

Chapter 9

Presidential Leadership

★ Why It's Important

Big Decisions The president of the United States makes some of the nation's most important decisions. The president signs bills into law or vetoes them. The president can also send troops into battle, and nominate individuals to serve in the cabinet or on the Supreme Court.



To learn more about how the president makes important decisions and leads our nation, view the ***Democracy in Action*** Chapter 9 video lesson:

Presidential Leadership



GOVERNMENT

Online



Chapter Overview Visit the *United States Government: Democracy in Action* Web site at gov.glencoe.com and click on **Chapter 9—Overview** to preview chapter information.

Presidential Powers

Reader's Guide

Key Terms

mandate, forum

Find Out

- Why do presidential powers tend to grow in times of national emergency?
- What are the sources of and limits to the powers of the president?

Understanding Concepts

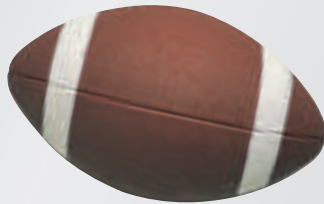
Constitutional Interpretations Within the scope of constitutional limitations and powers, why does each president define the office differently?

COVER STORY

Clinton Punishes Senator

WASHINGTON, D.C., MARCH 1993

Democratic senator Richard Shelby of Alabama has learned the cost of refusing a presidential request. President Bill Clinton had asked Democratic legislators to exercise restraint in criticizing his new economic plan. Instead, Shelby blasted the president's proposal and embarrassed Vice President Al Gore on national television. Clinton then moved a \$375 million space program, and some 90 jobs, from Huntsville, Alabama, to Houston, Texas. When the White House later honored the University of Alabama's national champion football team, Clinton gave Alabama's other senator 15 free game tickets. Shelby, however, got just one.



A political football

Many presidential powers are not specifically mentioned in the Constitution. They have developed over time, reflecting the changing needs of the nation and personalities of the presidents. The Founders crafted the office with caution, relying on their understanding of human nature and their experience with kings and colonial governors. They also realized that the executive office would reflect the personal characteristics of the person chosen to serve.

The sources and limitations of presidential power have interacted throughout the nation's history. The presidency may have been defined by the Constitution; however, the immediate needs of the nation, the personal energy and influence of each president, and the **mandate**, or expressed will of the people, have shaped the office of the presidency into its modern form.

Constitutional Powers



The Founders made the president the head of the executive branch of the new national government. Having revolted against the hated king of England, the Founders certainly did not want to create their own king. At the same time, and for two major reasons, they did want a national government with a strong executive.

Need for a Strong Executive First, the Founders knew that one of the main weaknesses of the Articles of Confederation was its lack of an independent executive. Without an executive the government had no one to carry out the acts of Congress. Moreover, this lack made it difficult for the government to respond quickly to problems and to enforce laws.

Second, many of the Founders distrusted direct participation by the people in decision making. The Founders feared that mass democratic movements might try to redistribute personal wealth and threaten private property.


Consequently, they wanted a strong executive branch that would protect liberty, private property, and businesses and would hold the legislative branch, which the people could influence, in check.

Presidential Powers in Article II Article II of the Constitution grants the president broad but vaguely described powers, simply stating that “The Executive Power shall be vested in a President of the United States of America.”

Sections 2 and 3 of Article II define the president’s powers.¹ As commander in chief of the armed forces, the president is mainly responsible








for the nation’s security. As head of the executive branch, the president appoints—with Senate consent—heads of executive departments. The Chief Executive also conducts foreign policy, making treaties with the advice and consent of the Senate and appointing ambassadors. The president also has judicial powers—to appoint federal court judges, to pardon people convicted of federal crimes except in cases of impeachment, or to reduce a person’s jail sentence or fine. Working with

See the following footnoted materials in the Reference Handbook:
 1. The Constitution, pages 774–799.



COMPARING Governments

Presidential Powers

Country	Term	Election Method	Constitutional Powers						
			Control armed forces	Approve legislation	Appoint executive officials	Appoint judges	Appoint prime minister	Dissolve legislature	Suspend rights
 Argentina	4 years	Direct election by the people	★	★	★	★			
 Egypt	6 years	Nominated by the legislature and approved by an absolute majority of the people	★	★	★		★		
 France	5 years	Absolute majority of the people; direct election	★	★	★	★	★	★	★
 Mexico	6 years	Direct election by the people	★	★	★	★			
 Philippines	6 years	Direct election by the people	★	★	★	★			★
 South Africa	5 years	Elected by the legislature from its members		★	★	★			
 United States	4 years	Electoral College system	★	★	★	★			

Source: www.loc.gov/law.

Making Comparisons Presidents of different countries around the world often hold similar powers. What differences are there between the powers of the presidents of the United States and France?

Leadership Style

This Currier and Ives lithograph shows the shelling of Fort Sumter in 1861. By sending ships to resupply the federal fort in Charleston harbor, President Lincoln forced the South Carolina militia to take action, thus beginning the Civil War. **How did Lincoln's actions reveal his view of presidential power?**



the legislature, the president ensures that the laws Congress passes are “faithfully executed.” The president delivers an annual State of the Union message to Congress, proposes legislation, and may call Congress into special session when necessary.

Informal Sources of Power



The Constitution’s list of presidential powers is brief and simple. Yet, since Washington’s time, the president’s powers have greatly expanded. Today these powers come from several sources in addition to the Constitution.

Personal Exercise of Power Over the years several presidents have added to the power of the presidency simply by the way they handled the job. Each president has defined the office in unique ways. Several presidents have enlarged the powers of the presidency by their view and exercise of power.

In 1803 Thomas Jefferson made the decision to purchase the Louisiana Territory from France. Nothing in the Constitution, however, stated that a president had the power to acquire territory. Jefferson decided that the presidency had inherent powers, or powers attached to the office itself. These were powers the Constitution did not

specifically define but that Article II implied. The Senate agreed with Jefferson and ratified the Louisiana Purchase treaty.

