

UNIT TWO

THE EXECUTIVE BRANCH

AP AMERICAN GOVERNMENT STUDY GUIDE
PRESIDENCY

QUALIFICATIONS FOR PRESIDENCY

CONSTITUTIONAL QUALIFICATIONS	COMMON CHARACTERISTICS OF OUR PRESIDENTS (THESE ARE NOT OFFICIAL QUALIFICATIONS) (ALSO PRESIDENTS HAVE BEEN ELECTED THAT DID NOT SHARE THESE CHARACTERISTICS)
<ul style="list-style-type: none"> • At least 35 years old • Native born citizen • Resident for 14 years 	<ul style="list-style-type: none"> • Male • European American • Middle-Aged • Wealthy • Protestant Christian • College Graduate • Healthy • Attractive • Married • Leadership or Military Skills • Debates Well
<p>-Youngest elected were Teddy Roosevelt and JFK at age 43. Oldest were Harrison & Reagan in their 60's. -Television had large impact on campaigns, now they need to look good (or presidential) and debate well. -There are only 3 qualifications. Legally they are no other reasons to exclude someone from running for President.</p>	

PRESIDENTIAL BENEFITS

BENEFITS	
<ul style="list-style-type: none"> • Live in mansion (You know, the White House) • Salary of \$400,000 annually • Expense account of \$50,000 • Travel expenses of \$100,000 • A pension on retirement equal to cabinet member 	<ul style="list-style-type: none"> • Secret Service protection (guaranteed for 10 years after term)A White House staff of over 400 people • Vacation home: Camp David • Personal airplane: Air Force One • Personal chef • Personal doctor

PRESIDENTIAL ELECTIONS

TWO MAIN PHASES	DESCRIPTION
NOMINATIONS	Candidates try to win a party's nomination. There are caucuses and primaries held in the States where citizens of both parties vote for their pick. Each party has set a number of delegates a candidate must receive in order to win the party nomination.
GENERAL ELECTION	Electoral College: Electors (each state has same number as Senators and House Members) of each state select the President. Our votes determine how our State's' Electors will vote. The candidate that receives at least 270 Electoral Votes wins

PRESIDENCY

PERSONALITY EXPANDS THE POWER OF THE PRESIDENCY

PRESIDENT	WHAT THEY DONE DID
ANDREW JACKSON	<ul style="list-style-type: none"> • Military man with headstrong demeanor • Served in House and Senate • Used veto 12 times (more than all predecessors combined) • Opposed the National Bank • Led the Southern Expedition that evacuated Native Americans • Popular among farmers and workers in an age of expanded suffrage
ABRAHAM LINCOLN	<ul style="list-style-type: none"> • Generally he assumed sweeping presidential powers (breaking constitution provisions) after the South seceded in order to save the union: • Assembled the militia • Enlarged the Army and Navy beyond congressional appropriation • Suspended habeas corpus: people can explain to Court why they should not be detained. • Arrested 'disloyal' people • Asserted right to proclaim martial law behind the lines • Arrested people without a warrant • Seized property • Suppressed newspapers
THEODORE ROOSEVELT	<ul style="list-style-type: none"> • Brash forward manner earned him respect • Rough Rider with military experience in the Spanish American War. • Progressive actions for environmental conservation and against corporate giants • "Speak softly and carry a big stick" • His stewardship theory: belief that President can do anything unless the Constitution says otherwise
WOODROW WILSON	<ul style="list-style-type: none"> • Progressive policies included 8 hour work day and to prevent child labor abuses • He led the country into World War I and was seen as successful • He became sick and could not get his post war plans accomplished (like getting Senate to ratify the League of Nations) and finished his term as invalid.
FRANKLIN DELANO ROOSEVELT	<ul style="list-style-type: none"> • New Deal policies fundamentally changed the role of government (minimum wage, social security, public works) • He moved to pack the Supreme Court with supporters • Mobilized a nation during World War II • Relocated Japanese Americans in the name of security
COLD WAR & THROUGHOUT 1990'S	<ul style="list-style-type: none"> • 1974 in peacetime created Central Intelligence Agency to spy overseas to anticipate problems • Overthrow leaders and replace with more favorable ones

