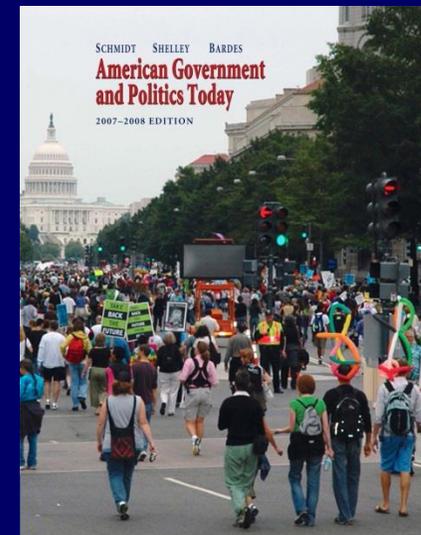


American Government and Politics Today

Chapter 12 The President



The President





Franklin D. Roosevelt, thirty-two,
With his "New Deal" the country grew.



32. Franklin Delano Roosevelt "FDR" (1933-1945)

The Presidents

■ Great Expectations

- Americans want a president who is powerful and who can do good like Washington, Jefferson, Lincoln, Roosevelt, and Kennedy.
- Yet Americans do not like a concentration of power because they are individualistic and skeptical of authority.

The Presidents

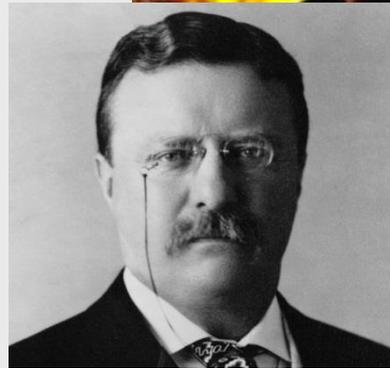
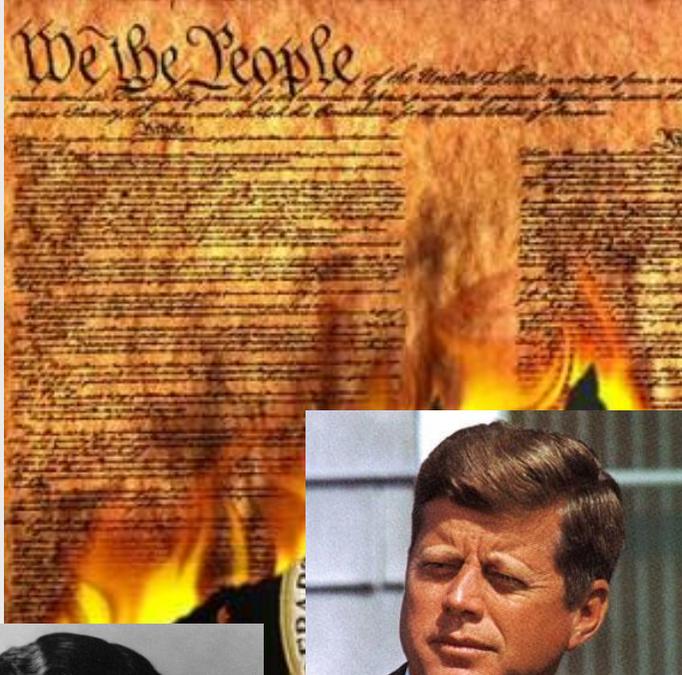
■ Who They Are

– Formal Requirements:

– Informal “Requirements”:

- Examples?

The Presidents



Youngest



Youngest elected
First Catholic

- Formal Requirements:
 - Must be 35 years old
 - Must have resided in U.S. for 14 years
 - Natural born citizen
- Informal “Requirements”:
 - White (except one President)
 - Male
 - Protestant (except two)
- All manner of professions, but mostly political ones (former state governors, for example)

The Presidents

TABLE 13.1

Recent Presidents

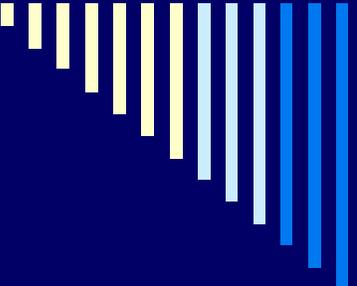
PRESIDENT	TERM	PARTY	BACKGROUND
Dwight D. Eisenhower 	1953–1961	Republican	<ul style="list-style-type: none"> • Commander of Allied forces in Europe in World War II • Never voted until he ran for president
John F. Kennedy 	1961–1963	Democrat	<ul style="list-style-type: none"> • U.S. senator from Massachusetts • From very wealthy family • War hero
Lyndon B. Johnson 	1963–1969	Democrat	<ul style="list-style-type: none"> • Senate majority leader • Chosen as Kennedy's running mate; succeeded him after the assassination
Richard M. Nixon 	1969–1974	Republican	<ul style="list-style-type: none"> • U.S. senator from California • Served two terms as Eisenhower's vice president • Lost presidential election of 1960 to John F. Kennedy
Gerald R. Ford 	1974–1977	Republican	<ul style="list-style-type: none"> • House minority leader • First person ever nominated as vice president under Twenty-fifth Amendment
Jimmy Carter 	1977–1981	Democrat	<ul style="list-style-type: none"> • Governor of Georgia • Peanut farmer

PRESIDENT	TERM	PARTY	BACKGROUND
Ronald W. Reagan 	1981–1989	Republican	<ul style="list-style-type: none"> • Governor of California • Well-known actor
George Bush 	1989–1993	Republican	<ul style="list-style-type: none"> • U.S. representative from Texas • Director of CIA • Ambassador to UN • Served two terms as Reagan's vice president
William J. Clinton 	1993–2001	Democrat	<ul style="list-style-type: none"> • Governor of Arkansas • Rhodes Scholar
George W. Bush 	2001–2009	Republican	<ul style="list-style-type: none"> • Governor of Texas • Son of President George Bush • Elected without plurality of the vote
New President 	2009–	Barack Obama	<ul style="list-style-type: none"> • Senator from Illinois • First African American elected as president



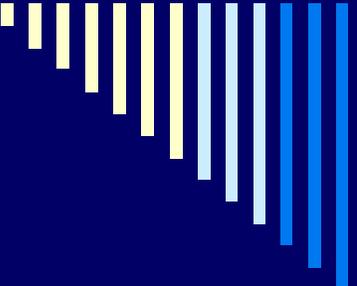
Salary

- \$400,000 per year
- \$50,000 a year allowance
- Lives in the White House (132 rooms, 18.3 acres)
- Air Force One
- Plus other benefits



Who Can Become President?

- Article II, Section 1, of the Constitution sets forth the qualifications to be president.
 - The two major limitations are age, a minimum of 35, and being a natural-born citizen, thus eliminating naturalized citizens.
-



The Process of Becoming President

- Nomination by one of the two major parties
 - Majority of the votes cast in the Electoral College
 - The electors are decided in most states on a winner-take-all system, with the candidate who receives the plurality of votes winning. Thus, it is possible for a candidate to lose the popular vote but still win election as president, as was the case in 2000.
 - If no candidate receives a majority of the electoral votes, the House will elect the president by voting state by state for a candidate.
-

The Presidents

■ How They Got There

– Elections: The Normal Road to the White House

- Once elected, the president serves a term of four years.
- In 1951, the 22nd Amendment limited the number of terms to two.
- Most presidents have been elected to office.

22ND AMENDMENT

“No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. . . .”



**Scholar Exchange:
Article II:
The Presidency
and the Executive
Branch**

**NATIONAL
CONSTITUTION
CENTER**



The Presidents



resigned



- Secession and Impeachment
- The vice-President secedes if the president leaves office due to death or resignation or convicted of impeachment
 - Impeachment is investigated by the House, tried by the Senate with the Chief Justice presiding.
 - Only two presidents have been impeached: A. Johnson & Clinton- neither was convicted.

Incomplete Terms

Table 13.2 Incomplete Presidential Terms

PRESIDENT	TERM	SUCCEEDED BY
William Henry Harrison	March 4, 1841–April 4, 1841	John Tyler
Zachary Taylor	March 4, 1849–July 9, 1850	Millard Fillmore
Abraham Lincoln	March 4, 1865–April 15, 1865 ^a	Andrew Johnson
James A. Garfield	March 4, 1881–September 19, 1881	Chester A. Arthur
William McKinley	March 4, 1901–September 14, 1901 ^a	Theodore Roosevelt
Warren G. Harding	March 4, 1921–August 2, 1923	Calvin Coolidge
Franklin D. Roosevelt	January 20, 1945–April 12, 1945 ^b	Harry S Truman
John F. Kennedy	January 20, 1961–November 22, 1963	Lyndon B. Johnson
Richard M. Nixon	January 20, 1973–August 9, 1974 ^a	Gerald R. Ford

^aSecond term.

^bFourth term.

The Presidents

TABLE 13.2

Incomplete Presidential Terms

PRESIDENT	TERM	SUCCEEDED BY
William Henry Harrison	March 4, 1841–April 4, 1841	John Tyler
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William McKinley	March 4, 1901–September 14, 1901 ^a	Theodore Roosevelt
Warren G. Harding	March 4, 1921–August 2, 1923	Calvin Coolidge
Franklin D. Roosevelt	January 20, 1945–April 12, 1945 ^b	Harry S. Truman
John F. Kennedy	January 20, 1961–November 22, 1963	Lyndon B. Johnson
Richard M. Nixon	January 20, 1973–August 9, 1974 ^a	Gerald R. Ford

^aSecond term.

^bFourth term.

The Presidents

■ How They Got There

– Succession

- The vice president succeeds if the president leaves office due to death, resignation, or removal.
- Under the 25th Amendment, the vice president becomes acting president if the vice president and president's cabinet determine that the president is disabled.

The Presidents

■ How They Got There

– Impeachment

- Impeachment is an accusation, requiring a majority vote in the House.
- Charges may be brought for “Treason, Bribery, or other high Crimes and Misdemeanors.”
- If impeached, the president is tried by the Senate with the Chief Justice presiding.
- Only three presidents have been impeached—Andrew Johnson, Bill Clinton, and Donald Trump—and none were convicted.

A photograph of three ripe peaches resting on a dark, reflective surface. The peaches are in various stages of ripeness, with colors ranging from bright orange to deep red and purple. The central peach is the most prominent, showing a mix of red and purple. The background is a soft, out-of-focus brown. A dark blue horizontal bar is overlaid across the middle of the image, containing the word "Impeachment" in white text.