Theodore Roosevelt expressed the broad view of presidential power, explaining that it was both the president’s right and duty to “do anything that the needs of the Nation demanded, unless such action was forbidden by the Constitution or by the laws.” In a letter to a contemporary historian, Roosevelt explained:

“*I have used every ounce of power there was in the office and I have not cared a rap for the criticisms of those who spoke of my ‘usurpation’ of power; . . . I believe that the efficiency of this Government depends upon its possessing a strong central executive. . . .***”**

—Theodore Roosevelt, 1908

Immediate Needs of the Nation During the Civil War Abraham Lincoln took action that caused people to call him a dictator. He suspended the writ of habeas corpus and jailed opponents of the Union without a trial or legal authority to do so. He raised an army before getting Congress’s approval. He took illegal action against the South by blockading its ports. Lincoln claimed the Constitution gave

him the authority to do what was necessary to preserve the Union. In the end, the nation agreed with the president.

Franklin D. Roosevelt used the power of the presidency to expand the role of the federal government in the nation's economy. At a time of severe economic depression, Roosevelt persuaded Congress to create many new social and economic programs and to set up new federal agencies to run them. After Roosevelt's administration, Americans came to expect the president to take a firm hand in directing the nation's economic as well as political life.

In 2001 the terrorist strikes on New York City and Washington, D.C., transformed the presidency of George W. Bush. He had gained office nine months earlier in a close, bitterly fought election. A poll at the time showed that 40 percent of the public did not believe Bush had won the election fairly. The terrorist attacks, however, changed everything. Americans now looked to the president for leadership. Bush responded by declaring that "war on terrorism" would be the focus of his presidency. Speaking to the nation, he vowed, "I will not yield; I will not rest; I will not relent in waging this struggle for freedom and security for the American people." He soon gained sweeping new authority from Congress to fight terrorism,

and his public approval ratings temporarily soared to 90 percent.

Members of Congress sometimes complain about presidents having too much power. Yet Congress has often granted a president special powers, especially during emergencies. In 1964, for example, President Lyndon Johnson reported that two American destroyers had been attacked in the Gulf of Tonkin. To enable the president to cope with the situation in Vietnam, Congress passed the Gulf of Tonkin Resolution overwhelmingly on August 7, 1964. This resolution gave the president authority to "take all necessary steps, including the use of armed force" to protect Americans in Southeast Asia. Johnson used the powers this resolution granted to enlarge the war in Vietnam as well as other parts of Southeast Asia.

Mandate of the People All presidents like to claim that their ideas and policies represent a mandate from the people. A **mandate**—strong popular support—is one of the greatest sources of power for a president. However, the president's popularity ratings change almost daily. Most modern presidents, therefore, have learned to use all forms of mass media to communicate their message to the people and gain popular support.

The President and the People



◀ **Past** President Franklin D. Roosevelt exhibited a friendly informality that made Americans feel personally connected to the president. Here FDR speaks to millions of Americans in one of his frequent radio addresses known as fireside chats.

▼ **Present** Presidents hold televised news conferences to communicate their ideas to Americans and maintain the public's support of the presidency and its policies.

Perceptions of the Presidency
What repercussions might arise for a president who does not maintain a good relationship with the media?

Today, television gives presidents even greater power to convey their ideas and personalities directly to the American people. The media called President Ronald Reagan “the Great Communicator” partly because of his ability to deliver his message directly to the people through television. People often judge a president’s ideas according to the personal appeal of the president on television, a fact presidents know very well and try to use to their advantage.

Major newspapers and magazines also provide a **forum**, or medium for discussion, for presidential messages. These media, in addition to television and radio networks, assign reporters to cover the president full time. White House staff members make sure the reporters receive a steady flow of information about the president’s activities and ideas. One of the staff’s objectives is to create the image of a president as an active, personable servant of the people.

Limits on Presidential Power



The Founders built significant safeguards against the abuse of presidential power into the Constitution. Both Congress and the courts have powers that limit the president’s authority. Other factors not mentioned in the Constitution also affect the president’s actions.

Limitation by Congress The Constitution gives Congress the power to pass legislation over a president’s veto. A **congressional override** of a veto may limit a president’s effectiveness in carrying out a legislative program or in using executive powers. In 1973 Congress overrode President Nixon’s veto of the **War Powers Act** that prevented presidents from committing troops to combat for more than 60 days without congressional approval. Congress felt that Nixon and previous presidents had abused their power as commander in chief. They had done so by involving American soldiers for prolonged periods in an undeclared war in Vietnam.

Other important limitations include the Senate’s confirmation power, the power of the purse, and the power to impeach a president. Historically, impeachment proceedings have been initiated against three presidents. The House of Representatives impeached President Andrew Johnson in



Checks and Balances Congress, believing that American involvement in the Vietnam War was an abuse of presidential power, passed the War Powers Act in 1973 over a presidential veto. **How was the War Powers Act an example of the concept of checks and balances?**

1868, but the Senate acquitted him by a margin of one vote. President Richard Nixon resigned in 1974 before the impeachment charges could be brought to the full House. After a short trial in early 1999, the Senate acquitted President Bill Clinton on the two impeachment charges that had been brought by the House.

Limitation by the Federal Courts The federal courts have a constitutional power to limit a president. The case of *Marbury v. Madison*¹ (1803) established the Supreme Court’s right to review legislative actions. During the Great Depression, the Supreme Court ruled some of President Franklin D. Roosevelt’s New Deal legislation unconstitutional.



See the following footnoted materials in the *Reference Handbook*:
1. *Marbury v. Madison*, page 761.



Landmark Cases

Youngstown Sheet and Tube Company v. Sawyer Does the president have authority to act in areas of authority delegated to Congress if Congress fails to act? Historically, a president's action in such cases was not challenged until Congress passed legislation assuming its authority.

In 1952 President Truman, believing a strike by steelworkers could threaten national security, ordered his secretary of commerce to seize and operate most of the nation's steel mills. The president reported these events to Congress, but Congress failed to take action. Congress had provided procedures for dealing with similar situations in earlier cases.

