

# CHAPTER EIGHT

## The Executive Branch of the Government

# The Presidency

## The President of the United States

- The President is the Head of the Executive Branch;
- While he does have significant power, his power is limited by the Constitution.
- The Constitution assigns the following powers to the President:
  - ❖ Commander in Chief of the Armed Forces
  - ❖ Make treaties, with two-thirds consent of the Senate
  - ❖ Receive ambassadors and other public ministers from foreign countries
  - ❖ Appoint ambassadors, Supreme Court justices, federal judges, and any officials as provided for by the Congress, with the approval of the Senate
  - ❖ Give an annual State of the Union Address to Congress
  - ❖ Recommend legislation to Congress
  - ❖ Convene Congress on extraordinary occasions
  - ❖ Adjourn Congress, in cases of a disagreement about adjournment
  - ❖ "Take care that the laws be faithfully executed"
  - ❖ Fill in administrative vacancies during Congressional recesses
  - ❖ Grant reprieves and pardons for offences against the U.S.

# The Presidency

## The President of the United States

**The main powers of the President may be divided into three categories: Head of State, Administrative, and Legislative Powers.**

- ❑ As **Head of State**, the President meets with the leaders of other countries. He has the power to recognize those lands as official countries and to make treaties with them. However, the Senate must approve any treaty before it becomes official.
- ❑ The President also has the power to appoint ambassadors to other countries, with the Senate's approval. The President is also the official head of the U.S. military. As Commander in Chief, he can authorize the use of troops overseas without declaring war. To declare war officially, though, he must get the approval of the Congress. The President's **administrative duties** include appointing the heads of each Executive Branch department. Of course, these appointments are subject to the approval of the Senate. The President also has the power to request the written opinion of the head of each Executive Branch department, regarding any subject relating to their department.
- ❑ The President's effect on the **law-making process** is limited. Only Congress can write legislation; the President may only recommend it. Whereas only Congress may create legislation, it is difficult for them to pass a bill without the President's approval. When Congress passes a bill, they send it to the White House. The President then has three options: sign the bill into law, **veto** the bill, or do nothing.

# The Presidency

## The President of the United States

- ▶ **What is a Presidential veto?** There are two types of vetoes available to the President. One, the regular veto, is a "qualified negative veto," which is limited by the ability of Congress to muster the necessary two-thirds vote of each House for constitutional override. The other type of veto is not explicitly designated in the U.S. Constitution but is traditionally called a "pocket veto." This veto is actually an "absolute veto" that cannot be overridden. It becomes effective when the President fails to sign a bill after Congress has adjourned and is unable to override the veto.
- ▶ As of August 1, 1999, U.S. Presidents have vetoed 2,538 bills presented to them by Congress. Of that total number, 1,473 were regular vetoes, and 1,065 were pocket vetoes. This may appear to be a large number of vetoes, but it actually represents about 3 percent of the approximately 93,500 bills presented to U.S. Presidents since George Washington.

# The Presidency

## Order of Succession

According to the Presidential Succession Act of 1947, if the President of the United States is incapacitated, dies, resigns, is for any reason unable to hold his office, or is removed from office (impeached and convicted), people in the following offices, in this order, will assume the office of the President, provided they are qualified as stated by the Constitution to assume the office of the President, which means they have to be must be at least 35 years old, must be a natural-born U.S. citizen, and have lived in the U.S. for at least 14 years:

- **Vice President**
- **Speaker of the House**
- **President Pro Tempore of the Senate**
- **Secretary of State**
- **Secretary of the Treasury**
- **Secretary of Defense**
- **Attorney General**

# The Presidency

## The last 12 U.S. Presidents

- ▶ Franklin D. Roosevelt (1933 -1945), Democrat;
- ▶ Harry S. Truman (1945-1953), Democrat;
- ▶ Dwight D. Eisenhower (1953-1961), Republican;
- ▶ John F. Kennedy (1961-1963), Democrat;
- ▶ Lyndon B. Johnson (1963-1968), Democrat;
- ▶ Richard M. Nixon (1969-1974), Republican;
- ▶ Gerald R. Ford (1974-1977), Republican;
- ▶ Jimmy Carter (1977-1981), Democrat;
- ▶ Ronald W. Reagan (1981-1989), Republican;
- ▶ George Herbert Walker Bush (1989- 1993), Republican;
- ▶ William J. Clinton (1993-2001, Democrat;
- ▶ George Walker (2001- now), Republican.

# The Presidency

## The Vice President of the United States

- ✓ Article 2, section 1 of the Constitution: "The President of the United States shall hold his Office during the term of four years...together with the Vice President";
- ✓ The qualifications for Vice President are the same as President. Article II, Section 4 of the Constitution provides that a President must be a natural-born citizen, at least 35 years old, and have been a resident of the United States for at least 14 years. The Vice President must meet these same criteria.
- ✓ In addition to his role as President of the Senate, the Vice President is empowered to succeed to the Presidency, pursuant to Article 2 and the 20<sup>th</sup> and 25<sup>th</sup> amendments of the Constitution;
- ✓ The executive functions of the VP include participation in Cabinet meetings and other institutions.