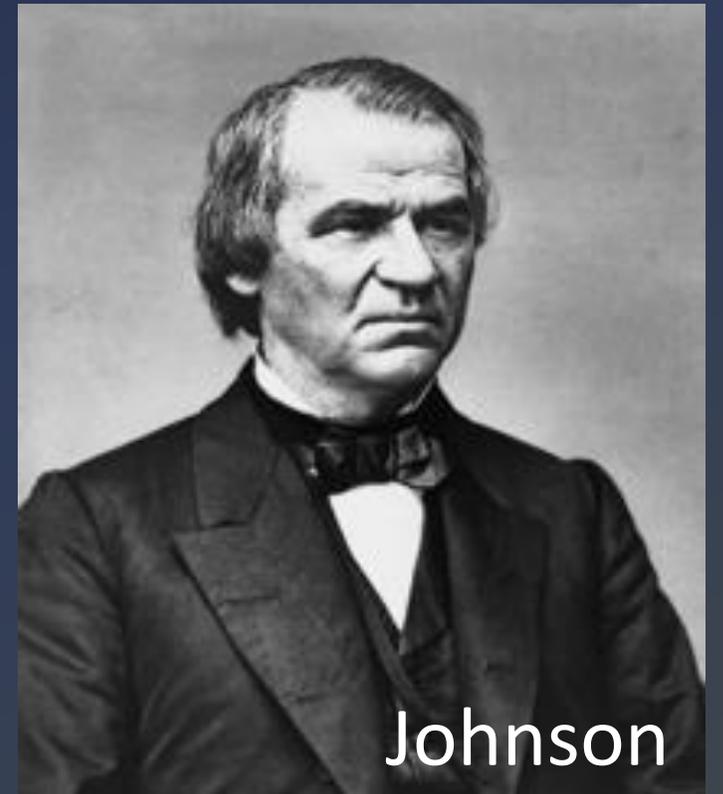
Impeachment

Photo Credit: [Nancy Lehrer](#)

IMPEACHMENT



- Tenure of Office Act of 1867
 - Passed over Veto
- Johnson fired Sec. of War
 - Impeached for violating TOA



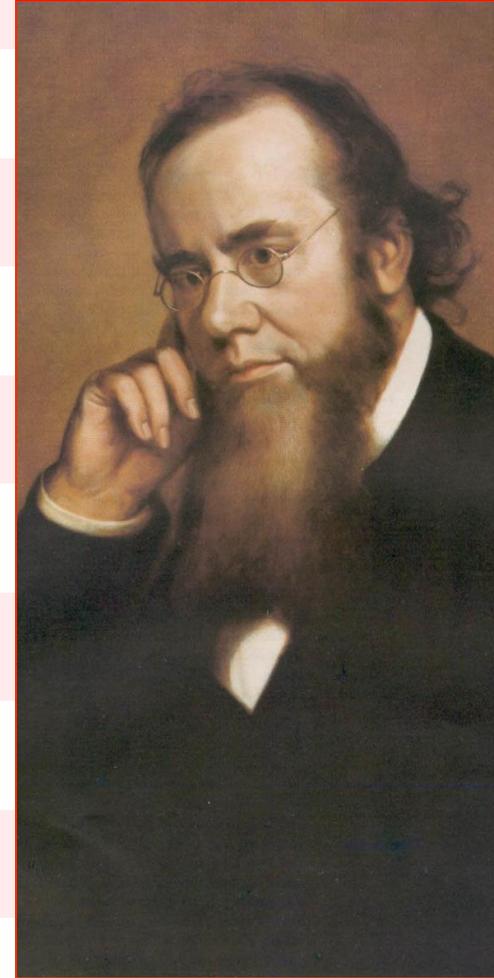
Reconstruction Acts of 1867

★ Command of the Army Act

- * The President must issue all Reconstruction orders through the commander of the military.

★ Tenure of Office Act

- * The President could not remove any officials [esp. Cabinet members] without the Senate's consent, if the position originally required Senate approval.
 - Designed to protect radical members of Lincoln's government.
 - A question of the constitutionality of this law.



Edwin Stanton

President Johnson's Impeachment

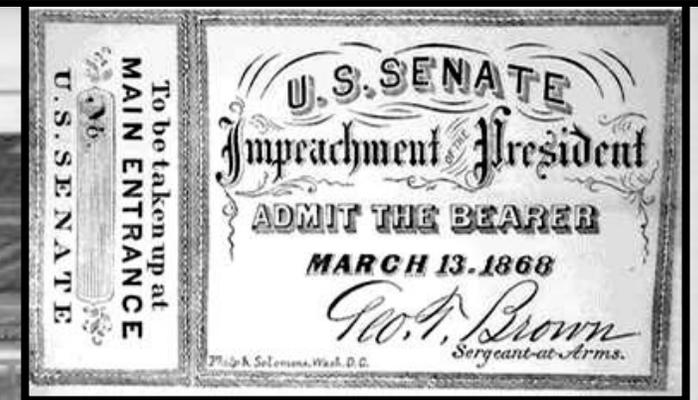
- ★ Johnson removed Stanton in February, 1868.
- ★ Johnson replaced generals in the field who were more sympathetic to Radical Reconstruction.
- ★ The House impeached him on February 24

before even drawing up the charges by a vote of 126 - 47!



Impeachment

- Tenure of Office Act
- Edwin Stanton
- Impeachment of President Johnson
- Trial in Senate



THE SENATE AS A COURT OF IMPEACHMENT FOR THE TRIAL OF ABRAHAM LINCOLN—(Scene at Thomas S. Swan's in New York.)

The Senate Trial



- ★ 11 week trial.
- ★ Johnson acquitted 35 to 19 (one short of required 2/3s vote).

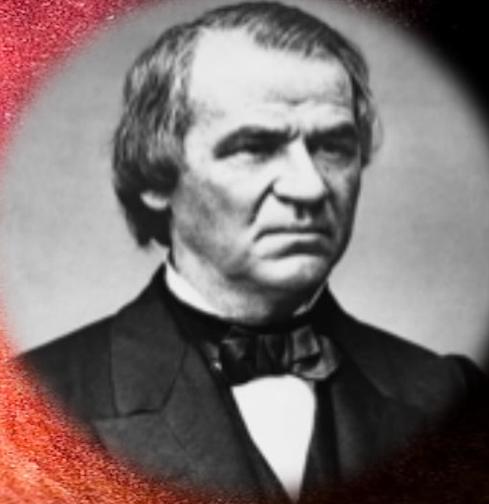


IMPEACHMENT

By the Numbers



3 - 1 - 0



3

Presidents have
been *impeached*
by Congress.



1

President has
resigned
from office.



0

Presidents have
been *removed*
from office.

IMPEACHMENT

By the Numbers



3 – 1 – 0

Presidential Powers

TABLE 13.3

Constitutional Powers of the President

NATIONAL SECURITY POWERS

- Serve as commander in chief of the armed forces
- Make treaties with other nations, subject to the agreement of two-thirds of the Senate
- Nominate ambassadors, with the agreement of a majority of the Senate
- Receive ambassadors of other nations, thereby conferring diplomatic recognition on other governments

LEGISLATIVE POWERS

- Present information on the state of the union to Congress
- Recommend legislation to Congress
- Convene both houses of Congress on extraordinary occasions
- Adjourn Congress if the House and Senate cannot agree on adjournment
- Veto legislation (Congress may overrule with two-thirds vote of each house)

ADMINISTRATIVE POWERS

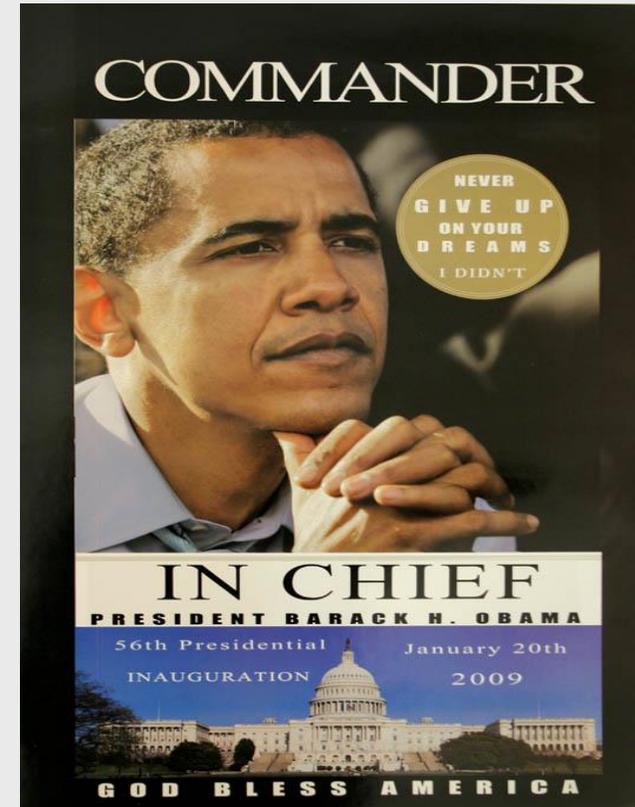
- "Take care that the laws be faithfully executed"
- Nominate officials as provided for by Congress and with the agreement of a majority of the Senate
- Request written opinions of administrative officials
- Fill administrative vacancies during congressional recesses

JUDICIAL POWERS

- Grant reprieves and pardons for federal offenses (except impeachment)
- Nominate federal judges, who are confirmed by a majority of the Senate

Constitutional Powers

- ◆ National Security-
 - ◆ Commander-in-Chief of the armed forces
 - ◆ Make treaties with other nations
- ◆ Legislative-
 - ◆ Veto bills
 - ◆ State of the Union Address
- ◆ Administrative Nominations
- ◆ Judicial Nominations
- ◆ Inherent Powers
 - ◆ Louisiana Purchase



Constitutional Powers of the Presidency

1. Implied/Inherent

2. Delegated

3. Expressed

Delegated Power

★ The delegation of power from Congress to the president works as follows:

- Congress recognizes a problem
- Congress sets the basic policies
- Congress delegates to a federal agency the power to fill in the details
- Federal agencies interpret Congress' intent, makes rules and issue orders designed to enforce the law.

In. re Neagle (1890)

- David Neagle, a U.S. marshal, was authorized by the president to protect a Supreme Court justice whose life had been threatened.
- When the man attempted to carry out his threat, Neagle shot and killed him.
- Neagle was arrested for murder.
- His defense was that his act was "done in pursuance of a law of the United States."
- The Court declared the protection of a federal judge was a reasonable extension of the president's power to "take care that the laws be faithfully executed."

Problems with Delegated Power

■ Giving up power

- When Congress delegates powers to executive agencies, for all intents and purposes, it is transferring its powers from the Legislative Branch to the Executive Branch.

■ Vagueness

- Since the New Deal, Congress tends to draft legislation that offers few guidelines.

Examples of Delegated Power

- 1933: The National Industrial Recovery Act gave the president the authority to set rules for fair competition,
 - *Congress did not define what “fair competition” meant.*
- 1938: The Agricultural Adjustment Act, authorized the Secretary of Agriculture to make agricultural marketing orderly.
 - *Congress did not offer any guidance about how prices should be determined.*
- 1970: The Occupational Safety and Health Administration Act states that Congress's purpose is "to assure, so far as is possible, every man in the nation, safe working conditions."
 - *Congress neither defined such conditions nor suggests how they might be achieved.*
- 1972: The Consumer Product Safety Act, authorized the Consumer Product Safety Commission to reduce unreasonable risk of injury from household products.
 - *Congress did not define what “unreasonable risk” meant.*

Exceptions to delegated Power



- Tax legislation is specific and detailed and leaves little discretion to the IRS.

Expressed Power

Article II, Sec 2 and 3

1. Executive
2. Omission/Impoundment
3. Judicial
4. Diplomatic
5. Legislative
6. Veto
7. Military Power
8. Domestic Military Power

TABLE 12-1 | TOTAL CIVILIAN EMPLOYMENT IN CABINET DEPARTMENTS AVAILABLE FOR POLITICAL APPOINTMENT BY THE PRESIDENT

EXECUTIVE DEPARTMENT	TOTAL NUMBER OF EMPLOYEES	POLITICAL APPOINTMENTS AVAILABLE	PERCENTAGE
Agriculture	100,084	384	0.43
Commerce	39,151	324	1.13
Defense	670,568	655	0.06
Education	4,581	260	4.06
Energy	15,689	469	2.75
Health and Human Services	63,323	418	0.61
Homeland Security	(not yet created)	453	N/A
Housing and Urban Development	10,154	152	1.53
Interior	72,982	283	0.32
Justice	126,711	569	0.39
Labor	16,016	219	1.17
State	28,054	1,287	3.79
Transportation	64,131	271	0.42
Treasury	159,274	175	0.14
Veterans Affairs	223,137	361	0.14
TOTAL	1,593,855	6,280	0.33

Sources: *Policy and Supporting Positions* (Washington, D.C.: Government Printing Office, 2006); U.S. Office of Personnel Management, 2006.

