**Topic 2.6 Expansion of Presidential Power, 2.7 Presidential Communication AMSCO Chpt. 5 pg. 158-171**

**EXPLAIN HOW PRESIDENTS HAVE INTERPRETED AND JUSTIFIED THEIR USE OF FORMAL AND INFORMAL POWERS**

* Diﬀerent perspectives on the presidential role, ranging from a limited to a more expansive interpretation and use of power, continue to be debated in the context of contemporary events

**Federalist No. 70**

Why did Hamilton argue for a strong executive?

Hamilton argues that an energetic single executive will protect against foreign attacks, provide for the administration of laws and protect liberty and prosperity.

**THE IMPERIAL PRESIDENCY**

* Throughout much of this century, the President has been the “great engine of democracy.”
* The President was supposed to exercise great power to meet his goals.
* In the wake of the Vietnam War and Watergate, however, Congress reasserted itself against what came to be seen as an “I\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ P\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.”
* The Imperial Presidency suggested that presidential power had g\_\_\_\_\_\_\_\_ e\_\_\_\_\_\_\_\_\_\_ ("imperial").
* Response:
  + Economic growth necessitated a strong executive branch
  + Congress itself delegated strong powers to the executive branch, esp. in area of foreign policy
  + Wars and crisis’s

**THE IMPERIAL PRESIDENCY – AREAS OF ABUSE**

***WAR POWERS***

* + Constitutional conﬂict of Congress' power to d\_\_\_\_\_\_\_\_\_\_\_ war vs. President's power as C\_\_\_\_\_\_\_\_\_-in-C\_\_\_\_\_.
  + In the 18th century, Congress had more time to deliberate war issues; in the modern era, however, Presidents have argued that they need more f\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to meet rapidly changing conditions.
  + Presidents have sent troops without a c\_\_\_\_\_\_\_\_\_\_ declaration of w\_\_\_\_\_\_\_ more than 1\_\_\_ times. This has happened very frequently since 1945.
  + Congress has in fact generally gone along with these operations and has of course f\_\_\_\_\_\_ them, as well. When public opinion turns against the operations, however, Congress has often responded (e.g., Vietnam War).
  + One of the reasons Congress has gone along with these operations without a formal declaration of war is that such a declaration carries with it the t\_\_\_\_\_\_\_\_\_\_ of great e\_\_\_\_\_\_\_\_\_\_ powers to the President that the Congress may not want to grant him.
  + In time of war or emergency, the President assumes great powers.
    - Examples:
      * Suspension of habeas corpus
      * Control of communication and transportation
      * Declaration of martial law
      * Patriot Act

**THE IMPERIAL PRESIDENCY – AREAS OF ABUSE**

* ***USE OF EXECUTIVE AGREEMENTS (RATHER THAN TREATIES)***
  + Deﬁnition: D\_\_\_\_\_\_\_\_\_ between the President and the head of another nation (e.g., the destroyers-for-bases deal between FDR and Churchill in 1940).
    - Unlike a treaty, executive agreements D\_\_\_N\_\_\_\_\_\_ require S\_\_\_\_\_\_\_\_\_ r\_\_\_\_\_\_\_\_\_\_\_.
    - Since WWII, the number of executive agreements has vastly outnumbered the number of treaties. Between 1980-1991, there were > 4100 executive agreements and less than 200 treaties.
  + What is particularly galling to Congress is that t\_\_\_\_\_\_\_\_ are often on relatively t\_\_\_\_\_\_\_\_ issues (e.g., archaeological artifacts in Mexico), but executive agreements are often on matters of g\_\_\_\_\_\_\_ importance (e.g., military commitments to various nations). **It was supposed to be for less trivial matters but that has changed.** It is a way the President can c\_\_\_\_\_\_\_\_\_\_\_ the S\_\_\_\_\_\_\_ treaty c\_\_\_\_\_\_\_\_\_\_\_\_\_ p\_\_\_\_\_\_\_\_\_\_.
  + Executive Agreements have the same status as a t\_\_\_\_\_\_\_\_\_\_\_.