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CONSTITUTIONAL AMENDMENTS DEFINING THE PRESIDENCY

AMENDMENT	DESCRIPTION
12TH AMENDMENT (1804)	Electors vote for President and Vice President. (Problem arose due to political parties running two candidates in 1800 when Jefferson & Burr tied)
20TH AMENDMENT (1933)	Inauguration date moved from March 4 to January 20.
22ND AMENDMENT (1951)	Limits a president's tenure to two terms or 10 years. (Only one did more than 2 terms, FDR was elected 4 times) (A vice president can take over for a president who has died for two years without it counting as one of their terms, hence they could serve 2 + 4 + 4 = 10 years max)
23RD AMENDMENT (1961)	Awards electors to the District of Columbia (Washington, DC) (They currently have non-voting members in Congress)
25TH AMENDMENT (1967)	Addresses presidential vacancy and disability
<p>-Remember that amendments are proposed by 2/3 of Congress and approved by 3/4 of State Legislatures. -A presidential term is four years as stated in Article 2 of Constitution (this is not really on any chart because, Come on! This is AP!)</p>	

PRESIDENTIAL POWERS

TYPE OF POWER	STRAIGHT FORWARD	COMPLICATED NUANCE
EXECUTIVE POWERS	<p>--Executive order: a directive, rule, or regulation that has the effect of law (used to carry out laws) (Also known as Ordinance Power from Constitution & Acts of Congress)</p> <p>--Appoint top officials to agencies and departments</p>	--Presidents can remove officials that were appointed except from commissions (because they are supposed to be more removed from politics)
DIPLOMATIC/ MILITARY POWERS	<p>--Make treaty (with Senate approval)</p> <p>--Executive Agreements (no approval needed from Congress)</p> <p>--Power of Recognition (decides if countries exist)</p> <p>--Commander in chief</p>	<p>--War Powers Act (1973):</p> <ol style="list-style-type: none"> 1) President must report entering another nation to Congress within 48 hours 2) Congress must approve extending past 60 days 3) Congress can pass concurrent resolution to end combat
LEGISLATIVE POWERS	--Signs and Vetoes bills	--Attempts to influence Congress members (& public support) to pass legislation (State of the Union Address, bully pulpit)
JUDICIAL POWERS	<p>--Appoints Judges</p> <p>--Clemency Powers</p>	--Presidents generally pardon criminals near end of last term

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PRESIDENTIAL ROLES

ROLE	IN CONSTITUTION	DESCRIPTION OF ROLES/POWERS
Chief Legislator	Art 2 Sec 3 (Art I, Sec 7)	<ul style="list-style-type: none"> ● Persuades citizens & law--makers to support bills with bully pulpit: (When presidents take advantage of the prestige and visibility of the presidency to mobilize the American people) ● Signs or vetoes legislation
Chief Diplomat	Art 2 Sec 2 Clause 2	<ul style="list-style-type: none"> ● Appoints diplomats & ambassadors (Senate confirms) ● Creates Treaties (Senate confirms) ● Creates Executive Agreements (An agreement between two nations that does not require Senate approval) ● Power of Recognition: The president decides if other nations are nations.
Commander in Chief	Art 2 Sec 2 Clause 1	<ul style="list-style-type: none"> ● In charge of the nation's military ● However, Only Congress can declare war ● Also limited by the War Power Act of 1973 (Must alert Congress of military action within 48 hours. Congress can vote to approve or disapprove within 60 days) (Some argue this Act is unconstitutional)
Chief of State	Art 2 Sec 3	<ul style="list-style-type: none"> ● Ceremonial head of government. (Acts as a symbol leader of the country, host officials from other nations)
Chief Magistrate	Art 2 Sec 2 Clause 1	<p>-Clemency powers for federal crimes:</p> <ul style="list-style-type: none"> ● Reprieve: to postpone punishment ● Pardon: to forgive for crime (no punishment) ● Commute: to reduce a punishment ● Amnesty: to pardon an entire group of law violators
Chief Executive	Art 2 Sec 1 & 3	<ul style="list-style-type: none"> ● The head of the executive branch. (Appoints diplomats, judges, and agency heads with Senate Confirmation)
Chief Administrator	Art 2 Sec 3	<ul style="list-style-type: none"> ● Director of the bureaucracy (2.7 million civilians work to carry out laws Congress creates, spending trillions)
Chief Citizen	NOPE	<ul style="list-style-type: none"> ● President should look out for all american citizens, not just the majority.
Chief of Party	NOPE	<ul style="list-style-type: none"> ● Presidents are the most famous/powerful person in their political party. (Hence they are considered a leader)