Informal Powers

- Executive order—a presidential order that has the force of law and does not require congressional approval
- Executive agreement—a presidential agreement with another country that does not require Senate approval





The Many Roles of the President

- Head of State
- Chief Executive
 - The Powers of Appointment and Removal
 - The Power to Grant Reprieves and Pardons





Powers & Limitations of the President

ROLE: CHIEF OF STATE

- 1. the ceremonial head of the U.S. government & people**
- 2. reigns and rules**



Powers & Limitations of the President

ROLE: CHIEF EXECUTIVE

- 1. enforces federal law, treaties,
court decisions**
- 2. Executive orders**
- 3. Appoints cabinet members,
commissions, federal judges**
 - A. Senate approval needed for
appointments**



Powers & Limitations of the President

ROLE: CHIEF ADMINISTRATOR

- 1. Employs more than 2.7 million civilians**
- 2. Spends more than \$2.5 trillion per year**



Powers & Limitations of the President

ROLE: CHIEF DIPLOMAT

1. general charge of foreign policy
2. appoints ambassadors
3. executive agreements
4. negotiates treaties
5. recognition of foreign governments
 - A. Senate must approve appointments
 - B. Senate must approve treaties (2/3 vote)



Powers & Limitations of the President

ROLE: COMMANDER-IN-CHIEF

**1. Civilian authority over the
military (1.4 million)**

**A. War Powers Resolution
1973**

B. Congress declares war



Powers & Limitations of the President

ROLE: CHIEF LEGISLATOR

- 1. Veto**
- 2. outlines legislative proposals
(ex. The Federal Budget)**
- 3. calls special sessions of
Congress**
 - A. 2/3- both houses of Congress
can override a veto**
 - B. Congress is not obligated to
pass the president's proposals**



Powers & Limitations of the President

ROLE: HEAD OF POLITICAL PARTY

1. Political patronage

A. Face of the party

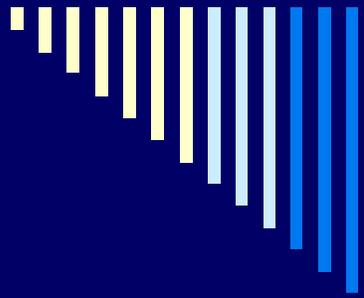
**B. Party tied to success or failure
of the President**



Powers & Limitations of the President

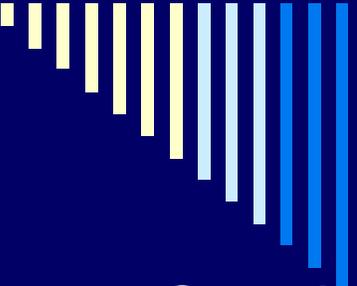
ROLE: CHIEF CITIZEN

- 1. “the Representative of all the people”**
- 2. Certain moral obligations**



The Many Roles of the President (cont.)

- Commander-in-Chief
 - Wartime Powers
 - War Powers Resolution
- Chief Diplomat
 - Diplomatic Recognition
 - Proposal and Ratification of Treaties
 - Executive Agreements



The Many Roles of the President (cont.)

- Chief Legislator

- Getting Legislation Passed

- Saying No to Legislation

- The Line-Item Veto

- Congress' power to override Presidential vetoes

- Other Presidential Powers

- Powers that Congress has bestowed on the president by statute (statutory powers) and those that are considered inherent powers. Inherent powers are those powers the head of government needs to fulfill his duties, as prescribed vaguely in the Constitution.

Line Item Veto

- Gives the president power to strike specific spending items from appropriations bills.
 - Clinton used this power eleven times.
- In 1998 the Court ruled the line-item veto unconstitutional.

Patriot Act

- Within a month of 9/11, the White House drafted, and Congress enacted, the Patriot Act, expanding the power of government to engage in domestic surveillance.
- Congress created the Department of Homeland Security which combined 22 federal agencies into one department.

Executive privilege

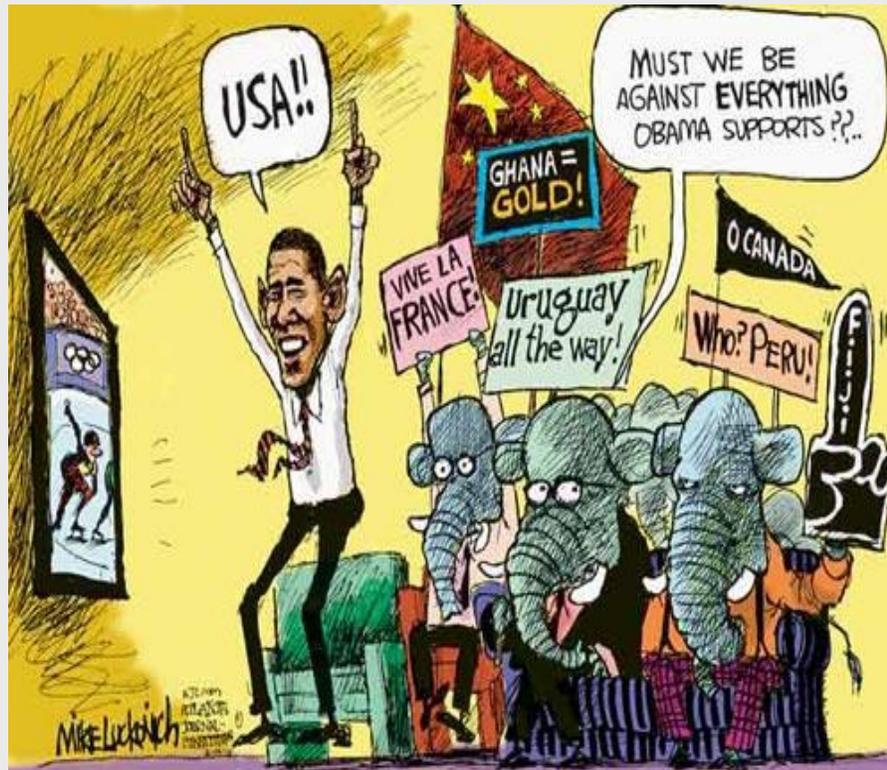
- Executive privilege implies that communications between a president and his advisers should not be revealed.
 - Presidents have claimed privilege since Washington refused a request from the House to deliver documents concerning a treaty.
- Executive privilege was not tested in the courts until the 1971 Watergate affair.
 - In *U.S. v. Nixon*, the Court ordered him to turn over tape recording made in the White House.

Executive Agreements

- An executive agreement is a contract between two countries.
- Unlike a treaty it does not require Senate approval.
- In *U.S. v. Pink*, 1942, the Court confirmed an executive agreement is the legal equivalent of a treaty.

Presidential Leadership of Congress: The Politics of Shared Powers

■ Legislative Skills



- Variety of forms: bargaining, making personal appeals, consulting with Congress, setting priorities in the State of the Union address.
- Most important is bargaining with Congress.
- Presidents should use their “honeymoon” period
- Nation’s key agenda builder

The President and National Security Policy

- Chief Diplomat
 - Negotiates treaties with other countries
 - Treaties must be ratified by the Senate
 - Signs executive agreements to take care of routine matters with other countries
 - May negotiate for peace between other countries
 - Leads U.S. allies in defense & economic issues

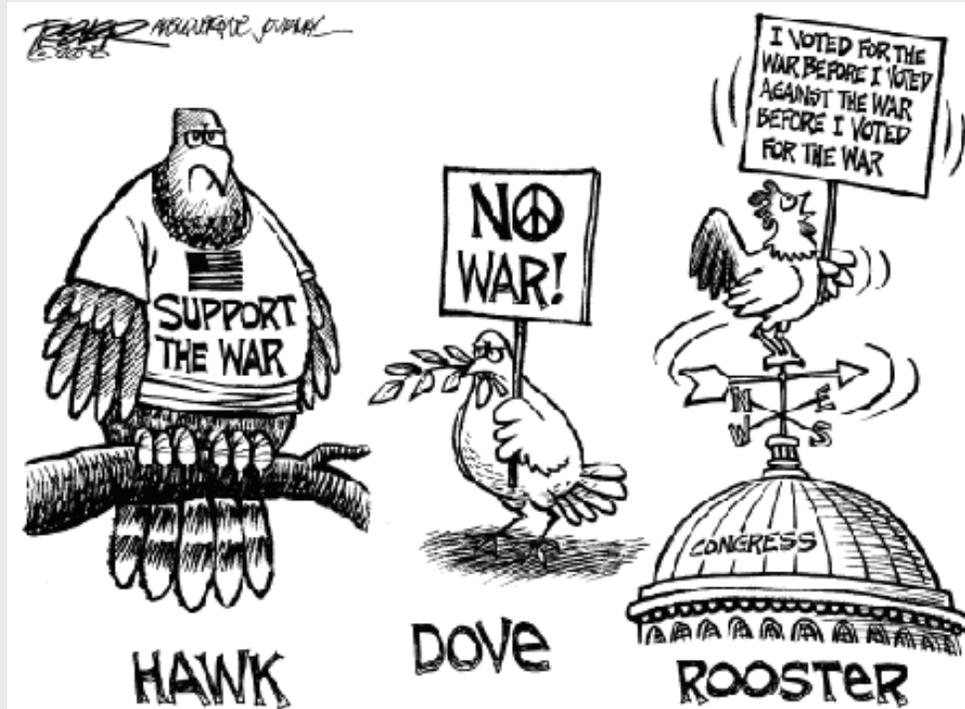


The President and National Security Policy



- Commander in Chief
 - Writers of the Constitution wanted civilian control of the military
 - Presidents often make important military decisions
 - Presidents command a standing military and nuclear arsenal
 - Presidents can deploy troops without congressional consent.

The President and National Security Policy



■ War Powers Resolution

- Constitution gives Congress the power to declare war, but presidents can commit troops and equipment in conflicts
- War Powers Resolution requires the president to consult with Congress before sending troops, when possible
- It requires that Congress approve of any troop commitment beyond 30 days.
- Most presidents have ignored it.
- Supreme Court avoided it using the political questions doctrine.

War Powers Resolution 1973

- The resolution requires the president to inform Congress of any planned military campaign.
- Presidents have ignored it claiming inherent power. To send troops whenever they need to
 - In 1989 George H. W. Bush ordered an invasion of Panama without consulting Congress.
 - In 1995, Clinton ordered massive bombing in Yugoslavia without congressional authorization.
 - In 2001, George W. Bush organized campaigns in Afghanistan and Iraq.

- <https://www.npr.org/2021/03/04/973561029/lawmakers-on-capitol-hill-criticize-bidens-order-for-airstrikes-against-syria>

The President and National Security Policy



■ Crisis Manager

- The role the president plays can help or hurt the presidential image.
- With current technology, the president can act much faster than Congress to resolve a crisis.

■ Working with Congress

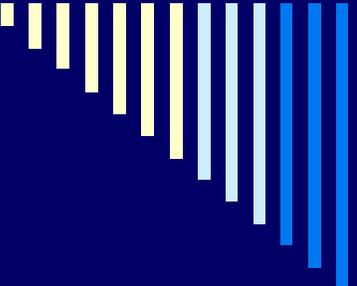
- President has lead role in foreign affairs.
- Presidents still have to work with Congress for support and funding of foreign policies.