**It is often said that the Senate ratifies a treaty. It does not. The Senate may give or withhold its “advice and consent” to a treaty made by the president. Once the Senate has “consented” to a treaty, the president ratifies it by exchanging instruments a ratification with other parties to the agreement**

* ***Use of EXECUTIVE PRIVILEGE***
  + Deﬁnition: The right of president to N\_\_\_\_\_\_ d\_\_\_\_\_\_\_\_\_ c\_\_\_\_\_\_\_\_\_\_\_\_\_ between himself and his advisers.
  + Presidents claim that if such conversations were not “privileged,” advisers would be h\_\_\_\_\_\_\_\_\_\_\_ to give straight forward a\_\_\_\_\_\_\_\_\_\_\_\_\_.
  + Critics claim that Presidents have abused this privilege by claiming it under the guise of “n\_\_\_\_\_\_\_\_\_\_ s\_\_\_\_\_\_\_\_.”
  + In *U.S.* v. *Nixon* (1974), the Supreme Court stated that Presidents are in fact entitled to executive privilege most of the time, but not in c\_\_\_\_\_\_\_\_\_\_\_\_\_ cases.
* ***IMPOUNDMENT***
  + Deﬁnition: The r\_\_\_\_\_\_\_\_\_\_ of the President to s\_\_\_\_\_\_\_\_\_ m\_\_\_\_\_\_\_\_\_ that has been a\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ by Congress.
  + In the past, this was done when there was an obvious need, e.g., reducing defense spending after a war ended.
  + Nixon, however, i\_\_\_\_\_\_\_\_\_\_\_\_\_\_ funds for policy o\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Some members of Congress were livid that money was not spent when it had been lawfully a\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ by legislation. Such impoundment seemed u\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**TERM OF OFFICE**

* Four years
* Maximum of t\_\_\_\_\_ elected t\_\_\_\_\_\_; Maximum of \_\_\_\_\_ years
  + Amendment \_\_\_\_ institutionalized Washington’s precedent.
  + Passage of \_\_\_\_nd Amendment (1951) was due to the Republican congress’ concern over future F\_\_\_\_’s.
  + Possible to serve just less than 10 years in oﬃce if a V.P. becomes President just after the midpoint of a President’s term of oﬃce.
    - If a V.P. serves less than half of a President’s term, he can be elected to the presidency twice.
    - If a V.P. serves more than half of a President’s term, he can be elected to the presidency only once.
  + Lyndon Johnson succeeded JFK in 1963 and was therefore eligible to be elected t\_\_\_\_\_\_\_\_\_\_.
  + Gerald Ford succeeded Nixon in 1974 and was therefore eligible to be elected only o\_\_\_\_\_\_\_.

**CONGRESS RESPONDS TO THE IMPERIAL PRESIDENCY**

**WAR POWERS ACT OF 1973**

* **President can s\_\_\_\_\_\_\_\_ troops overseas to an area where h\_\_\_\_\_\_\_\_\_\_ are i\_\_\_\_\_\_\_\_\_\_\_ w\_\_\_\_\_\_\_\_\_\_\_ a congressional w\_\_\_\_\_ declaration only under these circumstances:**
  + Must \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
  + Must w\_\_\_\_\_\_\_\_\_\_\_\_ the troops after \_\_\_ days (can be extended another \_\_\_ days if the safety of the troops requires it)
  + Must consult w/C\_\_\_\_\_\_\_\_\_\_ if troops are to engage in c\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  + Congress can pass a r\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, not subject to presidential v\_\_\_\_\_\_\_\_\_, to have the troops withdrawn
* **Criticisms**
  + Unconstitutional – an abridgement of the President’s authority as Commander in Chief
  + Ties the hands of the President – too inﬂexible
  + Makes it easy on the enemy – just wait 60-90 days
* **Presidents have claimed the act to be unconstitutional, some have disregarded it, but there has been no lawsuit to determine its constitutionality. A “p\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ hot p\_\_\_\_\_\_\_\_\_\_\_?”**

**EMERGENCY POWERS**

* Passage of National Emergencies Act of 1976
  + President must inform Congress in advance of powers to be used in emergencies.
  + State of emergency automatically ends after 6 months.
  + President can declare another 6 months of emergency, subject to congressional review.

