

Ch5: The Presidency

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Course: American National Government (GOVT 2305)

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Today's class

- We will focus on the fundamentals of the US Presidency.
 - The Office
 - The Roles
 - The Modern Presidency
 - The Executive establishment

Why Presidency and not the executive branch?

- The Presidency captures public imagination!
- Many political scientists (including book authors) perceive there is not a lot of empirical data here.

Qualifications

- “No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.”
 - Article 2 Section 1 Clause 5: The Qualifications Clause
- There is some splitting of hairs here about who is “natural born.”
- Election of the President involves the Electoral College
 - We will talk about Electoral College in Ch 11

Terms

- 4 year constant
 - 12th amendment only moved the start date
- The story of the 2-term limit
 - 22nd amendment

Succession

- Vice President has stepped in 9 times in the nation's history
 - 25th amendment
- Presidential Succession Act of 1947
 - VP → House Speaker → President Pro Tempore of Senate → Secretary of State → Heads of executive department by order of creation
 - Skip over anyone in the line of succession who doesn't meet the qualifications clause
 - Never actually gone beyond VP

Removal from office

- Impeachment
 - A political process and not a criminal proceeding
- 22 impeachments of federal judges. But only 3 Presidents (Andrew Johnson, Bill Clinton, and Donald Trump) with a 4th one (Nixon) resigning before it happened.
 - Trump impeached twice
- But none of the Presidential impeachments passed the Senate

Expressed vs Inherent powers

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- But the implied, inherent powers the President wields is possibly more important.

Head of State

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- Build political capital

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 - Senate may disagree!

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 - But the Senate's consent not necessary

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 - This results in the War Powers Resolution

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 - Nuances of the broad authorization are an active political question.

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 - Take Care clause clarifies that President can only enact the laws without making any of them which is a power of the Congress

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 - Courts can overturn
 - Can't create new spending/taxing, and must use the money already appropriated by Congress

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 - Role of overt patronage was minimized by the civil service reforms of the mid-20th century but still a factor
 - Senatorial courtesy: Do the Senators from the nominees' home state object?
 - Senatorial Delay: Push the hearing till the last minute so that the position can't be filled by the sitting President

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 - Only for violations of federal law and not state law

Legislative Role - Expressed Powers

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 - State of the Union speeches

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 - The bill is vetoed by default if Congress is adjourned. This is the pocket veto.

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 - Illegal for President to have per *Clinton v City of New York* (1998)

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 - When signing issue some statements on interpretation of the law.
 - Seemingly no legal value

Richard Neustadt: “Modern” Presidency is different.

- The true power here is the power to persuade

▸ [More on Neustadt's book](#)

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 - “Going public” as a means of persuasion instead of behind-the-scenes bargaining
 - Does it work? We can’t be sure.

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 - Can't really change minds but can overcome minor roadblocks in legislation if used strategically

Public Opinion

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 - National tragedy and the “rally-around-the-flag” effect

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 - Reality of policymaking vs campaign promises

Instituionalizing the establishment

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- Reorganization Act of 1939

The Cabinet

- VP, Heads of the 15 Executive Departments, and other officials of White House and the EOP (Executive Office of the President)

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 - National Security Council (NSC)
 - Headed by National Security Advisor (NSA)

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- Electorally: a ticket balancer

The First Spouse

- Advocacy for non-partisan causes

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- Office of the First Lady has been institutionalized since 1977

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- More work is needed

Some fresh perspectives

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 - By and large the newer work says: Presidential Power isn’t so unilateral after all. We can’t simply say since Congress is broken the President must fix it. He (even a future-She probably) cannot do so.

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- “... is the presidency really a ‘constitutional backstop’ defending us from parochial policies rife with inefficiencies? We argue no, and throughout the book we show that electoral and partisan incentives combine to encourage presidents to pursue policies across a range of issues that systematically target benefits to politically valuable constituencies.”

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- Partisanship: Play to their party’s base rather than the nation as a whole

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 - The President, in this book, wonders whether he should “make or buy” policy change in response to the management challenges inherent in the executive’s structure.

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 - Politically useful gains have become the proximate goal anyways.
- The perception of “Unilateral Action” is used as a front for credit-claiming on so-called policy initiatives that achieve nothing.

Today's class

- We focused on the fundamentals of the US Presidency.
 - The Office
 - The Roles
 - The Modern Presidency
 - The Executive establishment

We concluded with a note of caution, and some fresh perspectives.

Appendix slides

Neustadt (1960) (1) - “Presidential power is the power to persuade”

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- “Presidential power is the power to persuade”
 - US institutions are built upon separation of powers. This means no one in the system has to do anything they don’t want to do. So, the President has to persuade.
- How can the President exercise this power?

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 - Codified powers, status, and authority can only go so far.
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 - Ultimately, he must bargain with them a give-and-take to persuade them.

References I



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