-Many books will merge chief executive and chief administrator as one job, they may refer to either job title, it is way annoying.
-President could convene congress. Not important now because Congress now sits in year-round sessions.

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PRESIDENTS OPTIONS FOR BILLS

IF CONGRESS PASSES A BILL AND THE PRESIDENT	THEN HE/SHE CAN
APPROVES OF BILL	Sign the bill into law.
	Do nothing and the bill will become law (BUT ONLY If Congress is in session)
DISAPPROVES OF BILL	Veto or refuse to sign the bill (Attach a veto message declaring why they refuse to sign the bill into law)
	Pocket Veto: Do nothing and the bill will NOT become law (BUT ONLY if Congress is out of session)

PRESIDENTS POWER TO SAY NO

POWER	DESCRIPTION	EFFECTIVENESS
Veto	<p>--Veto message: signs a statement and sends to Congress explaining why they didn't like the bill enough to sign into law.</p> <p>--Pocket Veto: Doing nothing to a bill for 10 days while Congress is out of session.</p> <p>--Line item Veto: vetoing part of spending bill while approving the rest (Enhanced Rescission existed in 1996, very similar, but Supreme Court says it was unconstitutional).</p>	<p>--Substantial Power</p> <p>--2,500 Bills were vetoed between Washington & Clinton.</p> <p>--Only 4 percent were overridden.</p> <p>--Threat of veto is powerful.</p>
Executive Privilege	Essentially means that a President does not have to divulge information that was shared at meetings in the White House.	<i>United States V. Nixon (1974)</i> , the Supreme Court decided that executive privilege does exist especially for military matters, but this does not excuse a President from judicial action under all circumstances.
Impoundment of Funds	When a president does not spend money that Congress has appropriated. (Presidents have been doing this since Jefferson)	Budget Reform Act of 1974 states that a President must spend money that Congress appropriates. Congress must approve delay or not spending \$.
Signing Statements	They are used to express presidential attitudes about law, to tell the executive branch how to implement it, or to express belief a law is unconstitutional.	Supreme Court has allowed signing statements to clarify the unclear legislative intent of law, it has never given a clear verdict about constitutional significance.

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THE OFFICE OF THE PRESIDENT

	OVERALL DESCRIPTION	EXAMPLES
WHITE HOUSE OFFICE	President's closest assistants with offices in the White House. The president can pick whoever they want for the jobs.	<ul style="list-style-type: none"> Staffers in include: Press secretary, chief of staff, chief legal counsel, congressional liaisons, national security advisor
THE EXECUTIVE OFFICE OF THE PRESIDENT	Agencies report to the President and perform staff services for but are not located in the White House. The president picks top officials but the Senate must confirm them.	<ul style="list-style-type: none"> Office of Management and Budget The National Security Council Council of Economic Affairs
THE CABINET	The heads of the federal departments. The president picks but the Senate must confirm.	<ul style="list-style-type: none"> Secretary of State Secretary of Treasury Secretary of Defense Attorney General
INDEPENDENT AGENCIES	Independent Executive Agencies: Functions much like Cabinet but are smaller.	<ul style="list-style-type: none"> Environmental Protection Agency
	Independent Regulatory Commissions: Regulate aspects of economy. Largely beyond the reach of President.	<ul style="list-style-type: none"> Federal Reserve System Federal Communications Commission
	Government Corporations: Carry out business like activities in order to provide service.	<ul style="list-style-type: none"> Federal Deposit Insurance Corporation U.S. Postal Service Amtrak
<p>-Staff Agencies service in a support capacity by offering advice and assistance. -Line Agencies actually perform the tasks for which the organization exists. --The president is the head of the bureaucracy which essentially is the agencies and departments that make up the executive branch which has the primary function of enforcing laws created by Congress.</p>		

