

# Elections & the Presidency

After this lecture and unit, you should be able to do each of the following:

1. Explain what the electoral college is, why it was chosen, and why its reform is unlikely
2. Understand the election process including how to obtain delegates, the primary and caucus process, the national convention, debates, and the role of the parties and political action committees.
3. Explain the role of the media in the election process and criticisms of the media
4. Explain the differences between the positions of president and prime minister.
5. Discuss the approach of the Founders toward executive power.
6. Sketch the evolution of the presidency from 1789 to the present.
7. List and describe the various offices that make up the office of the president.
8. Review discussions of presidential character and how these relate to the achievements in office of various presidents.
9. Explain the hurdles that a president faces in getting his legislation passed
10. Enumerate and discuss the various facets—formal and informal—of presidential power and reason whether or not he is imperial or imperiled.

## I. Presidents and prime ministers

### A. Characteristics of parliaments

1. Parliamentary system twice as common
2. Chief executive chosen by legislature
3. Cabinet ministers chosen from among members of parliament
4. Prime minister remains in power as long as his or her party or coalition maintains a majority in the legislature

### B. Differences

1. Presidents are often outsiders; prime ministers are always insiders, chosen by party members in parliament
2. Presidents choose their cabinet from outside Congress; prime ministers choose members of parliament
3. Presidents have no guaranteed majority in the legislature; prime ministers always have a majority. The United States usually has a divided government
4. Presidents and the legislature often work at cross-purposes

- . a) Even when one party controls both branches
- . b) A consequence of separation of powers
- . c) Only Roosevelt and Johnson had much luck with Congress

#### 5. Presidents and prime ministers at war

- . a) Bush had to cajole a Congress controlled by his own party, Blair encountered no meaningful resistance in parliament
- . b) When public opinion turned against Bush's position, he remained in office. When public opinion turned against Blair, he announced his resignation

## II. Requirements of the Presidency

### A.

#### B. Delegates feared both anarchy and monarchy

1. Idea of a plural executive
2. Idea of an executive checked by a council

#### C. Concerns of the Founders

1. Fear of military power of president who could overpower states
- 2.. Fear of presidential corruption of Senate
3. Fear of presidential bribery to ensure reelection

#### D. Solutions: The electoral college

1. Each state to choose own method for selecting electors
2. Electors to meet in own capital to vote for president and vice president
- 3.. If no majority, House would decide

#### E. The president's term of office

1. Ideas at the convention

2. Precedent of George Washington and two terms
3. Twenty-second Amendment in 1951 limits to two terms
4. Problem of establishing the legitimacy of the office
5. Provision for orderly transfer of power

F. Profile of the presidents:

### III. Roles of the President (Hats)

A. Chief of State-

B. Chief Executive-

C. Commander in Chief-

D. Chief Diplomat-

E. Chief Legislator-

- 1.)
- 2.)
- 3.)
- 4.)

F. Chief Administrator-

G. Chief Guardian of the Economy

H. Party Leader

### IV. Presidential Powers: Formal powers found in Article II (Not a large number of explicit powers )

A. Express Powers -

B. Statutory Powers: *A power created for the president through laws enacted by Congress.*

C. Inherent Powers - *A power of the president derived from the statements in the Constitution that "the executive Power shall be vested in a President" and that the president should "take Care that the Laws be faithfully executed"; defined through practice rather than through law. (presidential power).*

1.) Growth of Inherent Powers/History of the Presidency:

A. The first presidents

- i. Prominent men helped provide legitimacy
- ii. Minimal activism of early government contributed to lessening fear of the presidency
- iii. Appointed people of stature in the community (rule of fitness)
- iv. Relations with Congress were reserved; few vetoes, no advice

B. The Jacksonians

- i. Jackson sought to maximize powers of presidency
- ii. Vigorous use of veto for policy reasons
- iii. Challenged Congress: Examples?