Opposing the takeover, the steel mill owners sued Secretary Sawyer, and the case eventually reached the Supreme Court. Justice Black, speaking for the majority, said that there was no statute which authorized the president to take possession of the mills. The fact that Congress had not exercised its powers to seize the mills did not mean that the president could do so. He concluded, "The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times."



Limitation by the Bureaucracy The federal bureaucracy sometimes limits presidential powers. Bureaucrats can obstruct presidents' programs unintentionally by failing to provide needed

information, by misinterpreting instructions, and by neglecting to complete a task properly. Bureaucrats have the discretion to interpret as they best see fit. At times their interpretations may not reflect the president's priorities either intentionally or unintentionally.

Limitation by Public Opinion Public opinion can also limit a president. In 1968 public dissatisfaction with President Lyndon Johnson's conduct of the Vietnam War forced him not to run for reelection. Without favorable public opinion, a president cannot succeed in carrying out a political program. One of President Clinton's announced goals in his first administration was to restructure the health-care system. The administration began a major study of health care. Meanwhile, all the interest groups that would be affected began to raise questions. Public opinion eventually derailed the changes.

The American people expect their presidents to be symbolic leaders of the nation. They expect presidents to always act with courage and dignity. If presidents fail to live up to these standards, the nation usually condemns their actions.

The Founders could not build into the Constitution provisions for regulating the moral character of a president. Public opinion, especially through the use of mass media, supports the checks and balances that serve to limit the powers of a president.

Section 1 Assessment

Checking for Understanding

- 1. Main Idea** Using a graphic organizer like the one below, list two or more constitutional limits and three other limits on presidential power.

Constitutional limits	Other limits

- 2. Define** mandate, forum.
- 3. Identify** War Powers Act.
- 4.** In what three ways have former presidents expanded the power of their office?
- 5.** Why, during Lyndon Johnson's presidency, did Congress pass the Gulf of Tonkin Resolution?

Critical Thinking

- 6. Distinguishing Fact from Opinion** President Wilson said the president "is at liberty, both in law and conscience . . . to be as big a man as he can." Explain if this statement is fact or opinion.

Concepts IN ACTION

Constitutional Interpretations Determine if you think there should be greater limits on the president's power. Compose several catchy slogans supporting your view and create signs or buttons that might be used in a rally.

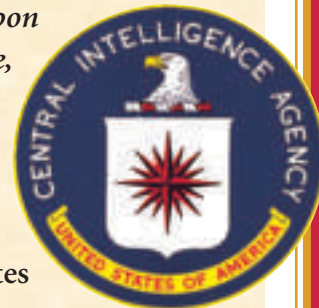


Supreme Court CASES TO DEBATE

Constitution of the United States.” This duty includes protecting the government against subversive actions. Can the president, without a search warrant, order electronic surveillance of people in order to protect against domestic national security dangers? The case of United States v. United States District Court dealt with this issue.

United States v. United States District Court, 1972

The Constitution calls upon the president to “preserve, protect and defend the



CIA logo

Background of the Case

In the early 1970s several antiwar groups were accused of plotting against the government. President Nixon's administration began using wiretaps, without a search warrant, to monitor citizens whom the administration claimed were engaged in subversive activities. This case arose when a defendant was accused of the dynamite bombing of an office of the Central Intelligence Agency in Ann Arbor, Michigan. The defendant claimed the wiretap evidence used against him had been gathered illegally. The government admitted it had not secured a warrant but claimed the wiretap was lawful under the president's power and duty to protect national security. A United States District Court ruled the evidence was gathered illegally and had to be made available to the defendant before his trial. The attorney general filed suit to set aside the district court's order.

The Constitutional Issue

In reviewing the case the Court said:

“Its resolution is a matter of national concern, requiring sensitivity both to the Government's right to protect itself from unlawful subversion and attack and to the citizen's right to be secure in his privacy against unreasonable government intrusion.”

—Justice Lewis F. Powell, Jr., 1972

The government argued that such surveillance was a reasonable exercise of the president's power to protect domestic security. Further, the government claimed that judges would not have the expertise in such complex situations to determine whether there really was “probable cause.” Finally, the government argued that secrecy is essential in domestic security cases; informing a judge in order to get a warrant would create the risk of leaks.

Debating the Case

Questions to Consider

1. Should domestic security cases be handled differently than other types of crimes?
2. What could be the consequences of allowing the wiretapping in such cases without a warrant?
3. Does the government need a search warrant to wiretap in domestic security cases?

You Be the Judge

The Fourth Amendment protects citizens from “unreasonable searches and seizures” by requiring the police to obtain a search warrant from a judge. In order to obtain the search warrant, the police must show “probable cause” for the proposed search. Should the Court make an exception to this warrant requirement, as it has sometimes done in special circumstances? Analyze and explain.

Roles of the President

Reader's Guide

Key Terms

executive order, impoundment, reprieve, pardon, amnesty, patronage, treaty, executive agreement

Find Out

- How do the presidential roles of head of state, chief diplomat, and commander in chief work together to provide leadership in foreign relations?
- What is the president's role in the growth and stability of the American economy?

Understanding Concepts

Political Processes How have presidents used their political power to increase their policy-making role?

COVER STORY

Nixon Impounds Funds

WASHINGTON, D.C., APRIL 16, 1973

Calling congressional spending wasteful and inflationary, President Nixon has directed cabinet members not to spend moneys appropriated by Congress to fund some government programs he opposes. By executive order, the president has withheld \$8.7 billion earmarked for programs he believes are useless. Despite recent court rulings that a president has no power to cut programs mandated by Congress, Nixon claims the right to impound funds because Congress "has not been responsible on money." Congress is considering legislation to block the president's action.



Nixon impounds program funds.

