

[PDF File](#)

THE AMERICAN PRESIDENCY



Presidents Bush and Obama in the Oval Office

Unit Overview

It is almost impossible not to come into contact with the executive branch of the federal government on a daily basis. The President's press conferences, interviews, hobbies and family life are reported and analyzed around the world by all forms of media. However, it consists of much more than just the President and the Vice President. The Cabinet, a number of agencies and assorted staff members are also part of this division. The authors of the Constitution wanted to ensure that the office did not become too powerful. Even though the authority of the President has expanded in the last century, the Constitution provides a number of checks on the power of the office. This sometimes brings the chief executive into conflict with the legislative and judicial branches. Let's see how it all works.



Seal of the President of the United States

Who Can Be President?

Article II of the Constitution lists the formal qualifications for presidential and vice-presidential candidates as follows:

- at least thirty-five years of age
- a natural born citizen
- a resident of the United States for the previous fourteen years

Presidents are elected to four-year terms. Originally, the Constitution did not specify the number of terms the chief could serve. George Washington set a precedent by stepping down at the end of his second term in office. Franklin Roosevelt broke with tradition and was elected to four consecutive periods. Amendment XXII now limits Presidents to two consecutive terms of ten years if it is necessary to complete the term of a President who has died or has resigned.

A total of eight Presidents have died in office with the most recent being John F. Kennedy, who was assassinated in 1963. In 1974, Richard Nixon became the only President to resign. Article 2 of the Constitution notes that the **Vice President** assumes the role of chief executive in these situations. Congress has clarified the line of presidential succession with several laws to ensure a smooth and stable transition of power.



Go to Questions 1-3.

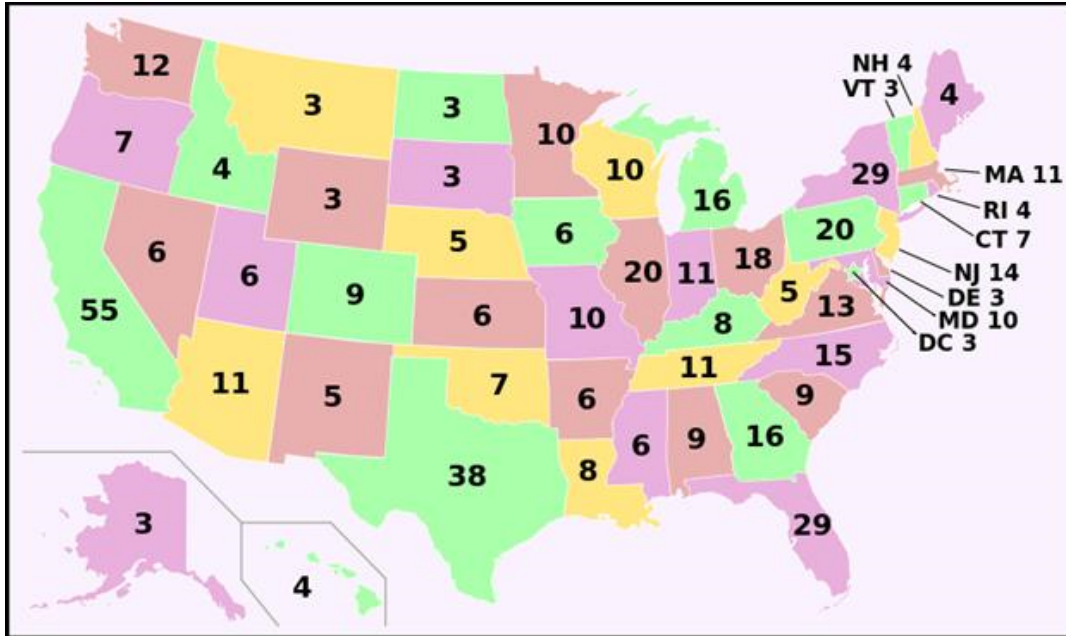


Candidate Mitt Romney on the Campaign Trail

How Are Presidents Really Elected?

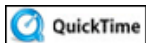
The delegates at the Constitutional Convention spent a great deal of time debating the process for presidential elections. Some argued that a decision made by a simple one-person, one-vote system could result in mob rule controlled by an uninformed electorate; others argued that the choice should be left solely to the popular vote of the citizenry. The result of these discussions is the Electoral College system. It is a unique and controversial way of choosing a President.

