

Presidency

Expectations/roles

- Chief of State (ceremonial/symbolic)
- Chief Administrator: Bush with Mayors
- Economic Manager
- George H.W. Bush
- Clinton Campaign: "It's the economy, stupid!"
- Foreign Policy leader
- Leader of Legislature
- State of the Union
- Budget Process
- Leader of Party
-

Representing U.S.

- Reagan in Berlin
- Reagan: great communicator
- Vets
- Memories
- Great line
- Mic's open

Formal Powers

- "Enumerated powers" are in Article II of Constitution
- Limited Veto Power
- Can stop any law, unless
- Congress overrides (2/3 both houses)
- Commander in Chief
- Appointments: exec. officials and Sup. Ct. justices (advice and consent of Senate)
- Negotiate Treaties (advice and consent of Senate)
- Other misc: reprieves & pardons, call emergency sessions of Congress, request opinions of top administrators

Other Const. Provisions

- Chosen by Electoral College (12th amend. 1804)
- Impeachment process
 - House "charges": treason, bribery, high crimes & misdemeanors
 - Senate "convicts"
 - Andrew Johnson, Bill Clinton
- 2 terms (22nd amend. 1951)
- Succession (25th amend. 1967)

Hint, hint

- What's the big deal so far?
 - Huge expectations
 - Minimal formal powers

Compare to Congress

- Congress had big article I "substantive powers"
- Amendments have to put new power/responsibilities on congress

Implied Powers

- Definition: things that presidents do and "get away with"
- Also called
 - Inherent Powers

Where do implied powers come from?

- Constitutional Justification:
 - ? (no necessary & proper clause)
 - "executive power shall be vested in a President"
 - "He shall take care that the Laws be faithfully executed"
- Political Justification: "I dare you to try and stop me."

How does the Pres. win this game?

- Sup. Ct. does not declare actions unconstitutional

And

- Congress does not pass a new law to explicitly take away pres. power

Make War (not love)

- Foreign military intervention
- Lots of presidents have done it
- Grossman's "100 years of U.S. Military Interventions"

Brief List of FMIs

- Iran (1953): install Shah
- Guatemala (1954): overthrow socialist government
- Lebanon (1958)
- Vietnam/Laos (1960)
- Cambodia (1969-1975)
- Lebanon (1982-1984)
- Libya bombing (1986)

- Nicaragua (1981-1990): anti-gov. CIA action)
- Grenada (1983)
- Yugoslavia/Serbia/Bosnia
- Haiti 1994-? Oust dictator
- Afghanistan, 2001-?

Politics and War

- War Powers Act (1973) tried to control
- President may be politically irresistible
- UN/NATO involvement further complicates this

Emergency Powers

- Lincoln suspended trial rights of citizens who opposed the North's war effort
- Harry Truman took over steel mills
- Courts have ruled these are unconstitutional abuses of power

Executive Agreements

- Make deals with other countries
- Don't require Senate ratification
- Have legal status "higher" than ordinary laws
- Case Act (1974) required disclosure

Executive Orders

- Tell agencies what to do
- Can significantly alter meaning of laws
- Might be classified as top secret

Executive Privileges

- Right to keep secrets from Congress/Courts
- Nixon lost argument in Watergate Tapes case
- Reagan lost "superfund" argument
- Clinton lost arguments in Starr effort to question secret service agents