**IMPOUNDMENT**

* Budget and Impoundment Control Act of 1974
  + If President impounds funds temporarily (d\_\_\_\_\_\_\_\_\_), either house can o\_\_\_\_\_\_\_\_\_\_\_\_.
  + If President impounds funds permanently (r\_\_\_\_\_\_\_\_\_\_\_), that act is automatically v\_\_\_\_\_\_\_\_\_ unless b\_\_\_\_\_\_\_\_\_ houses of Congress approve within \_\_\_\_\_\_\_\_ days.
  + Establishment of C\_\_\_\_\_\_\_\_\_\_\_ B\_\_\_\_\_\_\_\_\_\_\_ O\_\_\_\_\_\_\_ (CBO) as a check on OMB- O\_\_\_\_\_\_\_\_\_\_ of M\_\_\_\_\_\_\_\_\_\_ and B\_\_\_\_\_\_\_\_\_\_\_\_.
  + Congress given three additional months to consider the President’s proposed budget.

**CONFIRMATION OF PRESIDENTIAL APPOINTEES**

* S\_\_\_\_\_\_\_\_\_ courtesy a long-established practice: before President makes an a\_\_\_\_\_\_\_\_\_\_\_ to a federal district court within a state, he will c\_\_\_\_\_\_\_\_\_ with the t\_\_\_\_ s\_\_\_\_\_\_\_\_\_ of that state to get their a\_\_\_\_\_\_\_\_\_\_\_ of said nominee.
* Much closer scrutiny given by S\_\_\_\_\_\_\_\_\_\_\_ to recent appointments, e.g., rejection of Bork as Supreme Court Justice, emotion-charged hearings for Clarence Thomas.
* "Rule of \_\_\_\_\_\_\_\_" seems to no longer be suﬃcient; now, a nominee's p\_\_\_\_\_\_\_\_ p\_\_\_\_\_\_\_\_\_\_\_\_ are fair game for much m\_\_\_\_\_\_\_ senatorial scrutiny than before.
* Long conﬁrmation d\_\_\_\_\_\_\_ (through use of the “h\_\_\_\_\_\_\_\_”) of years with some of Clinton’s judicial nominees due to the belief that the nominees were too liberal/out of the judicial mainstream. Democrats in Senate returned the favor in the Bush Administration by delaying conﬁrmations.

**LEGISLATIVE VETO**

* In the past: Congress p\_\_\_\_\_\_\_\_ a l\_\_\_\_\_\_, the relevant e\_\_\_\_\_\_\_\_\_\_ a\_\_\_\_\_\_\_ issued r\_\_\_\_\_\_\_\_\_ to e\_\_\_\_\_\_\_\_ the law, Congress could then a\_\_\_\_\_\_\_\_\_ those regulations and v\_\_\_\_\_\_\_\_\_ them if it so d\_\_\_\_\_\_\_\_\_\_\_.
* The legislative veto was a way of forcing the b\_\_\_\_\_\_\_\_\_\_\_\_\_ to conform to congressional i\_\_\_\_\_\_\_\_\_\_\_.
* In the case of *INS* v. *Chadha* (1983), however, the Supreme Court declared the legislative veto to be an u\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ violation of separation of powers.

