief power
- Power of the purse strings
- Can refuse treaties
- Refuse appointments
- Impeachment

Supreme Court

- Can declare acts of presidency unconstitutional
- For example, Bush v Rasul 2004 which ruled that the detainees at Guantanamo Bay did have access to federal courts

Public opinion:

- Can be a huge limitation
- Seen through the presidential approval ratings
- Trump's average approval rating for his current term in 39%

Pressure groups:

- Can mobilise public opinion
- This can be for or against them as they can rally for or against their policies
- For example, the Healthcare Insurance Association of America launched a series of proposals 1993-1994 that really damaged Clinton's healthcare reform proposals

The media:

- Presidents are always in the eye of the media
- The media can report what they are doing and they are able to limit what a president can and is able to do
- For example, Johnson in Vietnam as the press released images of the casualties

The Federal Bureaucracy:

- The person is only one person in a group of around 3 million employees

Other factors:

- His personal reputation
- His choices of staff
- How unified their party is
- Crisis within the country

The Vice President:

Selection:

- Made by the party's presidential candidate as their name will appear after them on the voting ballot
- Such as Trump-Pence, Obama-Biden, McCain-Palin
- The president will often use the vice president to balance their ticket
    - For example, Trump used Pence to balance his inexperience in politics as he had been an Indiana representative in the House
    - Obama used Biden's 30 years experience as a Delaware senator and Biden also brought experience regarding foreign policy

Powers:

- The presiding officer of the senate
    - Seen in the Betsy DeVos appointment for education secretary which was a 51-50 vote
    - Dick Cheney also broke a tie break vote in 2001 to protect Bush's tax cuts
- Given the task of counting and then announcing the result of the electoral college votes
    - For example, VP Al Gore had to announce his own defeat in 2001
- They are next in line for the presidency
    - Has happened a total of 9 times
    - Happens if the president dies, resigns or is removed
    - Ie JFK assassination and Nixon resignation
    - Also, Bush 43's colonoscopy left Cheney in charge in 2007