When President Richard Nixon impounded funds, it raised a major issue about the power and duties of a president. What are the roles of the president? There are seven key duties. Five of these duties are based on the Constitution: serving as head of state, chief executive, chief legislator, chief diplomat, and commander in chief. Two of the president's key duties—economic planner and political party leader—are not even implied in the Constitution, but have developed over time.

Head of State



As head of state, the president represents the nation and performs many ceremonial roles. Serving as host to visiting kings, queens, and heads of governments, the president is the nation's chief diplomat. Other ceremonial duties are less vital, but receive much attention. In a tradition that dates back to President Taft, many presidents have thrown out the first ball to begin the major league baseball season. Lighting the national Christmas tree, giving awards and medals, making public service statements on important issues, meeting public figures from musicians to business leaders are all considered a part of the role of president.

The president is both head of state and chief executive. In most countries these two duties are distinct. One person—sometimes a king or queen, sometimes a president without real power—is the ceremonial head of state. Another person—a prime minister or premier—directs the government.

This difference is important. Much of the mystique of the presidency exists because presidents are more than politicians. To millions around the world and to millions at home, the president *is* the United States. As a living symbol of the nation, the president is not just a single individual, but the collective image of the United States.

Chief Executive



As the nation's chief executive, the president sees that the laws of Congress are carried out. These laws range over a great many areas of public concern from Social Security, taxes, housing, flood control, and energy to civil rights, health care, education, and environmental protection.

The executive branch employs more than 2 million people to enforce the many laws and programs Congress establishes.¹ The president is in charge of these employees and the federal departments and agencies for which they work. Of course, no president could directly supervise the daily activities of all these people. At best, presidents can try to influence the way laws are implemented to follow their own philosophy of government.

Tools of Influence Presidents have several tools to influence how laws are carried out. One is **executive orders**, or rules that have the force of law. This power is implied by the Constitution when it charges the president with ensuring that “the laws be faithfully executed.” Presidents issue executive orders to spell out many of the details of policies and programs Congress enacts. For example, President Carter used an executive order to put thousands of acres of land in Alaska under the control of the National Park Service.

Another tool is making presidential appointments. Besides appointing cabinet members, presidents appoint “with the advice and consent of the Senate” about 2,200 top-level federal officials. These officials include agency directors, deputy directors, and their assistants. Presidents try to appoint officials who share their political beliefs because they want these officials to carry out their policies.

A third tool that presidents may use is the right to remove officials they have appointed. President Nixon, for example, fired his secretary

An Executive Order



Presidential Power In 1948, by executive order, President Harry S. Truman desegregated the armed forces, which affected U.S. troops who later fought in the Korean War. Truman enhanced his presidential powers by taking decisive action without Congress's consent. **Under which presidential duty does this action fall?**

of the interior for opposing his conduct of the war in Vietnam. It is not always easy, however, to remove a popular official, who may have congressional and public support. The former director of the FBI, J. Edgar Hoover, was a person with such support. He controlled and directed the FBI for 48 years. Evidence indicates that several presidents had doubts about his capacities and conduct, but Hoover was too popular to fire. Hoover held the office of director of the FBI until his death on May 1, 1972.

A fourth tool, used for a variety of reasons, enables a president to refuse to allow a federal department or agency to spend the money Congress has appropriated for it. This process is known as impoundment of funds. **Impoundment** means that the president puts aside, or refuses to spend, the money Congress has appropriated for a certain purpose. Presidents have practiced impoundment for years. In 1803, for example, President Jefferson did not spend money Congress set aside for new gunboats until less costly designs were found. Most impoundments have been for routine matters. Money is appropriated; the need for spending



See the following footnoted materials in the **Reference Handbook**:

1. For number of employees by department see *United States Data Bank*, page 832.

Presidential Pardon



Reactions to the President Gerald Ford entered the presidency hoping to pull a troubled country together. His pardon of Nixon, though, outraged many Americans who believed the president should be held accountable to the laws of the land. **Why do you think Ford pardoned Nixon?**

changes. Then the president impounds the money, and Congress agrees.

President Nixon tried to impound funds in the early 1970s to eliminate a number of social programs he did not favor. He impounded huge sums of money—as much as \$13 billion in a single year. Groups who stood to benefit from the impounded programs took President Nixon to court. The court ordered the president to spend the appropriated money. Congress passed legislation to prevent such wholesale impounding.

In addition, as chief executive the president appoints, with Senate approval, all federal judges, including the justices of the Supreme Court.


Presidents can use this power to influence the course of government. For example, President Clinton appointed Justice Ruth Bader Ginsburg, who generally had more liberal views than the justices appointed by previous Republican administrations.

Reprieves and Pardons As chief executive, the president also can grant “reprieves and pardons for offenses against the United States.” A **reprieve** grants a *postpone*-ment of legal punishment. A **pardon** is a *release* from legal punishment. The individuals receiving presidential pardons generally have been convicted of federal crimes. In 1974, however, President Gerald Ford granted “a full, free and absolute pardon unto Richard Nixon” for any crimes the former president might have committed in connection with the Watergate scandal.

Amnesty Finally, the president may grant amnesty. **Amnesty** is a group pardon to people for an offense against the government. Amnesty usually applies to military personnel. For example, Presidents Ford and Carter granted amnesty to men who fled the draft during the Vietnam War.

Presidential pardons and amnesties can be controversial. Many people opposed Ford’s pardon of Nixon and Carter’s amnesty for draft dodgers. More recently, President Clinton issued several controversial pardons on his last day in office. He pardoned a wealthy business leader indicted for fraud whose ex-wife had donated money to Clinton’s campaigns, and four embezzlers who had supported Hillary Clinton’s Senate campaign.

Chief Legislator

 Congress expects the executive branch to propose legislation it wishes to see enacted. President Eisenhower once wanted Congress to act on a particular problem he was concerned about. The White House, however, neglected to draft a bill to deal with the situation. A member of Congress scolded the president’s staff: “Don’t expect us to start from scratch on what you people want. . . . You draft the bills, and we work them over.”