C. The reemergence of Congress

i. Caretaker Presidents

a.. Intensely divided public opinion

ii. Only Lincoln expanded presidential power

- a) Asserted "implied powers" and power of commander-in-chief
- b) Justified by emergency conditions

iii. Changes in 20th Century:

a.) Teddy Roosevelt

b.) FDR-

c.) The "Imperial Presidency"

i.)

a.) War Powers Act-

## V.) Power Surge and the Power to Say No

### A. Veto

1. Vetomessage
2. Pocket veto (only before end of Congress)
3. Congress rarely overrides vetoes

### B. Executive privilege

1. Confidential communications between president and advisers
2. Justification
  - a) Separation of powers
  - b) Need for candid advice
3. *U.S. v. Nixon* (1973) rejects claim of absolute executive privilege

### C. Impoundment of funds

1. Defined: presidential refusal to spend funds appropriated by Congress
2. Countered by Budget Reform Act of 1974
  - a) Requires president to notify Congress of funds he does not intend to spend
  - b) Congress must agree in forty-five days

### D. Signing statements

1. Issued when a president signs legislation
2. Have a variety of purposes
  - a) express attitudes about a law
  - b) tell executive branch how to implement law
  - c) discuss some aspect considered unconstitutional
3. Common among twentieth century presidents

4. Not very popular with Congress
5. Supreme Court has not addressed the constitutional significance of such statements

E. Executive Orders: (example Obama on immigration)

F. Notes on Debate

Imperial President	Imperiled President

## VI.) Leadership of Presidents & Passing Legislation

A.) Greatest source of power lies in politics and public opinion

1. The power to persuade

a.) The three audiences

1. Other politicians and leaders in Washington, D.C.; reputation very important

2. Party activists and officials inside Washington

3. The various publics

2. Gaining Support for programs

a.) Presidents try to transform popularity into support in Congress

b.) Little effect of presidential coattails

c.) Members of Congress believe it is politically risky to challenge a popular president

d.) Popularity is unpredictable and influenced by factors beyond the president's control

### 3. Timing

- a.) Popularity highest immediately after an election
- b.) Declines by midterm after honeymoon period
- c.) Historical Norms:

### 4. Problems of Going Public

- a. Can expectation be met?
  - 1. Expectations of presidential leadership from the public

### B.) Leadership Styles

## VII.) The office of the president

### A. The White House Office

- 1. Contains the president's closest assistants
- 2. Three types of organization
  - . a) Circular
  - . b) Pyramid
  - . c) *Ad hoc*
- 3. Staff typically worked on the campaign: a few are experts
- 4. Relative influence of staff depends on how close one's office is to the president's

### B. The Executive Office of the President

- 1. Composed of agencies that report directly to the president
- 2. Appointments must receive Senate confirmation
- 3. Office of Management and Budget most important
  - . a) Assembles the budget

- . b) Develops reorganization plans
- . c) Reviews legislative proposals of agencies

C. The Cabinet and Their Responsibilities: (Largely a fiction, not mentioned in Constitution)

*President appoints or controls more members of cabinet than does prime minister  
Secretaries become preoccupied and defensive about their own departments*

1. Secretary of State (1789), Foreign Policy/Treaties
  - a. NSA
2. Treasury (1789) Federal Gov't's Banker
3. War (1789) <Defense> - originally just army (defense 1949)
4. Attorney General (1789)- gov't's attorney, dept. of justice as of 1870
5. Agriculture (1889)- farm programs, food stamps
6. Commerce and Labor (originally 1903, split into two in 1913)-
7. Health, Education, and Welfare (1953)- Health & Human Services (1980), Education split off in 1980
8. Housing and Urban Development (HUD) (1965)- public housing
9. Transportation (1966)
10. Energy (1977)- research, atomic energy, nat'l energy policy
11. Veterans' Affairs (1989)
12. Homeland Defense (2002)

D.) Independent agencies, commissions, and judgeships

1. President appoints members of agencies that have a quasi-independent status
2. Agency heads serve a fixed term and can be removed only "for cause"
3. Judges can be removed only by impeachment