Presidential Leadership of Congress: The Politics of Shared Powers

TABLE 13.5

Presidential Vetoes

PRESIDENT	REGULAR VETOES	VETOES OVERRIDDEN	PERCENTAGE OF VETOES OVERRIDDEN	POCKET VETOES	TOTAL VETOES
Eisenhower	73	2	3	108	181
Kennedy	12	0	0	9	21
Johnson	16	0	0	14	30
Nixon	26	7	27	17	43
Ford	48	12	25	18	66
Carter	13	2	15	18	31
Reagan	39	9	23	39	78
G. Bush	29	1	3	15	44
Clinton	37	2	5	1	38
G. W. Bush	12	4	33	0	12



The President As Party Chief and Superpolitician

- The President as Chief of Party
 - Constituencies and Public Approval
 - Presidential constituencies
 - Public approval
 - “Going Public.” When the president presents an idea to Congress, he may also “go public” in an attempt to generate popular support for his proposal.
-



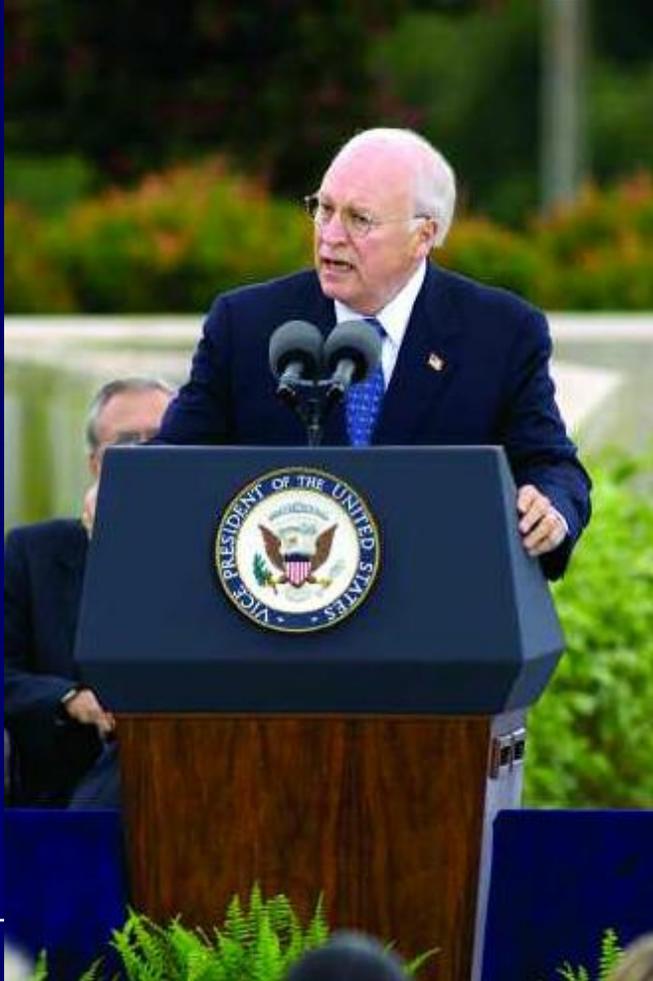
President (Years)	Coinciding Congresses	Veto			
		Regular	Pocket	Total	Overridden
Donald J. Trump (2017-present)	115-116	10	0	10	1
Barack Obama (2009-2017)	114-111	12	0	12	1
George W. Bush (2001-2009)	110-107	12	0	12	4
William J. Clinton (1993-2001)	106-103	36	1	37	2
George H. W. Bush (1989-1993) ¹	102-101	29	15	44	1
Ronald Reagan (1981-1989) ²	100-97	39	39	78	9
Jimmy Carter (1977-1981)	96-95	13	18	31	2
Gerald R. Ford (1974-1977)	94-93	48	18	66	12
Richard M. Nixon (1969-1974)	93-91	26	17	43	7
Lyndon B. Johnson (1963-1969)	90-88	16	14	30	0
John F. Kennedy (1961-1963)	88-87	12	9	21	0
Dwight D. Eisenhower (1953-1961)	86-83	73	108	181	2
Harry S. Truman (1945-53)	82-79	180	70	250	12

The Executive Branch

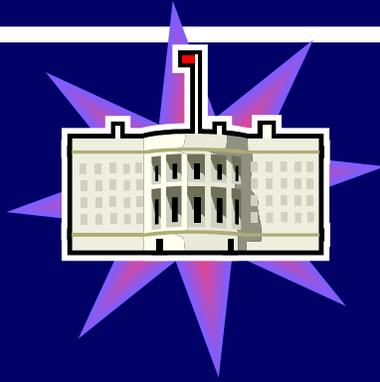
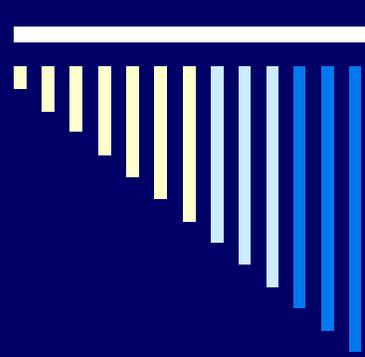


- The Vice President
 - Few official constitutional duties
 - Recent presidents have given their VPs important jobs
- The Cabinet
 - Presidential advisors, not in Constitution
 - Is made up of the cabinet secretaries of the federal departments, confirmed by the Senate

The Vice President

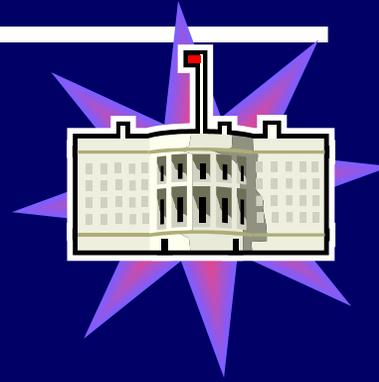


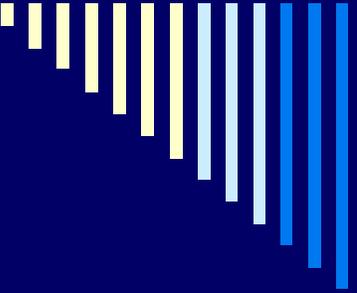
- The Vice President's Job
 - Strengthening the Ticket
 - Supporting the President
- Presidential Succession
- The Twenty-fifth Amendment
- When the Vice Presidency Becomes Vacant



Line of Succession To the Presidency Of the United States

1. Vice president
2. Speaker of the House of Representatives
3. Senate president pro tempore
4. Secretary of state
5. Secretary of the treasury
6. Secretary of defense
7. Attorney general (head of the Justice Department)
8. Secretary of the interior
9. Secretary of agriculture
10. Secretary of commerce
11. Secretary of labor
12. Secretary of health and human services
13. Secretary of housing and urban development
14. Secretary of transportation
15. Secretary of energy
16. Secretary of education
17. Secretary of veterans affairs
18. Secretary of homeland security





The Executive Organization

- The Cabinet
 - The Members of the Cabinet
 - The Kitchen Cabinet
 - Presidential Use of Cabinets
 - The Executive Office of the President
 - The White House Office
 - The Office of Management and Budget
 - The National Security Council
-

Running the Government: The Chief Executive

■ The Executive Office

- National Security Council (NSC)
 - Created in 1947 to coordinate the president's foreign and military policy advisers
 - Members include the president, vice president, secretary of state and defense, and managed by the president's national security adviser
- Council of Economic Advisers (CEA)
 - A three-member body appointed by the president to advise on economic policy
- Office of Management and Budget (OMB)
 - Performs both managerial and budgetary functions, including legislative review and budgetary assessments of proposals

Running the Government: The Chief Executive

The Executive Office

Made up of several
policymaking and advisory
bodies

Three principle groups:
NSC, CEA, OMB

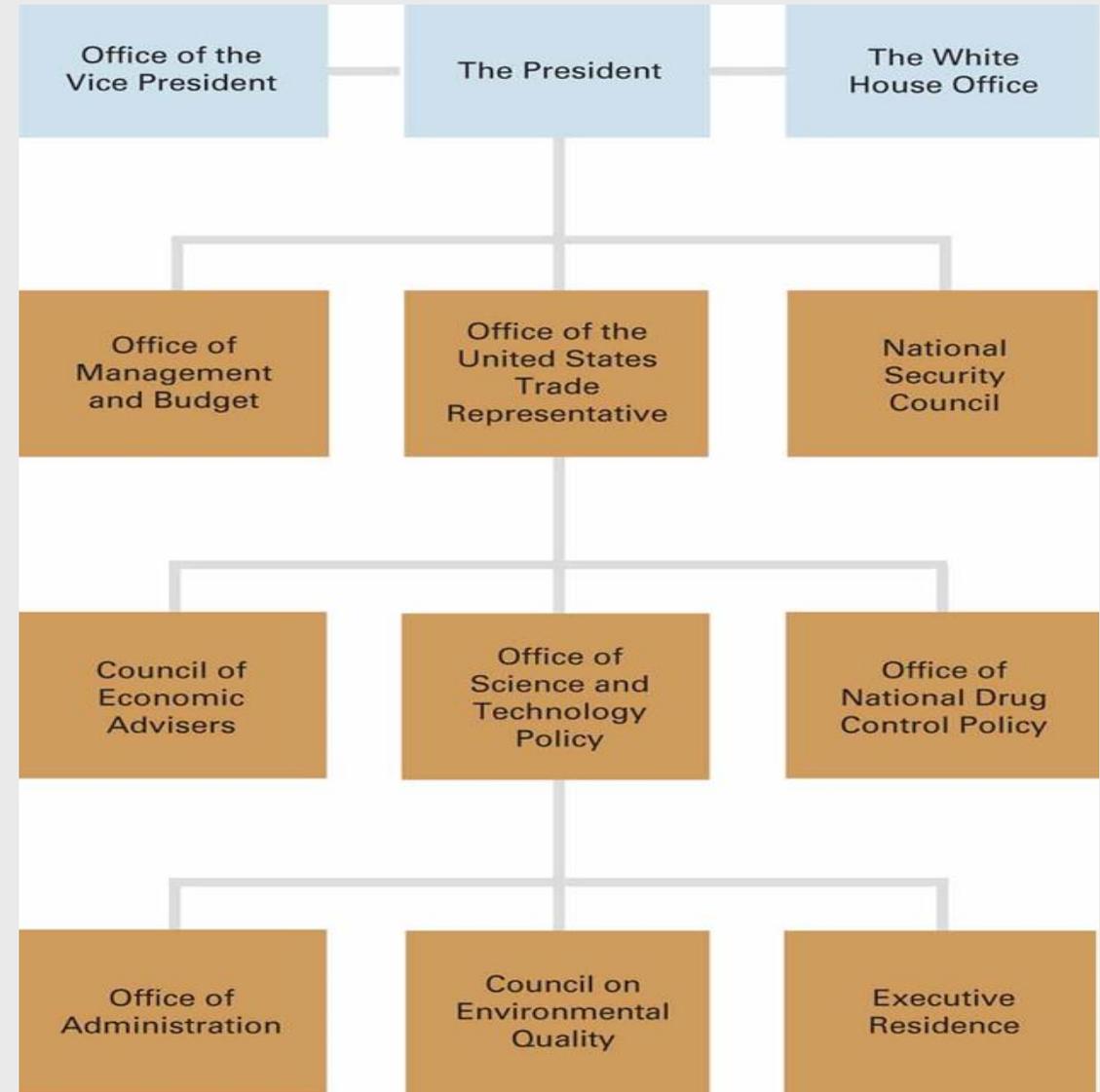
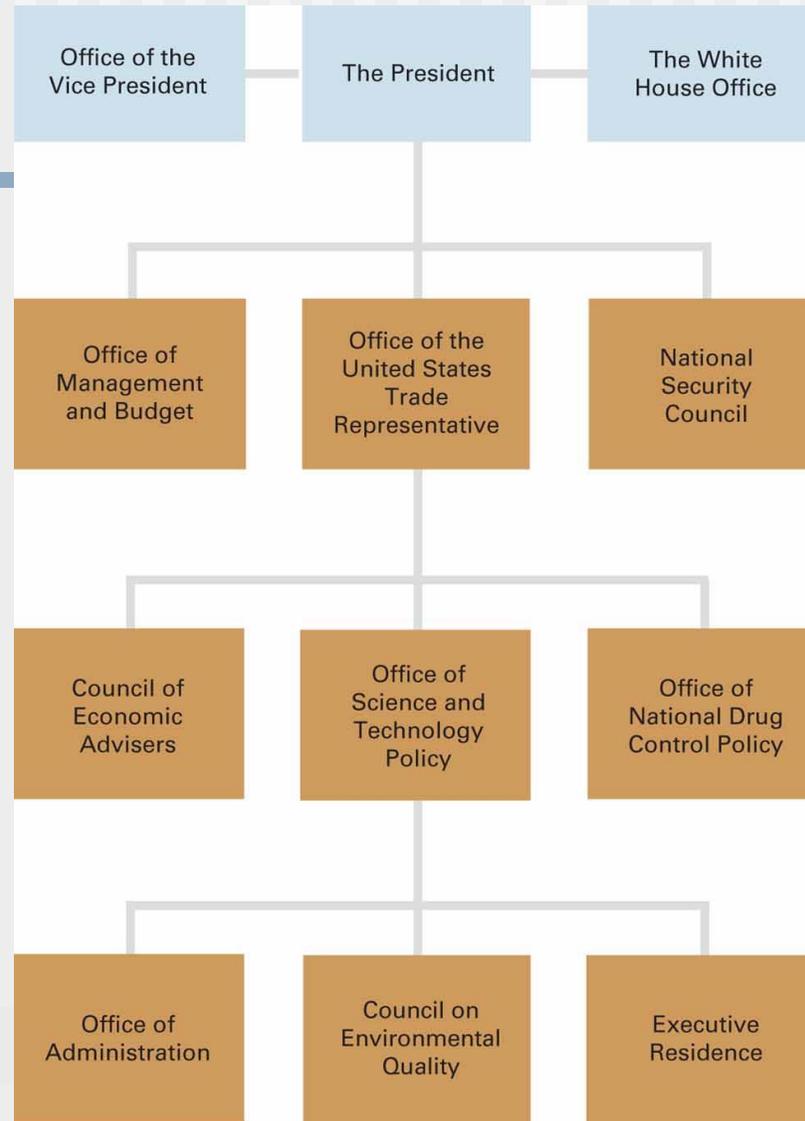


FIGURE 12.1 Executive Office of the President



Running the Government: The Chief Executive



The White House Office

- The White House Staff are the chief aides and staff for the president.
- They are chosen on the basis of their loyalty to the president
- Need not be confirmed
- The national security advisor is an example.