The plan gives each state the right to choose electors equal to its number of Senators and Representatives. This guarantees each state at least three electoral votes. In addition to the 535 electors divided among the states, the District of Columbia has three votes; this brings the total number of electoral votes to 538. Each state, with the exceptions of Maine and Nebraska, awards its electors on a winner-take-all basis. This means that the presidential candidate, who receives the most votes, wins the entire slate of electors for that state. As with the number of Representatives, a state's total electoral votes may change every ten years to reflect the results of the U.S. Census. The magic number for any presidential candidate is 270. Once a candidate claims this figure, he or she has a majority and wins the Presidency. If no candidate acquires 270 electoral votes, the election is decided by the House of Representatives. The map below shows the electoral votes each state has following the 2010 Census.



Electors as a Result of the 2010 Census

The Electoral College is one of the most controversial facets of American government. The electoral system is criticized because it violates the principle of popular sovereignty and diminishes the significance of individual voters. Citizens in small states seem overrepresented while those living in large states seem underrepresented. On the other hand, some political experts insist that the system gives the larger states too much influence since the President could be elected by carrying merely eleven populous states. There are several instances in United States history when a candidate won the electoral vote but lost the popular vote. In 2000, Democratic candidate Al Gore won the popular vote; George W. Bush, however, won a majority in the Electoral College and became President. To learn more about the Electoral College, click on the link below.



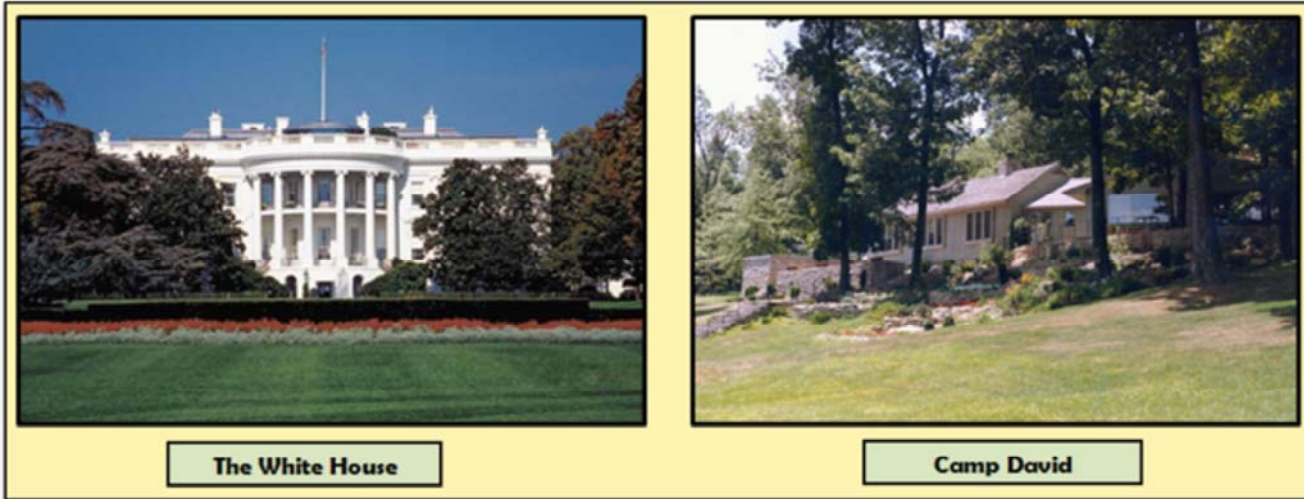
The Electoral College and Qualifications for President (02:26)



Go to Questions 4 to 9.

What Does the Job Pay?

The President's salary is set by Congress; it cannot be increased or decreased during his term. The current presidential compensation is \$400,000. In addition, the President also receives a number of fringe benefits. During his term, the President lives in the White House and has the use its facilities, such as a gym, a bowling alley and a swimming pool. A team of medical doctors and other health experts are readily available along with a large staff ranging from chefs to electricians. Camp David, a vacation estate in Maryland, serves as a retreat for the presidential family. A jet known as Air Force One is at the disposal of the chief executive as well as several helicopters. The Executive Office of the President (EOP) employees a staff of over 1700 people, who work directly for the President. He also has a retirement package and Secret Service protection when he leaves office.