The President's Legislative Program

Usually the president describes a legislative program in the annual State of the Union message to Congress. It calls attention to the president's ideas about how to solve key problems facing the country. A detailed legislative program presented to Congress during the year reflects the president's values and political beliefs.

The president has a large staff to help write legislation. This legislation determines much of what Congress will do each year. The president's office also presents to Congress a suggested budget and an annual economic report.

Taking office after the assassination of President Kennedy, Lyndon B. Johnson called upon Congress to enact Kennedy's programs:

“*I believe in the ability of Congress, despite the divisions of opinions which characterize our nation, to act—to act wisely, to act vigorously, to act speedily when the need arises. The need is here. The need is now.***”**

—Lyndon B. Johnson, 1963

Congress responded by passing a host of new domestic legislation the administration proposed.

Tools of Presidential Lawmaking

When the president and the majority of Congress are from different political parties, the president must work harder to influence members of Congress to support a particular program. Presidents often meet with senators and representatives to share their views with them, and they appoint several staff members to work closely with Congress on new laws.

Presidents may hand out political favors to get congressional support. They may visit the home state of a member of Congress to support his or her reelection. Or, a president may start a new federal project that will bring money and jobs to a member of Congress's home state or district.

An important presidential tool in lawmaking is the veto power. Each bill Congress passes is sent to the president for approval. The president may sign the bill, veto the bill, or lay it aside. Presidents sometimes use the

threat of a veto to force Congress to stop a bill or change it to fit their wishes. The threats succeed because Congress finds it very difficult to gather enough votes to override a veto.

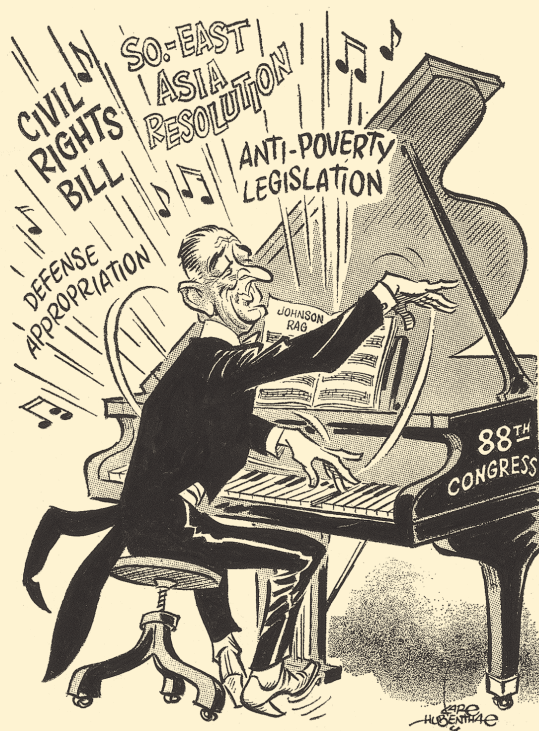
Unlike state governors, the president does not have the power to veto selected items in a bill. Congress did attempt to give the president some power over individual items by passing the Line Item Veto Act in 1996. President Clinton began to use the new power almost immediately, but the controversial legislation was challenged as soon as it went into effect. While the law survived the initial challenges, the Supreme Court agreed to hear appeals of two cases involving the new veto power in 1998. In *Clinton v. City of New York*¹ the Supreme Court struck down the law as unconstitutional.



See the following footnoted materials in the *Reference Handbook*:


1. *Clinton v. City of New York* case summary, page 756.

Presidential Lawmaking



Political Strategy Soon after becoming president, Lyndon Johnson used his 22-year congressional experience and skill as a legislator to persuade Congress to pass his “Great Society” programs. **How does the cartoonist depict President Johnson’s abilities and success as chief legislator?**

Economic Planner


 The president's role as chief economic planner has grown rapidly since Franklin D. Roosevelt's New Deal. The Employment Act of 1946 gave new duties to the president. This law directed the president to submit an annual economic report to Congress. The law also created a **Council of Economic Advisers** to study the economy and help prepare the report for the president. In addition, the law declared for the first time that the federal government had the responsibility to promote high employment, production, and purchasing power.

Since 1946 Congress has continued to pass laws giving presidents more power to deal with economic problems. In 1970, for example, Congress gave President Nixon power to control prices and wages. One year later, the president used this power to put a 90-day freeze on all prices, rents, wages, and salaries. The law then expired and was not renewed.

The president also has the duty to prepare the federal budget every year. The president supervises this work and spends many months with budget officials deciding what government programs to

support and what programs to cut back. The size of the budget, decisions about the budget deficit, and choices concerning where moneys will be allocated all affect the national economy.

Party Leader

 The president's political party expects the chief executive to be a party leader. The president may give speeches to help party members running for office or may attend fund-raising activities to help raise money for the party. The president also selects the party's national chairperson. Often, the president helps plan the party's future election strategies.

Presidents are expected to appoint members of their party to available government jobs. These appointments ensure that supporters will remain committed to a president's programs. Political **patronage**, or appointment to political office, rewards those persons who support the president and the party during an election.

Being a political party leader can be a difficult role for a president. People expect a president, as head of the government, to represent all Americans. Political parties, however, expect presidents

Participating IN GOVERNMENT

AmeriCorps



Volunteer at work

One way to help society, while earning money to pay for further education or training, is by joining AmeriCorps. AmeriCorps is a federal program that allows young people to earn \$4,725 in educational awards in return for a year's service to the nation. Volunteers also receive living allowances and health-care services.

In addition to many local projects, AmeriCorps offers two national programs. AmeriCorps-NCCC is a conservation organization for persons ages 18 to 24. Members

live at regional campuses and work in teams on community needs projects. AmeriCorps-VISTA is a program in which members work individually for other organizations to help them reach more people—by training community volunteers or setting up neighborhood programs, for example. Members live in the communities they serve.