Running the Government: The Chief Executive

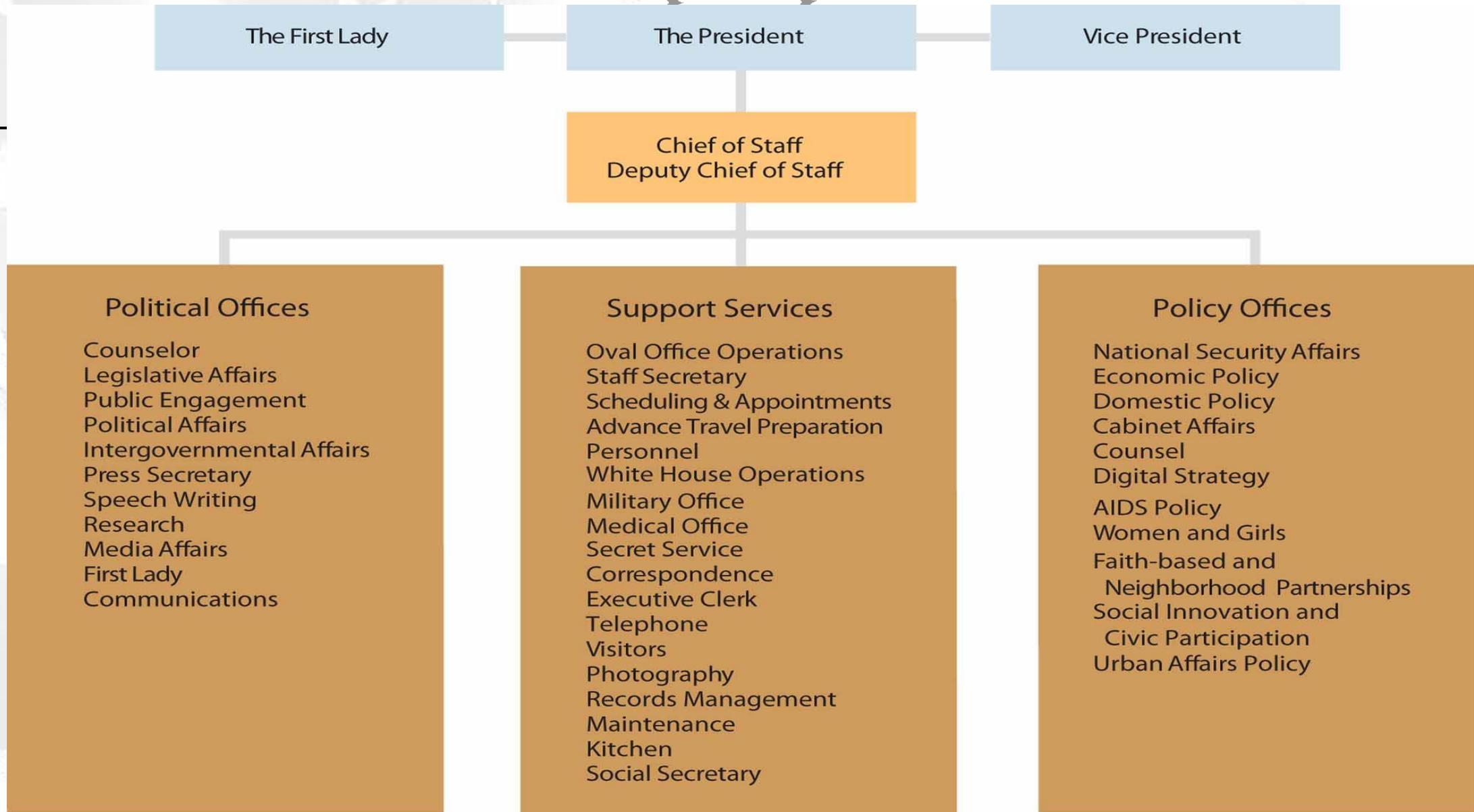
■ The White House Staff

- Chief aides and staff for the president—some are more for the White House than the president
- Presidents rely on their information and effort but presidents set tone and style of White House

■ The First Lady

- No official government position, but many get involved politically
- Recent ones focus on a single issue, e.g., Hillary Clinton and health care

FIGURE 12.2 Principal Offices in the White House

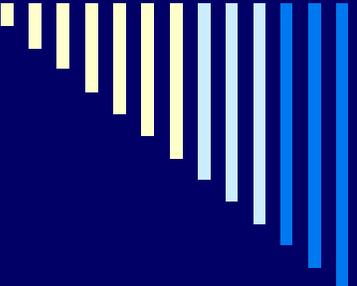


First Lady

No official government position, but many get involved politically

Recent ones focus on a single issue





The President As Party Chief and Superpolitician

- The President as Chief of Party
 - Constituencies and Public Approval
 - Presidential constituencies
 - Public approval
 - “Going Public.” When the president presents an idea to Congress, he may also “go public” in an attempt to generate popular support for his proposal.
-

Presidential Leadership of Congress: The Politics of Shared Powers

■ Party Leadership

– The Bonds of Party

- Being in the president's party creates a psychological bond between legislators and presidents, increasing agreement.

– Slippage in Party Support

- Presidents cannot always count on party support, especially on controversial issues.

– Leading the Party

- Presidents can offer party candidates support and punishment by withholding favors.
- Presidential coattails occur when voters cast their ballots for congressional candidates of the president's party because they support the president. Races are rarely won in this way.

TABLE 12.6 Congressional Gains or Losses for the President's Party in Presidential Election Years

TABLE 12.6 CONGRESSIONAL GAINS OR LOSSES FOR THE PRESIDENT'S PARTY IN PRESIDENTIAL ELECTION YEARS

Presidents cannot rely on their coattails to carry their party's legislators into office to help pass White House legislative programs. The president's party typically gains few, if any, seats when the president wins election. For instance, the Republicans lost seats in both houses when President George W. Bush was elected in 2000.

Year	President	House	Senate
1952	Eisenhower (R)	+22	+1
1956	Eisenhower (R)	-2	-1
1960	Kennedy (D)	-22	-2
1964	Johnson (D)	+37	+1
1968	Nixon (R)	+5	+6
1972	Nixon (R)	+12	-2
1976	Carter (D)	+1	0
1980	Reagan (R)	+34	+12
1984	Reagan (R)	+14	-2
1988	G. Bush (R)	-3	-1
1992	Clinton (D)	-10	0
1996	Clinton (D)	+9	-2
2000	G. W. Bush (R)	-2	-4
2004	G. W. Bush (R)	+3	+4
2008	Obama (D)	+21	+8
2012	Obama (D)	+8	+1
	Average	+7.9	+1.2

TABLE 12.7 Congressional Gains or Losses for the President's Party in Midterm Election Years

TABLE 12.7 CONGRESSIONAL GAINS OR LOSSES FOR THE PRESIDENT'S PARTY IN MIDTERM ELECTION YEARS

For decades, the president's party typically lost seats in midterm elections. Thus, presidents could not be certain of helping to elect members of their party once in office. The elections of 1998 and 2002 deviated from this pattern, and the president's party gained a few seats.

Year	President	House	Senate
1954	Eisenhower (R)	-18	-1
1958	Eisenhower (R)	-47	-13
1962	Kennedy (D)	-4	+3
1966	Johnson (D)	-47	-4
1970	Nixon (R)	-12	+2
1974	Ford (R)	-47	-5
1978	Carter (D)	-15	-3
1982	Reagan (R)	-26	0
1986	Reagan (R)	-5	-8
1990	G. Bush (R)	-9	-1
1994	Clinton (D)	-52	-8
1998	Clinton (D)	+5	0
2002	G. W. Bush (R)	+6	+2
2006	G. W. Bush (R)	-30	-6
2010	Obama (D)	-63	-6
2014*	Obama (D)	-16	-9
	Average	-24	-3

Presidential Leadership of Congress: The Politics of Shared Powers

■ Public Support

– Public Approval

- A source of presidential leadership of Congress
- Public approval gives the president leverage, not command; it does not guarantee success

– Mandates

- Perception that the voters strongly support the president's character and policies
- Mandates are infrequent, but presidents claim a mandate anyway

Power from the People: The Public Presidency

■ Going Public

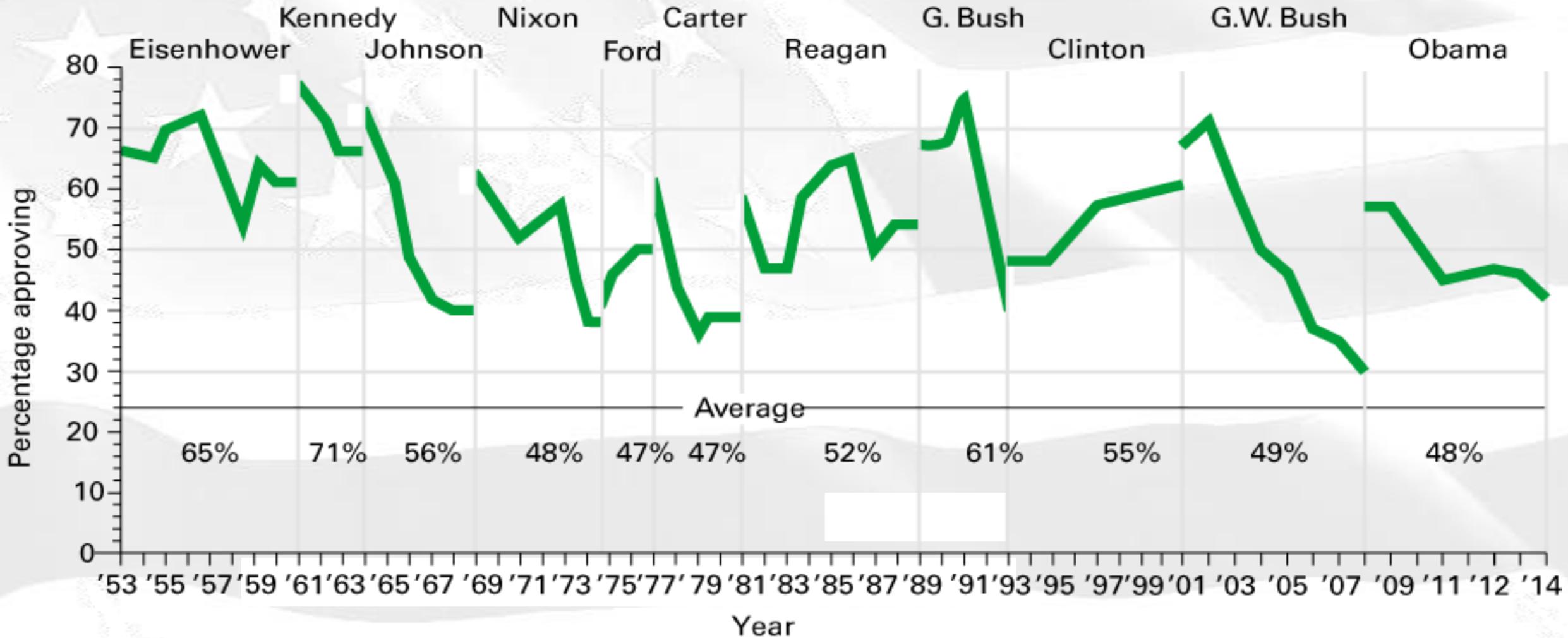
- Public support is perhaps the greatest source of influence a president has.
- Presidential appearances are staged to get the public's attention.
- As head of state, presidents often perform many ceremonial functions, which usually result in favorable press coverage.