# The Structure of the Executive

- ▶ **What is the "President's Cabinet"?** The President's Cabinet has been commonly regarded as an institution whose existence has relied more upon custom than law. Article II, section 2 of the Constitution, gives some guidance in this matter, stating that the President "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." The historical origins of the Cabinet can be traced to the first President, George Washington. After the First Congress created the State, Treasury, and War Departments and established the Office of the Attorney General, Washington made appropriate appointments and, subsequently, found it useful to meet with the heads, also known as secretaries, of the executive departments.
- ▶ Traditionally, the membership of the Cabinet has consisted of the heads of the executive departments. Currently, there are 15 departments.
- ▶ From the earliest days, Presidents have accorded to others the privilege of attending and participating in Cabinet meetings.



# The Structure of the Executive

## The President's Cabinet

- ▶ The purpose of the Cabinet is to advise the President on matters relating to the duties of their respective offices. As the President's closest and most trusted advisors, members of the Cabinet attend weekly meetings with the President. The Constitution does not directly mention a "Cabinet," but the Constitutional authority for a Cabinet is found in Article II, Section 2. The Constitution does not say which or how many executive departments should be created.
- ▶ The Cabinet traditionally includes the Vice President and the heads of executive departments.
- ▶ When requested by the President, other officials are asked to attend these weekly meetings including, the President's Chief of Staff, the Director of the Central Intelligence Agency, the Chairman of the Council of Economic Advisors, the Counselor to the President, the Director of the Federal Emergency Management Agency, the Administrator of the Small Business Administration, and the U.S. Representative to the United Nations.

# The Executive Departments

- ▶ **Department of State** (1789): It advises the President in the formulation and execution of foreign policy...
- ▶ **Department of the Treasury** (1789): It performs four basic functions: formulating and recommending economic, financial, tax, and fiscal policies; serving as financial agent for the U.S. Government; enforcing the law; and manufacturing coins and currency.
- ▶ **Department of Defense** (1947): It is responsible for providing the military forces needed to deter war and protect the security of the country.

# The Executive Departments

- ▶ **Department of Justice (1870):** It serves as counsel for the citizens and represents them in enforcing the law in the public interest.
- ▶ **Department of the Interior (1849):** Its mission is to protect and provide access to the Nation's natural and cultural heritage and to manages the Nation's public lands and minerals, national parks, etc...
- ▶ **Department of Agriculture (1862):** It works to improve and maintain farm income and to develop and expand markets abroad for agricultural products.

# The Executive Departments

- ▶ **Department of Commerce (1903)**
- ▶ **Department of Labor (1913)**
- ▶ **Department of Health and Human Services (1953)**
- ▶ **Department of Housing and Urban Development (1965)**
- ▶ **Department of Transportation (1966)**
- ▶ **Department of Energy (1977)**
- ▶ **Department of Education (1979)**
- ▶ **Department of Veterans Affairs (1988)**
- ▶ **Department of Homeland Security (2003)**

# The Federal Agencies

- ▶ In general, the independent agencies comprise all Federal administrative agencies not included under the executive departments or under the direct, immediate authority of the President.
- ▶ These many and diverse organizations range from regulatory commissions, to Government corporations, such as the U.S. Postal Service, to a wide variety of boards and foundations.
- ▶ Such agencies are not independent of the U.S. Government and are subject to the laws that are approved by Congress and executed by the President.

# The Federal Agencies & Commissions

- ▶ Advisory Council on Historic Preservation
- ▶ Central Intelligence Agency
- ▶ Commodities Futures Trading Commission
- ▶ Consumer Product Safety Commission
- ▶ Environmental Protection Agency
- ▶ Federal Communications Commission
- ▶ **Federal Deposit Insurance Corporation**
- ▶ Federal Election Commission
- ▶ Federal Emergency Management Agency
- ▶ Federal Reserve Board
- ▶ Federal Trade Commission
- ▶ **National Security Agency**
- ▶ National Aeronautics and Space Administration
- ▶ **National Archives and Records Administration**
- ▶ National Commission on Libraries and Information Science
- ▶ **National Endowment for the Art**
- ▶ National Endowment for the Humanities
- ▶ National Labor Relations Board
- ▶ National Science Foundation
- ▶ Nuclear Regulatory Commission
- ▶ Peace Corps
- ▶ **President's Council on Physical Fitness**
- ▶ Securities and Exchange Commission
- ▶ **Small Business Administration**
- ▶ Smithsonian Institution
- ▶ Social Security Administration
- ▶ Selective Service System
- ▶ U.S. Agency for International Development
- ▶ U.S. Equal Employment Opportunity Commission
- ▶ U.S. International Trade Commission
- ▶ **U.S. Office of Government Ethics**
- ▶ U.S. Postal Service
- ▶ Voice of America