Activity

1. Gather more information about AmeriCorps by writing to the Corporation for National Service at 1201 New York Avenue, NW, Washington, DC 20525, or visit its home page on the Internet.
2. Prepare a report to share your findings with the class.

to provide leadership for their own political party. Sometimes these conflicting roles cause problems. When President Clinton compromised with the Republican Congress to enact legislation in 1996, more liberal members of his own party criticized him. When a president appears to act in a partisan way, however, the media and the public can be critical.

Chief Diplomat



The president directs the foreign policy of the United States, making key decisions about the relations the United States has with other countries in the world. In this role the president is the nation's chief diplomat.

Because Congress also has powers related to foreign policy, there has been a continuing struggle between the president and Congress over who will exercise control of the country's foreign policy. Presidents have an advantage in this struggle because they have access to more information about foreign affairs than do most members of Congress. The administration sometimes classifies this information as secret. The Central Intelligence Agency (CIA), the State Department, the Defense Department, and the National Security Council (NSC) constantly give the president the latest information needed to make key foreign-policy decisions. Skilled presidents use this information to plan and justify actions they want to take. Members of Congress, who lack access to this information, often find it difficult to challenge the president's decisions.

In addition, the ability to take decisive action has greatly added to the power of the presidency in foreign affairs. Unlike Congress, where the individual opinions of 435 representatives and 100 senators must be coordinated, the executive branch is headed by a single person. In a national emergency, the responsibility for action rests with the president.

The Power to Make Treaties As chief diplomat the president has sole power to negotiate and sign **treaties**—formal agreements between the governments of two or more countries. As part of the constitutional system of checks and balances, however, two-thirds of the Senate must approve all treaties before they can go into effect.

The Senate takes its constitutional responsibility about treaties very seriously. Sometimes, the Senate will refuse to approve a treaty. After World War I, the Senate rejected the Treaty of Versailles,

the agreement to end the war and to make the United States a member of the League of Nations. More recently, in 1978, only after lengthy debates and strong opposition did the Senate approve two treaties giving eventual control of the Panama Canal to the government of Panama.

The Power to Make Executive Agreements

The president also has the authority to make executive agreements with other countries. **Executive agreements** are pacts between the president and the head of a foreign government. These agreements have the same legal status as treaties, but they do not require Senate consent.

Most executive agreements involve routine matters, but some presidents have used executive agreements to conclude more serious arrangements with other countries. Franklin D. Roosevelt lent American ships to the British in exchange for leases on British military bases. At the time, the British were fighting Nazi Germany, but the United States had not yet entered the war. Roosevelt knew that the strongly isolationist Senate would not ratify a treaty. He therefore negotiated an executive agreement.

Some presidents have kept executive agreements secret. To prevent this, Congress passed a law in 1972 requiring the president to make public all executive agreements signed each year. Some presidents have ignored this law and kept secret those agreements they considered important to national security. In 1969, Congress discovered that several presidents had kept secret many executive agreements giving American military support to South Vietnam, Laos, Thailand, and the Philippines.

Recognition of Foreign Governments As chief diplomat the president decides whether the United States will recognize governments of other countries. This power means the president determines whether the government will acknowledge the legal existence of another government and

GOVERNMENT

Online



Student Web Activity Visit the *United States Government: Democracy in Action* Web site at gov.glencoe.com and click on **Chapter 9—Student Web Activities** for an activity about the roles of the president.

Leading the Armed Forces



◀ **Early President** In this painting attributed to Frederick Kemmelmeyer, President George Washington reviews militia from four states summoned to put down the Whiskey Rebellion in 1794.

Modern President President George H.W. Bush had power over the American military operations in Operation Desert Storm.



Presidential Authority

Most modern presidents do not directly lead their troops as Washington did. **How do modern presidents indirectly lead their troops?**

have dealings with that government. Presidents sometimes use recognition as a foreign-policy tool. For example, since 1961, presidents have refused to recognize the Communist government of Cuba. This action indicates American opposition to the policies of the Cuban government.

Commander in Chief



Presidents can back up their foreign-policy decisions with military force when needed. The Constitution makes the president commander in chief of the armed forces of the United States.

Power to Make War The president shares with Congress the power to make war. President George H.W. Bush received congressional approval for military action in Iraq before he ordered a massive air strike in January 1991. His actions prevented a serious constitutional question that could have divided the nation if the president had sent troops without congressional approval as he was prepared to do.

Several other presidents have sent American forces into action without a formal declaration of war. In the early 1900s, several presidents sent forces into Latin America to support cooperative leaders. When President George H.W. Bush ordered an invasion of Panama to overthrow the dictator Manuel Noriega, he did not seek congressional approval. President George W. Bush's war against terrorism, which began in 2002, involved sending troops into Afghanistan and Iraq without a formal war declaration. Congress has remained supportive of these military efforts. The issue could become critical in the future, however, if Congress demands withdrawal of troops from an area of actual or threatened combat, and the president refuses to do so.

Military Operations and Strategy Generals, admirals, and other military leaders run the armed forces on a day-to-day basis. The president, however, is responsible for key military decisions. President Washington exercised his constitutional authority over the military in 1794 when defiant

whiskey distillers in western Pennsylvania refused to pay the federal tax on their product. Secretary of the Treasury Alexander Hamilton urged the president to take action against the rebels by mobilizing 15,000 state militia. Hamilton himself rode west with the troops; Washington went to Carlisle, Pennsylvania, to inspect them. When the troops arrived in Pittsburgh, there was little opposition to the demonstration of executive strength.

Several presidents have come from a military background. Besides Washington, others have included Andrew Jackson, William H. Harrison, Zachary Taylor, Ulysses S. Grant, Theodore Roosevelt, and Dwight D. Eisenhower.

Some presidents with little military experience have had to command military operations. Presidents Johnson and Nixon made key military decisions in the Vietnam War. President Carter sent a special military force into Iran in 1980 in an effort to free American diplomats who were being held hostage there. In 2001, the terrorist attacks on New York City and Washington, D.C., forced President George W. Bush to launch a military campaign against terrorist groups that threatened the United States. He sent troops into Afghanistan, Iraq, the Philippines, and other terrorist training areas.