**CONGRESS RESPONDS TO THE IMPERIAL PRESIDENCY**

**FOREIGN AFFAIRS**

* Extensive debate over U.S. involvement in the Gulf War. Although Bush 41 did not use the War Powers Act, he did go to Congress to get its approval for U.S. action.
* Congress gave strong support to Bush 43 and the war on terrorism.
* Extensive debate over U.S. involvement in war against Iraq in 2003. Although Bush 43 did not use the War Powers Act, he did go to Congress to get its approval for U.S. action. Increasing criticism over war in Iraq.
* Use of appropriations power to inﬂuence foreign policy. Congress tried to force Bush 43 into a deadline for withdrawing troops from Iraq by using f\_\_\_\_\_\_\_\_\_\_ as a lever.
* Criticism of Patriot Act and secret domestic surveillance programs of NSA without going through Foreign Intelligence Surveillance Act court for prior approval.

All of the above interactions are examples of CHECKS and BALANCES.

* Each of these is a\_\_\_\_\_\_\_\_\_\_ by the P\_\_\_\_\_\_\_\_\_\_\_\_ w/S\_\_\_\_\_\_\_\_\_\_\_\_\_ c\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**SUGGESTIONS FOR STRENGTHENING THE PRESIDENCY**

**Revise constitutional restraints:**

* + 6-year term of oﬃce, w/no reelection
  + 2 or 3-person presidency
  + Give the President the power to dissolve Congress and call for new elections
  + Allow members of Congress to take positions within the executive branch
  + Provide a uniﬁed party ticket of President/Senator/Congressman -- no more split tickets
  + Diﬃcult for either to gain excessive power for any great length of time
    - Clinton was elected in '92 with a majority of Democrats in Congress, but just two years later the Republicans captured a majority of both houses= **DIVIDED GOV**=**GRIDLOCK**

**SUCCESSION**

If oﬃce of presidency is vacant due to death, resignation, or impeachment and removal, the V.P. becomes President.

* He in turn nominates, and Congress conﬁrms, a new VP.

If V.P. dies before his inauguration as President, the line of succession is as follows:

* S\_\_\_\_\_\_\_\_ of the House
* Senate P\_\_\_\_\_\_\_\_ Pro Tempore
* Sec. of S\_\_\_\_\_\_\_\_\_\_\_\_
* Sec. of T\_\_\_\_\_\_\_\_\_\_\_
* Sec. of D\_\_\_\_\_\_\_\_\_\_\_

Other Cabinet secretaries in order of the creation of their oﬃces (Presidential Succession Act of 1947)

If the President is disabled, the \_\_\_\_th Amendment applies:

* The President informs the Congress of d\_\_\_\_\_\_\_\_\_\_, and the V.P. becomes a\_\_\_\_\_\_\_\_\_ p\_\_\_\_\_\_\_\_\_\_
* If the President is unable to inform Congress (e.g., coma), the V.P. and a majority of Cabinet secretaries can go to the Congress and receive approval for the V.P. to become a\_\_\_\_\_\_\_\_\_ p\_\_\_\_\_\_\_\_\_\_
* In either case, the President regains powers by informing the Congress of his intent to return. In case of dispute, Congress has the power to decide who shall be President.

**2.7 Presidential Communication AMSCO pg. 166-171**

**EXPLAIN HOW COMMUNICATION TECHNOLOGY HAS CHANGED THE PRESIDENT’S RELATIONSHIP WITH THE NATIONAL CONSTITUENCY AND THE OTHER BRANCHES**

1. **The communication impact of the presidency can be demonstrated through such factors as:**
   * Modern technology, social media, and rapid response to political issues
   * Nationally broadcast State of the Union messages and the president’s b\_\_\_\_\_\_\_\_ p\_\_\_\_\_\_\_\_ used as tools for agenda setting

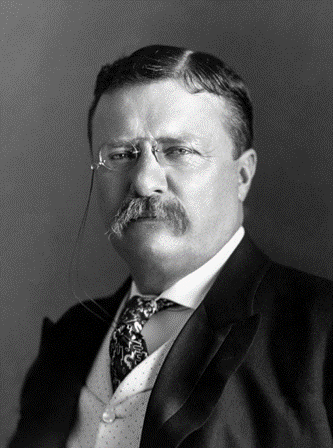
**PRESIDENTIAL COMMUNICATION**

**How technology has changed presidential communication**

Presidents have leveraged changes in communication technology to enhance their power by appealing directly to the American public. For example, Franklin D. Roosevelt broadcast his f\_\_\_\_\_\_ chats over the r\_\_\_\_\_\_, keeping the public informed of his policy goals aimed at righting the economy after the G\_\_\_\_\_\_\_ Depression. In the twenty-ﬁrst century, presidents have used s\_\_\_\_\_\_ media to reach large audiences of Americans and to respond rapidly to political issues.