Go to Question 10.

The Powers of the Presidency

The basic purpose of the executive branch is to enforce the laws. While the Constitution is very specific about the powers of Congress, it is rather vague concerning those of the Presidency. Article II Section 2 sets the parameters of the executive branch with the following list:

Article 2 Section 2 - Civilian Power over Military, Cabinet, Pardon Power, Appointments

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Offices, and he shall have Power to Grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Throughout the last century, the United States has provided an increasing number of services to its growing population and has expanded its international influence. This has also placed more demands on presidential leadership. To put it simply, the President has become “chief” of almost everything.

- **Commander-in-Chief:** Even though he may not have served in the armed forces, the President is the nation’s top military officer and has the power to overrule decisions that he believes may not be in the best interest of the country. For example, General Douglas McArthur commanded the United Nations troops sent to help South Korea resist a takeover by North Korea. Since the Chinese were assisting North Korea, McArthur demanded an attack on China. President Truman did not want to expand the war. When McArthur continued to press for a military strike on China, Truman removed McArthur from command.



Presidential Staff during the Osama bin Laden Mission

- **Chief of State:** The President serves as a living symbol of the United States. He takes part in many ceremonies and traditions from pardoning a Thanksgiving turkey to entertaining foreign leaders at White House dinners. This role also includes recognizing American citizens for their military service and other outstanding accomplishments.
- **Chief Executive:** As chief executive, the President carries out his basic task of enforcing the laws and appointing officials such as Supreme Court justices. He is also responsible for coordinating the work of over 150 departments and agencies. A group of thirteen department heads, referred to as the **Cabinet**, and the Executive Office Staff, are also under his jurisdiction.



President Reagan Meeting with Prime Minister Margaret Thatcher

- **Chief Diplomat:** It is the responsibility of the President to guide U.S. foreign policy and to make treaties with other countries. Ambassadors, appointed by the President, and other Foreign Service officers serve in embassies and consulates around the world. They act as the President's representatives and help to safeguard American interests. In this capacity, the President may also choose to recognize or to not recognize other governments. For example, in 1979, President Carter broke off diplomatic relations with Iran when Americans were taken as hostages by demonstrators supported by the government.
- **Chief Legislator:** Although making laws is the responsibility of Congress, the President also plays a strong role. He is required by law to deliver three formal messages to Congress annually: the State of the Union Address, the Economic Report and the Budget Message. These three reports provide the President with opportunities to make his lawmaking agenda known to Congress. Bills do not become laws until they cross the President's desk. If he signs them, they become laws on January 1 of the following year. The President can also choose to **veto** the bill and return it to Congress. The **pocket veto** is another option open to the President. If he ignores the bill for ten days, it automatically becomes law. However, if Congress adjourns within that ten-day period, the bill is killed by the President's failure to act and does not become law. Working with Congress to achieve the goals of his Presidency demands that the chief executive be a skillful negotiator, compromiser and consensus builder.