General Eisenhower's military career helped him win the presidency.

As commander in chief, the president has the authority to order the use of atomic weapons, a daunting responsibility. President Nixon said, "I can walk into my office, pick up the telephone, and in twenty minutes 70 million people will be dead."

The president has other duties as commander in chief. During a war the president takes actions at home that will support the war effort. Congress usually grants the president special powers to do this. During World War II, Franklin D. Roosevelt demanded and received from Congress power over price controls, gas and food rationing, and government control of industries needed to produce goods to conduct the war.

The president may also use the military to control serious disorders in the nation. Presidents have used federal troops to put down rioting in American cities. In case of a natural disaster, such as a flood, the president may send

needed supplies or troops to help keep order.

The roles as head of state, chief executive, chief legislator, economic planner, party leader, chief diplomat, and commander in chief give the president broad powers. Today, the president of the United States is the most powerful single individual in the world.

Section 2 Assessment

Checking for Understanding

- 1. Main Idea** Using a graphic organizer like the one below, describe the different duties of the president's roles as head of state and chief executive.

Head of State	Chief Executive

- 2. Define** executive order, impoundment, reprieve, pardon, amnesty, patronage, treaty, executive agreement.
- 3. Identify** Council of Economic Advisers.
- 4.** Describe three foreign relations duties of the president that are based on the Constitution.
- 5.** What officials may the president appoint?

Critical Thinking

- 6. Understanding Cause and Effect** What decisions by a president affect the direction of the nation's economy?

Concepts IN ACTION

Political Processes Imagine a typical day in the life of a United States president. Prepare an agenda for the president's day. Be sure to keep the seven duties of the president in mind when creating the agenda.

Skills

Social Studies

Interpreting Political Cartoons

You have probably heard the saying, “A picture is worth a thousand words.” Political cartoonists use pictures to present their opinions about issues.

Learning the Skill

Follow the steps below to interpret the cartoon concerning President Andrew Jackson.

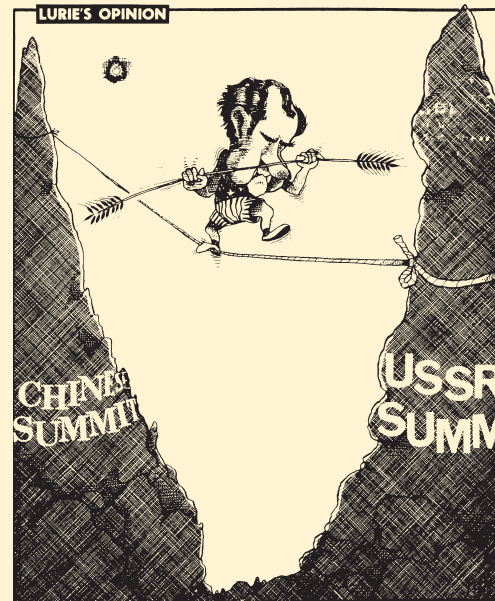
1. Examine the cartoon thoroughly. Read the captions and the labels.
2. Analyze each element in the cartoon. President Jackson is shown dressed as a king holding a “veto.” This represents Jackson’s liberal use of his veto power to defy the will of Congress. He tramples on the Constitution of the United States, symbolizing the congressional fear that he was trying to impose dictatorial rule.
3. Determine what point the cartoon is making. The cartoonist is comparing the president to a tyrant.



Practicing the Skill

The cartoon below was published in 1973. It concerns President Richard Nixon’s foreign policy. Answer these questions.

1. What is going on in this cartoon?
2. What point is the cartoonist making?
3. Is this a favorable or unfavorable view of the president?



Application Activity

Bring to class a copy of a political cartoon from a recent newspaper or magazine. Explain the cartoonist’s viewpoint and the tools used to make the point.



The **Glencoe Skillbuilder Interactive Workbook, Level 2** provides instruction and practice in key social studies skills.

Styles of Leadership

Reader's Guide

Key Terms

de facto, covert

Find Out

- Why are communication skills so important to being an effective president?
- What leadership quality do you think is most important to the success of a president? Explain why.

Understanding Concepts

Cultural Pluralism Why is it important for the president to be accessible to all of the diverse groups in the country?

COVER STORY

President Promises Aid

GRAND FORKS, NORTH DAKOTA, APRIL 23, 1997

Surveying the damage, a shaken President Bill Clinton promised the people of Grand Forks nearly \$500 million to rebuild their city, destroyed by a record flood and fire. "This is not an ordinary disaster, if there is such a thing," the president said. "I've never seen a community this inundated." The entire city, including the downtown business district, was destroyed, leaving some 50,000 people homeless. The president's pledge of aid is more than twice his original request before visiting the scene. "The people here are giving 100 percent, and we should, too," Clinton said. Congress is expected to approve the president's plan.



The Coast Guard assisted Grand Forks.

Every president has a unique style of leadership. In the summer of 1981 President Ronald Reagan and his assistants had prepared complex legislation to cut federal taxes. One day the president's secretary of the treasury, Donald Regan, was working out details of the tax bill with key congressional leaders. At one point the president stopped by to see how things were going. "Would you like to join us?" the secretary asked with a smile. "Heck, no," the president replied, "I'm going to leave this to you experts. I'm not going to get involved in details."

Reagan's response illustrated one aspect of his leadership style. He focused on what his aides called the "big picture." He let others in the cabinet, the EOP, and the White House Office work out the details of his policies. President Carter, Reagan's predecessor, took a different approach. He spent many hours studying the complex details of policies and often became directly involved with his assistants in handling those details. Both presidents had the same tools of power available to them. Each chose to use those tools differently in exercising their leadership responsibilities.

Increased Responsibilities



When they wrote the Constitution, the Founders anticipated that Congress, not the president, would lead the nation. At best, the president was to be the nation's chief administrator and, in time of war, its commander in chief. Instead, over the years the powers and duties of the president have grown steadily. Today the president has the main responsibility for national leadership. Public opinion surveys clearly show that Americans look to the president to exercise strong leadership, to keep the peace, and to solve economic and social problems.