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PRESIDENTIAL MANAGEMENT STYLES

MANAGEMENT STYLE	DESCRIPTION
Pyramid	Rigid top--down approach that features the President at the top of the pyramid. Chief of staff is next in line, followed by department heads and then the lesser offices. (Critics argue this system can lead to a president being isolated as they can be cut off of information as the Chief of Staff acts as a gatekeeper)
Circular	This style is like a large wheel with many spokes. The president is the wheel's hub while the principal officers are at the many points along the rim. (Critics argue that this open communication can give staffers too much access to the president resulting in a groupthink)
Ad Hoc	Groups (subordinates, cabinet officers, committees, and tasks forces) report directly to the president. (Critics argue that this system is disorganized and out of control)

--Presidents create a management style that reflects their persona and their operation. A president's experience, personality, and chosen appointees help to determine White House character and management style.

WHITE HOUSE OFFICE

STAFF POSITIONS	DESCRIPTION
Chief of Staff	<ul style="list-style-type: none"> • They are responsible for the smooth operation of the White House, acting as a gatekeeper for the President. • Some do the firing, clear up misstatements and corrects errors.
Chief Legal Counsel	<ul style="list-style-type: none"> • This job exists because the Attorney General is busy managing a department with more than 100,000 people. • Available to give President advice on constitutionality of program ideas • Reviews legislation, treaties or executive agreements and pardon recommendations
Communications Staff	<ul style="list-style-type: none"> • Press secretary: expresses presidents opinions • Also speechwriters & public relations experts.
Congressional Liaisons	<ul style="list-style-type: none"> • A team to draft bills and assist in gaining support in Congress for the legislation the President wants.
National Security Adviser	<ul style="list-style-type: none"> • This person oversees the National Security Council. • They coordinate information coming from the CIA, the military, and the State Department.

-Some books describe the White House office as the nerve system of the Executive Office of the President.

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EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE	DESCRIPTION
<p>Office of Management and Budget</p>	<ul style="list-style-type: none"> • Assemble and analyze the figures that into the budget the President submits to Congress • Studies organization and operations of executive branch • Helps the President write executive orders
<p>National Security Council</p>	<ul style="list-style-type: none"> • Consists of the president’s principal advisers on matters of national security, defense, intelligence, and war. (Today has 250 people working as support)
<p>Council of Economic Advisers</p>	<ul style="list-style-type: none"> • Assists the president in preparing an annual economic report for Congress. • Assesses federal government spending
<p>Office of U.S. Trade Representation</p>	<ul style="list-style-type: none"> • Negotiates treaties regarding international commerce. • Connects with business interests and works to formulate international law.

VICE PRESIDENTS

THE POINT OF THE VICE PRESIDENT	DESCRIPTION
<p>BALANCE THE TICKET</p>	<p>Presidents like to choose a running mate, during the campaign that will please a region of the United States to help them gain support.</p>
<p>PRESIDE OVER SENATE</p>	<p>The Vice President is technically the presiding officer in the Senate. They vote only if there is a tie. They are usually not in the Senate chamber.</p>
<p>SERVE AT DISCRETION OF PRESIDENT</p>	<p>Some Presidents really like their vice presidents. They put them on tasks forces and invite them to be on the National Security Council. Some do not like them or have them do anything.</p>
<p>OH NO, THE PRESIDENT IS DEAD!</p>	<p>The Vice President is next in line if anything happens to the President. (They also serve as acting president if they go into surgery or something)</p>

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PRESIDENTIAL LINE OF SUCCESSION