Power from the People: The Public Presidency

■ Presidential Approval

- Receives much effort by the White House
- Product of many factors: predispositions, “honeymoon,” rally events
- Changes can highlight good or bad decisions

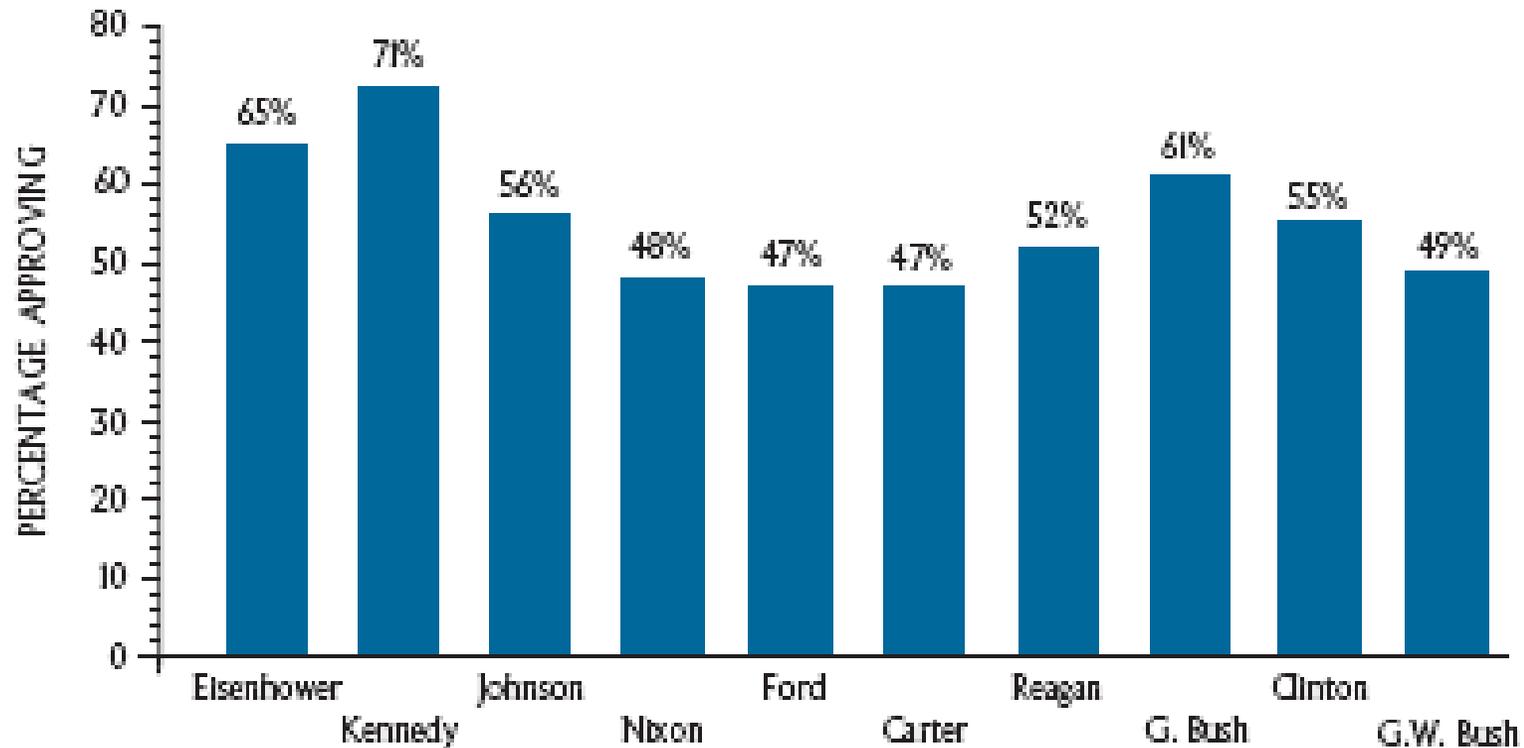
FIGURE 12.3 Presidential Approval



Power from the People: The Public Presidency

FIGURE 13.4

Average Presidential Approval for Entire Terms in Office



Power from the People: The Public Presidency

■ Policy Support

- Presidents attempt to gain public support through televised messages, with little success
 - The public may not be receptive to the president's message or misperceive it all together.

■ Mobilizing the Public

- The president may attempt to motivate the public to contact Congress.
- A difficult task, given inattentive and apathetic public
- May backfire: a lack of response speaks loudly

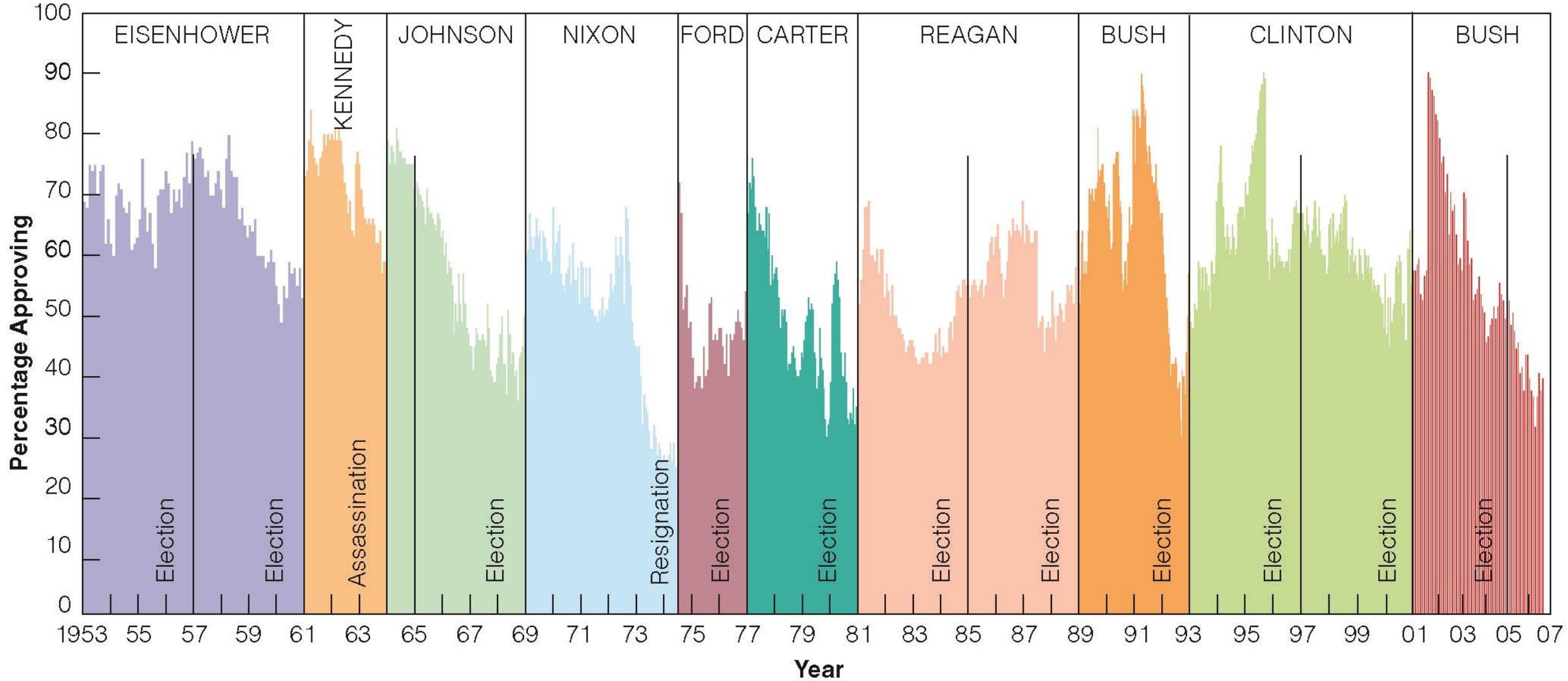
■ Using the bully pulpit effectively

- Media skills



■ <https://www.khanacademy.org/humanities/us-government-and-civics/us-gov-interactions-among-branches/us-gov-presidential-communication/v/pr-presidents-bully-pulpit>

FIGURE 12-1 | PUBLIC POPULARITY OF MODERN PRESIDENTS



Sources: The Roper Center for Public Opinion Research; Gallup and *USA Today*/CNN polls, March 1992 through November 2006.

12.6 As a president's time in office increases, his approval ratings

- a. also increase
- b. generally go down
- c. remain stable
- d. decrease but rise as his term ends