President George Bush Signing the Americans with Disabilities Act

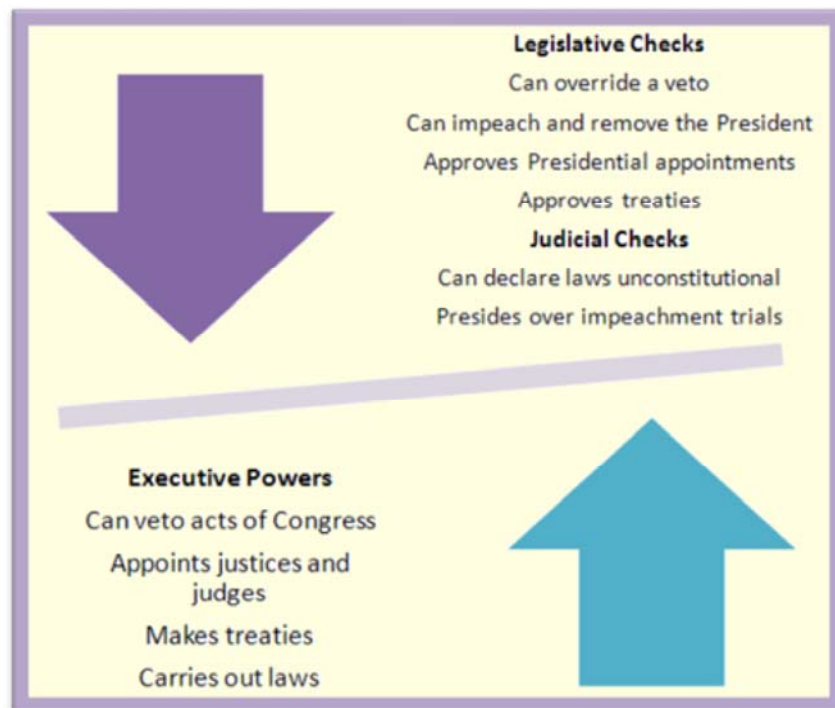
- **Chief Guardian of the Economy:** Although the President does not control the economy, he is expected to help it run smoothly and efficiently. Knowledge of economic trends, unemployment statistics, inflation and tax codes are necessary to make recommendations for Congress to consider. Congress also grants the President some emergency funds to spend in the event of a national disaster. In the summer of 1993, flooding along the Missouri and Mississippi Rivers caused destruction and hardship. President Clinton declared areas in the affected states disaster areas. Flood victims could then apply for federal aid.
- **Chief of the Party:** The President is also considered the leader of his political party. He campaigns, raises funds and promotes legislation important to the organization. Political patronage gives the President the opportunity to reward his supporters with jobs and contracts.



Go to Questions 11 through 15.

Checking the President's Power

The Founding Fathers feared that a chief executive could become too powerful and took steps to prevent this. As a result, the Constitution offers several ways to limit the President's control of the government. One of the most significant powers of the American President is the authority to make appointments. This includes heads of Cabinet departments, Supreme Court Justices, federal judges and ambassadors. The President chooses people that have earned his confidence and trust. This enables him to be surrounded by individuals who understand and promote the policies of his administration. Because Presidents may also use this power to reward friends and party members, these appointments must be approved by a majority of Senators. The power of the executive branch to make treaties is also controlled, since these agreements must be approved by a two-thirds vote in the Senate. The presidential veto (from Latin meaning I forbid) is another powerful tool of the executive branch. However, Congress can override this with a two-thirds vote in each house.

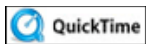


According to the Constitution, any federal official, including the President, can be removed from office for bribery, treason or other forms of serious misconduct. The process of bringing formal charges against a public official is referred to as impeachment and is the responsibility of the House of Representatives. Once charged by a majority vote in the House, the case then goes to the Senate for trial with the Chief Justice of the Supreme Court presiding. A two-thirds vote of the Senate is required for removal from office. In 1998, William Clinton was impeached by the House of Representatives on charges of lying under oath and obstructing justice. When his case was heard in the Senate, President Clinton was acquitted and completed his term in office.



Tickets for President Clinton's Impeachment Trial

Click on the icon below to view a detailed explanation of the impeachment process.



Impeachment and the Presidential Succession Act of 1947 (02:05)

Some powers claimed by the executive branch are not mentioned in the Constitution but have developed by precedent over time. These, too, are held in check by the other branches of government. Executive privilege, the right to withhold information from the courts or Congress, is one example. Presidents have argued that this is covered under the principle of the separation of powers and necessary to maintain national security, but it has also been used to hide or cover questionable activities. The most famous challenge to executive privilege came in 1974. President Nixon refused to turn over secret White House tape recordings to be used as evidence in the Watergate investigation. The Supreme Court ruled that executive privilege could not be used to withhold evidence in a criminal case; therefore, Richard Nixon had to submit the tapes.



Go to Questions 16 through 19.

What's Next?

Presidents do not exist in a vacuum. Their terms of office are shaped by economic conditions, international crises, time constraints and public opinion. Sometimes their decisions are ultimately tested by the courts. It is the responsibility of the judicial branch to interpret the law and to define what it means in actual practice. How does the federal court system work? How have the decisions of the court impacted the other two branches of government? What procedures must the government follow when carrying out the law? Our study of the judicial branch will consider all of these questions. Before moving on to tackle this, take a few minutes to review the information concerning the executive branch.



Go to Questions 20-29.



Below are additional educational resources and activities for this unit.

[Unit 4 Advance Organizer](#)

[Unit 4 Application Activity](#)