WHAT HAPPENS...	THEN THIS PERSON TAKES OVER
IF PRESIDENT DIES?	The Vice President becomes President.
IF ONLY THE VICE PRESIDENT DIES?	The President picks someone and Congress confirms.
IF A LOT OF PEOPLE START GETTING ASSASSINATED? (HERE IS THE WHOLE LIST)	<p>This the line of succession (passed in 1947):</p> <ul style="list-style-type: none"> • Vice President • Speaker of the House • President Pro tempore of the Senate • Secretary of State • Secretary of Treasury • Secretary of Defense • Attorney General • Secretary of the Interior • Secretary of Agriculture • Secretary of Commerce • Secretary of Labor • Secretary of Health and Human Services • Secretary of Housing and Urban Development • Secretary of Transportation • Secretary of Energy • Secretary of Education • Secretary of Veterans Affairs • Secretary of Homeland Security
<p>-What if all 19 people get assassinated? I don't know, anarchy???</p> <p>--The line of Succession starts with VP, then top leaders in Congress, and then ends with the secretaries of the departments in order of creation.</p> <p>--So far 8 Presidents have died in office from illness or assassination.</p> <p>--So when Nixon was about to resign, his VP quit. Then Nixon picked Ford to be Vice President. Then Nixon quit. Thus Ford picked another VP after becoming President. (Sidenote: He pardoned Nixon)</p>	

THE FIRST LADY

THE LADY	WHAT THEY DID
Edith Bolling Galt Wilson	When her husband was paralyzed she became his surrogate and decided who could see him.
Eleanor Roosevelt	She wrote for a national paper, traveled and lectured. Later appointed for the United Nations.
Hillary Clinton	Started on task force for Healthcare. After it did not pass she took on less strenuous and divisive jobs.
<p>--Some first ladies are seen as more powerful than others. But modern first ladies are supposed to take on at least on cause and act as spokesperson for it. They have their own office and communications team to help them utilize the media.</p>	

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DIVIDED GOVERNMENT

PARTY CONTROL	DESCRIPTION	EFFECT
UNIFIED GOVERNMENT	The same party controls the White House and both houses of Congress.	Just because one party controls both does not really mean that legislation will pass easily. There are different factions within a party.
DIVIDED GOVERNMENT	One party controls the White House and another party controls one or both houses of Congress.	Gridlock stops only the most costly or polarizing legislation.

18 out of 28 congressional elections from 1952--2008 have produced divided government.
-Some political scientists argue that gridlock is a good thing.

THE PRESIDENT AS A POLICY MAKER

CATEGORY	DESCRIPTION
PROPOSING LEGISLATION	The President must get people to agree with him/her regarding policy issues so their ideas can become law. (These people include the politicians inside Washington, D.C., politicians outside Washington, D.C., and the general public)
BUDGET PROCESS	The President (with help of Office of Management and Budget) submits a budget to Congress. But Congress has complete power to fund it. Congress creates appropriation bill to pay for programs and to carry out laws.
EXECUTIVE ORDER	A rule or regulation issued by the President that has the effect of law. Some are issued to help clarify or implement legislation enacted by congress, other executive orders have the effect of making new policy.

-To gain support for legislation that the President wants, he/she will often try to mobilize the American People. Thus Congress members will do what the President wants because their constituents demand it. The **Bully Pulpit**: is when presidents use the prestige and visibility of the office to gain public support for their policy programs.
-Popularity of a president does make a difference regarding how effective they can persuade the public.
-Executive Orders can be seen as unconstitutional by Supreme Court, like any government action.

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PRESIDENTIAL PROGRAM RESTRAINT

TYPE OF RESTRAINT	DESCRIPTION
ADVERSE REACTION	The public may dislike the president's program ideas.
TIME RESTRAINT	Presidents work an average of 90 hours a week but they can still only get so much accomplished. Many groups want attention.
UNEXPECTED CRISIS	No President plans on 9/11 or recession to take place during their presidency but it happens. They have to deal with issues they have not chosen.
BUDGET RESTRAINT	Congress has the final say on spending bills (appropriations).