**How the president communicates to the national constituency and Congress**

* When setting a policy agenda, presidents have taken advantage of contemporary technology and social media to inﬂuence the national constituency, promoting presidential policy goals via the president’s bully pulpit. The S\_\_\_\_\_ of the U\_\_\_\_\_\_ is an opportunity for presidents to i\_\_\_\_\_\_\_ C\_\_\_\_\_\_\_\_ and the A\_\_\_\_\_\_\_\_\_ public of policy goals, and to signal which legislation they may v\_\_\_\_\_\_.

**B\_\_\_\_\_\_ P\_\_\_\_\_\_\_- the President’s ability to c\_\_\_\_\_\_\_\_\_\_ the a\_\_\_\_\_\_\_\_\_\_ of the media to mobilize public opinion behind a legislative initiative. Ex. FDR’s fireside chats, Obama’s Facebook, Trump’s Tweets, all president’s use of the Press Conference and State of the Union Address.**

* Manage a crisis
* Demonstrate leadership
* Announce appointment of Cabinet members and Supreme Court Justices
* Set and clarify the national agenda
* Achieve a legislative agenda
* Announce foreign policy initiatives

**THE PRESIDENT AND THE PRESS**

* Presidents and media are often a\_\_\_\_\_\_\_\_\_\_\_
* Many people in the White House deal with the media, but the p\_\_\_\_\_\_\_ secretary is the main contact person
* Media is often more interested in the p\_\_\_\_\_\_\_\_, not the p\_\_\_\_\_\_\_\_\_\_
* News coverage has become more n\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**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

**The President As Communicator-in-chief**

* Presidents and media are often a\_\_\_\_\_\_\_\_\_\_\_
* Many people in the White House deal with the media, but the p\_\_\_\_\_\_\_\_\_ s\_\_\_\_\_\_\_\_\_ is the main contact person
* Media is often more interested in the person, not the policies
* News coverage has become more n\_\_\_\_\_\_\_\_\_\_\_

**Going Public**

* + P\_\_\_\_\_\_\_ s\_\_\_\_\_\_\_ is perhaps the greatest source of i\_\_\_\_\_\_\_\_\_ (p\_\_\_\_\_\_\_\_)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

**The State of the Union**

The **C\_\_\_\_\_\_\_\_\_\_ requires** the president to keep Congress informed about “**the state of the u\_\_\_\_\_\_\_\_\_.”** This has become the annual State of the Union Address to a joint session of Congress, in which the president often o\_\_\_\_\_\_\_\_\_ the administration’s legislative a\_\_\_\_\_\_\_\_\_.

The president outlines the administration’s legislative agenda in the State of the Union address. Some notable examples:

Teddy Roosevelt’s the Square Deal

Woodrow Wilsons’s New Freedom

Franklin Roosevelts the New Deal

John F. Kennedy the New Frontier

Lyndon Johnson’s Great Society

**Practice FRQ + Arg. Essay Pres v. Congress**

The Constitution of the United States creates a government of separate institutions that share power rather than a

government that delegates power exclusively to a single branch. Frequently, this means that presidents and

Congress struggle with each other.

a. For each of the presidential powers below, explain one way that congressional decision making is affected

by that power.

• Veto power

• Power to issue executive orders

• Power as commander in chief

b. For each of the congressional powers below, explain one way that presidential decision making is affected

by that power.

• Legislative oversight power

• Senate advice and consent power

• Budgetary power