12.6 As a president's time in office increases, his approval ratings

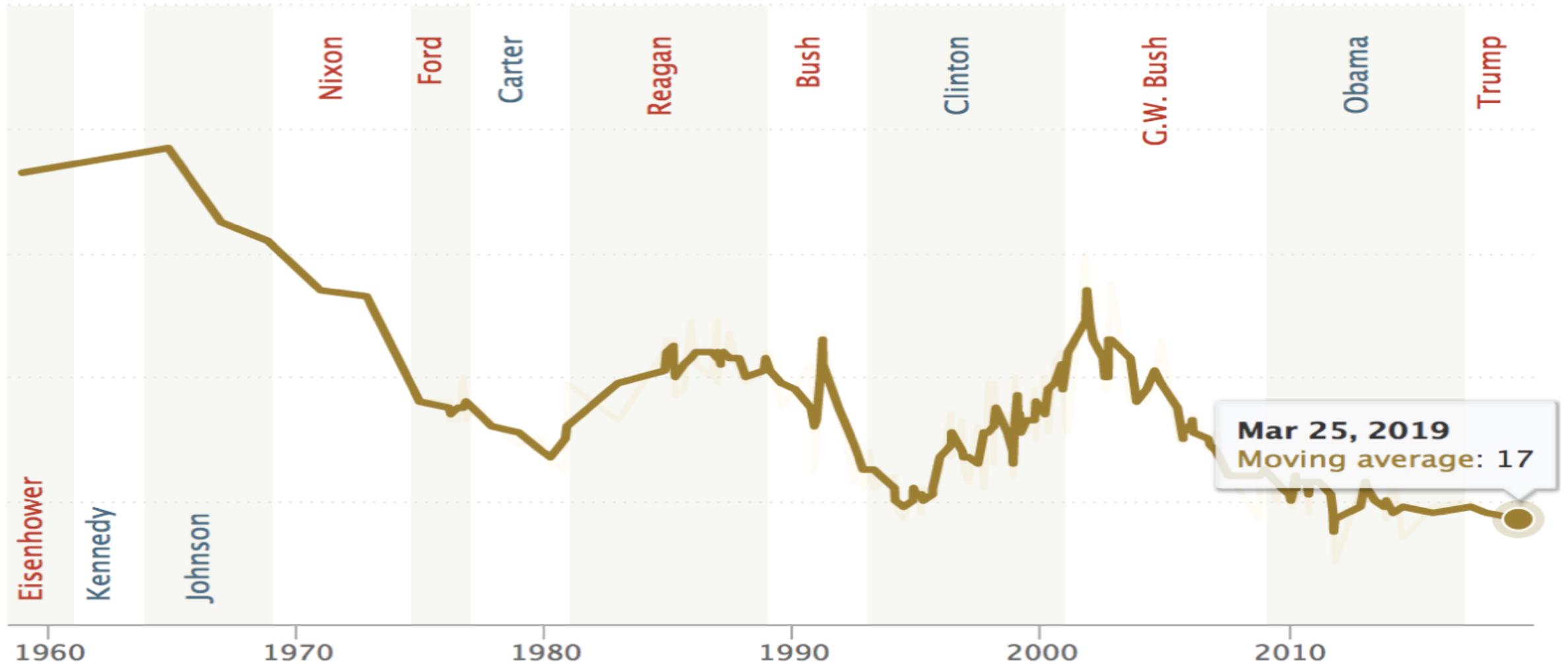
a. also increase

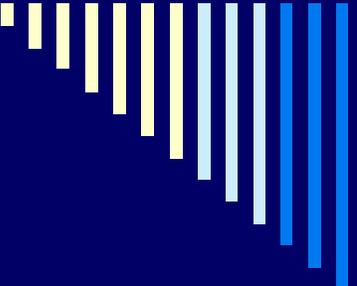
b. generally go down

c. remain stable

d. decrease but rise as his term ends

Trust in Government over the years



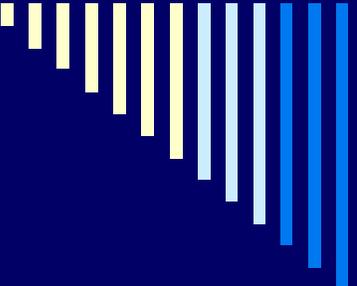


The Special Uses of Presidential Power

- Emergency Powers

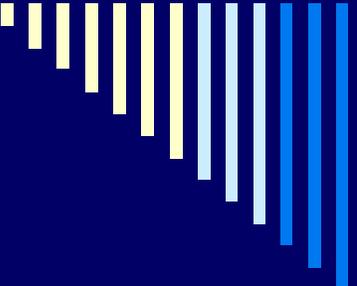
- Executive Orders

- *Executive order*, a rule or regulation issued by the president that has the effect of law. Executive orders can implement and give administrative effect to provisions in the Constitution, to treaties, and to statutes.
 - *Federal Register*, a publication of the U.S. government that prints executive orders, rules, and regulations.
-



The Special Uses of Presidential Power (cont.)

- Executive Privilege
 - *United States v. Nixon* - limited executive privilege
 - Clinton's Attempted Use of Executive Privilege
-



Abuses of Executive Power and Impeachment

- Article I, Section 2, gives the House the sole power of impeachment. If a majority of the members of the House vote to impeach an officer of the United States, the Senate will conduct a trial. If two-thirds of the Senators vote for conviction the officer is removed from office.
 - The concept of impeachment is important because without this power there would be little that could be done to control criminal behavior by a top leader. On the other hand, this power could be abused and lead to politically motivated impeachments.
-

WATERGATE

Is synonymous with the abuse of Presidential power by President Nixon

- ❖ political burglary
 - ❖ bribery
 - ❖ extortion
 - ❖ wiretapping
 - ❖ conspiracy
- ❖ obstruction of justice
- ❖ destruction of evidence
 - ❖ tax fraud
- ❖ illegal use of government agencies/CIA and FBI
 - ❖ illegal campaign contributions
- ❖ use of public money for private purposes.



Nixon's Reelection Campaign

Campaign Funding

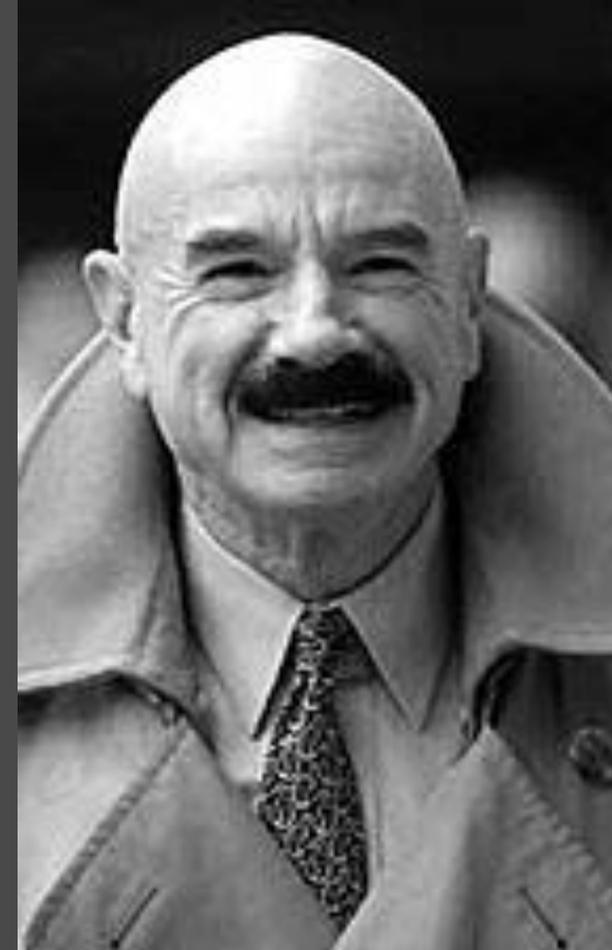
- The Committee to Reelect the President, led by John Mitchell, aimed to collect as much campaign money as possible before a new law required such contributions to be reported.
- The money that the Committee collected was intended to fund both routine campaign activities and secret unethical actions.

"Dirty Tricks"

- Attempts to sabotage Nixon's political opponents came to be known as "dirty tricks." These efforts included sending hecklers to disrupt Democratic campaign meetings and assigning spies to join the campaigns of opposing candidates.
- One particularly damaging "dirty trick" involved a faked letter that seriously hurt the candidacy of Edmund Muskie, a leading Democratic presidential contender.

PLUMBERS

- ❖ Nixon established a secret group known as the plumbers to plug leaks
- ❖ Started campaign of dirty tricks that included IRS harassment and derailing of Democratic frontrunner Edmund Muskie.
- ❖ Used methods as calling New Hampshire voters in the middle of the night and claiming to be from Harlem for Muskie or putting signs around Florida stating “Help Muskie in busing more children now”
- ❖ Funded by Committee to Re-Elect the President (CREEP) which used highly questionable fund raising tactics and raised over \$20 million



The Watergate Break-In

- In March 1972, a group within the Committee to Reelect the President made plans to wiretap the phones at the Democratic National Committee Headquarters at the Watergate apartment complex in Washington, D.C.
- This group was led by E. Howard Hunt and G. Gordon Liddy. The group's first attempt failed. During their second attempt on June 17, 1972, five men were arrested.
- The money they carried was traced directly to Nixon's reelection campaign, linking the break-in to the campaign.
- The break-in and the coverup which resulted became known as the Watergate scandal.

WATERGATE BREAK IN

- ❖ Some of the money raised by CREEP went to pay for the break in at the Democratic Headquarters located in the Watergate Hotel in Washington
- ❖ 5 burglars caught June 17, 1972, carrying cameras, wiretapping equipment and large amounts of cash
- ❖ Nixon administration denied any knowledge
- ❖ Burglars were convicted in January 1973 and, despite offers of \$400K in hush money from White House Counsel John Dean, one of the burglars started to talk
- ❖ At same time, reporters Carl Bernstein and Bob Woodward began to expose cover-up

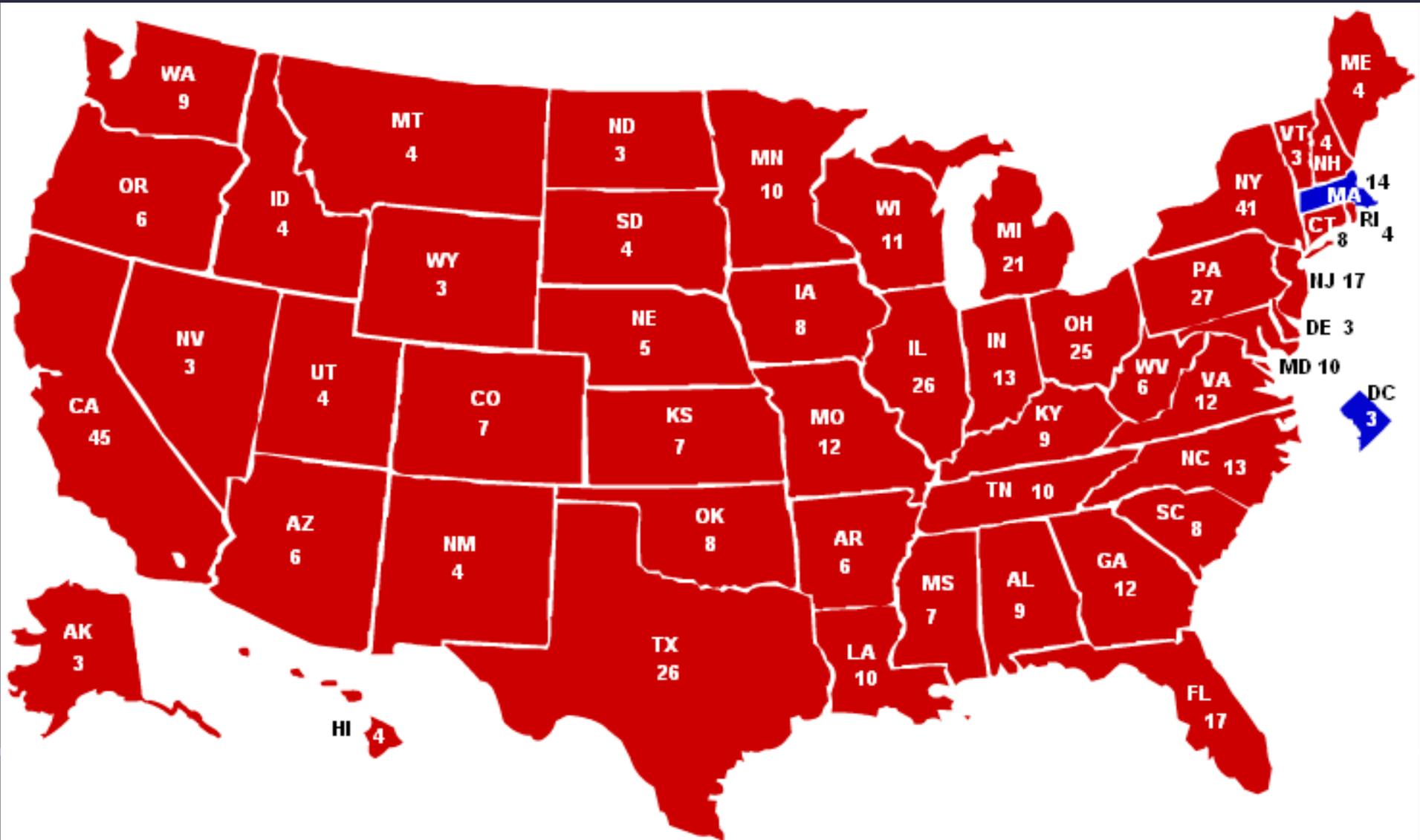




The Watergate Coverup

- Although Nixon had not been involved in the break-in, he became involved in its coverup.
- He illegally authorized the CIA to try to persuade the FBI to stop its investigation of the break-in, on the grounds that the matter involved “national security.”
- Nixon advisors launched a scheme to bribe the Watergate defendants into silence, as well as coaching them on how to lie in court.
- During the months following the break-in, the incident was barely noticed by the public. Nixon won the 1972 election by a landslide.

Candidate	Party	Electoral Votes	Popular Votes
Richard M. Nixon	Republican	520	46,740,323
George McGovern	Democratic	17	28,901,598



The Scandal Unfolds

The Watergate Trial

- At the trial of the Watergate burglars in early 1973, all the defendants either pleaded guilty or were found guilty.
- Judge John J. Sirica, presiding over the trial, was not convinced that the full story had been told.
- He sentenced the burglars to long prison terms, suggesting that their terms could be reduced if they cooperated with upcoming Senate hearings on Watergate.

Woodward and Bernstein

- Two young Washington Post reporters, Bob Woodward and Carl Bernstein, were influential in tracking down information to uncover the Watergate story.
- Woodward and Bernstein believed that the White House would prove to be involved in the Watergate scandal.

WATERGATE

- ❖ In February 1973, the Senate voted to establish a select committee to investigate the scandal
- ❖ In April, 3 of Nixon's top aides resigned after their implication and Dean, who was getting nervous, was fired while press secretary Ron Zeigler declared all previous statements on the subject "inoperative"



The Scandal Unfolds

The Senate Investigates

- Aided by Woodward and Bernstein and by the testimony of one of the Watergate burglars, a Senate Select Committee on Presidential Campaign Activities began to investigate the Watergate affair.
- Millions of Americans watched the Senate hearings unfold on national television.
- Nixon attempted to protect himself by forcing two top aides to resign and by proclaiming that he would take final responsibility for the mistakes of others.

A Secret Taping System

- During the Senate hearings, Alexander Butterfield, a former presidential assistant, revealed the existence of a secret taping system in the President's office.
- The taping system had been set up to provide a historical record of Nixon's presidency. Now it could be used to show whether or not Nixon had been involved in the Watergate coverup.

WATERGATE

- ❖ In May, the Senate Watergate Committee chaired by Sam Ervin of North Carolina began nationally televised hearings
- ❖ On June 14, Jeb Magruder, former Asst. Sec of Commerce, confessed his guilt and implicated Attorney General John Mitchell, **John Dean** and others
- ❖ **Dean** then implicated Nixon and an aide revealed that there was a secret taping system in the White House

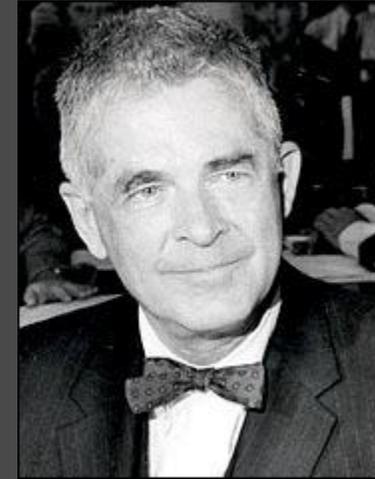


The “Saturday Night Massacre”

- In an effort to demonstrate his honesty, in May 1973 Nixon agreed to the appointment of a special prosecutor for the Watergate affair.
- A special prosecutor works for the Justice Department and conducts an investigation into claims of wrongdoing by government officials.
- The Watergate special prosecutor, Archibald Cox, insisted that Nixon release the White House tapes.
- Nixon ordered him fired on Saturday, October 20, 1973, beginning a series of resignations and firings that became known as the “Saturday Night Massacre.”

SATURDAY NIGHT MASSACRE

- ❖ Nixon stonewalled turning over tapes citing executive privilege and national security
- ❖ Special Prosecutor Archibald Cox successfully petitioned a lower court to force Nixon to hand over tapes
- ❖ Nixon refused and ordered Attorney General Elliott Richardson to fire Cox
- ❖ Richardson refused and resigned as did Asst. AG William Ruckelshaus
- ❖ Third in line, Solicitor General Robert Bork complied
- ❖ Became known as Saturday Night Massacre and sparked outrage and new demands for tapes
- ❖ Finally after new round of subpoenas, Nixon released heavily edited transcripts in spring of 1974 included a suspicious 18 minute gap in one of the tapes



An Administration in Jeopardy

Problems in the Nixon Administration, 1973–1974

- Nixon's public approval rating plummeted after his firing of Cox.
- When Cox's replacement, Leon Jaworski, also requested that Nixon turn over the tapes, Nixon turned over edited transcripts instead. Feelings of anger and disillusionment arose among many who read them.
- Vice President Spiro Agnew, accused of evading income taxes and taking bribes, resigned in early October 1973. His successor, Gerald Ford, was not confirmed until two months later.

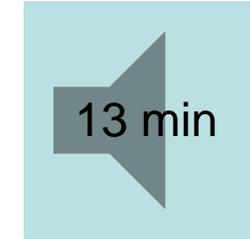
The United States v Nixon 1974

Vocabulary

- John Mitchell
- George McGovern
- Plumbers
- Committee to Re-elect the President
- Special Prosecutor
- Archibald Cox
- Conspiracy to Obstruct Justice
- Robert Bork
- Saturday Night Massacre
- In camera
- The Silent Majority
- Executive Privilege

United States v Nixon (1974)

Vocabulary



- George McGovern
- The Plumbers
- Committee to Re-elect the President (CREEP)
- Archibald Cox- Special Prosecutor
- Conspiracy to Obstruct Justice
- Unindicted co-conspirator
- Senator Sam Ervin
- Robert Bork
- Saturday Night Massacre
- Leon Jaworsky- Special Prosecutor
- In camera (in private)

Constitutional Issues of the case

- Executive Privilege
- Does the Separation of Power prevent the Supreme Court from judging the President?
- Can a Special Prosecutor, a member of the Executive Branch, sue the president?
- Are acts of the President reviewable by the Supreme Court

Constitutional Issues of the case

- Does Executive Privilege exist
- Does the Separation of Power prevent the Court from judging another branch?
- Can a Special Prosecutor, a member of the Executive Branch, sue the president?
- Are acts of the President reviewable by the Court

Arguments for United States

- The President cannot act as the sole judge of the Constitution
- Executive privilege is not a Constitutional power
- Executive privilege does not include the ability to withhold evidence

Arguments for Nixon

- The Supreme Court has no jurisdiction in a conflict within the Executive Branch.
- Only the President can determine the scope of executive privilege.
- Impeachment and the question of the tapes was a political matter not a matter of criminal law.
- The President could not be indicted or tried only impeached.

The Court's Decision

- Nixon had to turn over the tapes
 1. The principle of separation of power gave the Court power to determine the bounds of Executive power.
 2. The needs of Judicial process supersede presidential privilege.
 3. The needs for confidentiality and deference to the Executive Branch are still important but limited.
 4. The President retained some executive privilege especially in matters of national security.

Impeachment Hearings and Nixon's Resignation

- After the Saturday Night Massacre, Congress began the process of determining if they should **impeach** the President, or charge him with misconduct while in office.
- In the summer of 1974, **the House Judiciary Committee** voted to impeach Nixon on numerous charges. Conviction, and removal from office, seemed likely.
- On August 5, 1974, Nixon released the White House tapes, with an 18 1/2 minute gap. Even with this gap, the tapes revealed his involvement in the Watergate coverup.
- On August 9, 1974, Nixon resigned, the first President ever to do so. Gerald Ford was sworn in as the new President.

IMPEACHMENT

- ❖ In summer of 1974, a committee of the House convened to consider impeachment
- ❖ On July 30, 7 Republicans joined Democratic majority to vote three articles of impeachment
 - obstruction of justice
 - abuse of power
 - subverting the Constitution
- ❖ 2 days later, Supreme Court ruled that Nixon had no right to claim executive privilege as justification for turning over additional tapes
- ❖ On August 5 Nixon released the unexpurgated tapes which contained shocking evidence that he had ordered the cover up as early as 6 days after the break in

RESIGNATION

- ❖ A delegation of the most senior members of Congress, led by Barry Goldwater, informed the President that no more than 15 Senators still supported him
- ❖ On August 9, 1974, Nixon resigned
- ❖ Vice President Gerald Ford became President and a month later pardoned Nixon





THE WHITE HOUSE
WASHINGTON

August 9, 1974

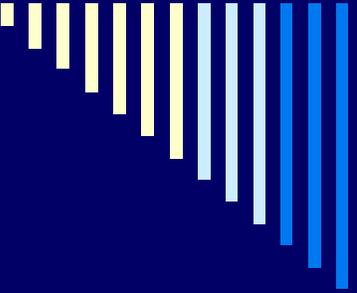
Dear Mr. Secretary:

I hereby resign the Office of President of the
United States.

Sincerely,

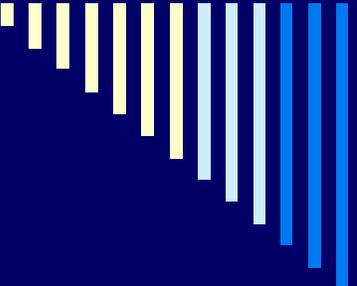
The Honorable Henry A. Kissinger
The Secretary of State
Washington, D. C. 20520

11.35 AM



Questions for Critical Thinking

- How has the presidency evolved from the time of George Washington to the time of George W. Bush?
 - Who develops policy within the executive branch?
-

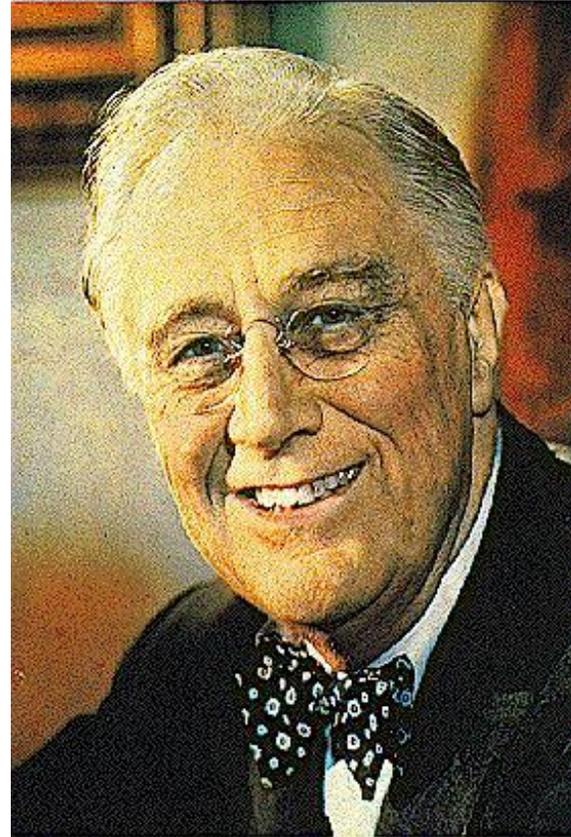


Questions for Critical Thinking

- What has happened to the power of the presidency in this century? How did the New Deal impact the presidency? How has the role of government changed with the role of the president?
 - How has Congress tried to protect the balance of power?
-

Growing Presidential Power

- The New Deal was as the beginning of the era of presidential government.
- Roosevelt changed the size and power of the national government.
- The locus of decision making shifted to the Executive Branch as Congress delegated more and more authority to the president.
- The president's constitutional obligation to see "that the laws be faithfully executed" became a responsibility to shape the laws.



Panama Refining Co. v. Ryan and Schechter Poultry Corporation v. U.S. (1935)

- The Court ruled against broad delegations of legislative power when they declared the National Industrial Recovery Act of 1933 unconstitutional on the grounds that Congress did not give sufficient guidelines.

National Labor Relations Board v. Jones Laughlin Steel Corporation

- The Court *in a 5-4 decision declared the 1935 Wagner Act constitutional.*
 - "Although activities may be intrastate in character if they have such a close relation to interstate commerce that their control is essential to protect interstate commerce Congress cannot be denied the power to exercise control."
- Significance
 1. It ended to the period in which the Court routinely struck down New Deal legislation
 2. It increased Congress's power under the Commerce Clause.
 3. The Court accepted a greater a federal role in the regulation of the economy.

National League of Cities v. Usery (1976)

- The Court declared unconstitutional Congress's effort to create minimum wage standards for state government employees.
- The Court reversed itself nine years later, in *Garcia v. San Antonio*, (1985)