Sometimes presidents demonstrate leadership by introducing bold new ideas. President Truman did this in 1948 when he announced measures to end discrimination against

Styles of Presidential Leadership

Present President Clinton worked with key Republican leaders such as House Speaker Newt Gingrich to find compromises across party lines that would enable key legislation to be passed. ►

Past President Lyndon Johnson's leadership, called the "Johnson Treatment," involved flattering, cajoling, and threatening others to persuade them. Here Johnson discusses strategy with Supreme Court Justice Abe Fortas. ►

Presidential Relationships
Which president's leadership style do you think is most effective? Explain.



African Americans. More often, however, presidents demonstrate leadership by responding to crises, problems, or opportunities as they occur. President Nixon took advantage of tensions between the Soviet Union and China to open diplomatic relations between the People's Republic of China and the United States. President Clinton made the difficult decision to intervene in a civil war in Bosnia.

Leadership Qualities and Skills



What kinds of qualities and skills do presidents need to exercise leadership? Several specific leadership qualities common to all good administrators can be identified. Many presidents generally exhibit more than one of these qualities and skills. Several great presidents have had them all.

Understanding the Public A president must know and understand the American people. The most successful presidents have had a genuine feel for the hopes, fears, and moods of the nation they seek to lead. Understanding the people is necessary to gain and hold their support.

Public support, in turn, can give a president real leverage in influencing lawmakers. As a representative body, Congress is very sensitive to the amount of public support a president can generate. When a president is popular, presidential proposals and policies are better received by Congress than when the public holds a president in low regard. When Lyndon Johnson succeeded to the office of president, Congress passed his Great Society legislation. However, when Johnson became unpopular during the Vietnam War, he encountered fierce opposition in Congress. His effectiveness as a leader was almost destroyed.

Failure to understand the public mood can bring disaster to a president. In 1932 when the nation was mired in the Great Depression, President Herbert Hoover believed that the public did not want government to take an active role in confronting the nation's economic problems. Actually, with millions out of work, Americans wanted their problems solved by any means, including federal intervention if necessary. Hoover's failure to understand the mood and fears of the people cost him the 1932 presidential election. He lost to Franklin D. Roosevelt in a landslide.

Ability to Communicate Successful presidents must be able to communicate effectively—to explain their policies clearly and to present their ideas in a way that inspires public support. President Herbert Hoover met infrequently with the press and only answered questions that had been written in advance. In contrast, Franklin D. Roosevelt was a master at communicating. He held weekly press conferences during which he answered all questions. After “fireside chats” on the radio, he sometimes received as many as 50,000 letters of public support a day.

A president who cannot communicate effectively may have difficulty exercising leadership. President Carter, for example, had problems in winning public support for his policies. President Reagan, on the other hand, was a very effective communicator. The press dubbed him “the Great Communicator” because of his ability to sell his ideas to the public.

Sense of Timing A successful president must know when the time is right to introduce a new policy or to make a key decision as well as when to delay doing so. During the crisis in the former Soviet Union in the early 1990s, President Bush agreed that American economic aid would help encourage democratic reforms there. He decided to delay acting on this policy, however, until the Soviet political situation was clearer and more stable. On the other hand, when some Soviet republics declared independence, Bush was quick to recognize their sovereignty.

Skillful presidents often use their assistants or cabinet secretaries to test a position on a controversial issue. One way is to deliberately leak information to the press. Another device is to have a cabinet secretary or an aide make a statement about the issue or give a speech about it. If public and congressional responses are favorable, the president then supports the position and may implement the policy. If reaction is unfavorable, the idea may be quietly dropped, or the president may begin a campaign to shape public opinion on the issue.

Openness to New Ideas Good leadership also requires the capacity to be flexible and open to new ideas. As events in Eastern Europe and the Soviet Union demonstrated in the early 1990s, situations can change rapidly in the modern




world. Consequently, an effective president must be receptive to new solutions to problems.

Presidents who are flexible are willing to engage in informal give-and-take sessions with their advisers. Presidents Franklin Roosevelt and John Kennedy liked to hear their staffs argue differing positions. In contrast, President Ronald Reagan did not tolerate serious dissension among his staff.

Ability to Compromise A successful president must be able to compromise. The nature of politics is such that even the president must often be willing to give up something in order to get something in return. Presidents who are successful leaders are able to recognize that sometimes they may have to settle for legislation by Congress, for example, that provides only part of what they want. Presidents who will not compromise risk accomplishing nothing at all.

Perhaps the most tragic example of a president's unwillingness to compromise is the experience of Woodrow Wilson after World War I. President Wilson favored a League of Nations.¹ The League was to be a global organization that would help prevent future wars. Wilson personally attended the peace conference outside Paris to help draft a peace treaty that included the League.

 See the following footnoted materials in the *Reference Handbook*:
1. *The Fourteen Points*, page 822.

An Inaccessible President



An Imperial Presidency

Here President Nixon makes a rare trip to the White House gates to greet citizens. Nixon surrounded himself with aides who usually agreed with him, creating an atmosphere in which all opinions reflected his own. Protected from criticism, Nixon grew increasingly isolated. Nixon thrived on the power of the presidency, and critics dubbed him “King Richard.” **How might Nixon’s attitude have limited his ability to govern?**

When the treaty came before the Senate for ratification, several senators raised objections to parts of the plan for the League. President Wilson, however, would not even consider compromise. He refused to make any changes in the plan for the League to satisfy the senators’ objections. Instead, he began a speaking tour to build public support for his version of the League plan.

The tour ended suddenly and in disaster. The exhausted Wilson suffered a stroke and was paralyzed. By insisting on everything he wanted, Wilson lost everything. The Senate rejected the treaty, and the United States never joined the League.

Political Courage A successful leader must have political courage. Sometimes presidents must go against public opinion in taking actions they believe are vital to the nation’s well-being. To be great leaders, presidents must at times have the courage to make decisions they know will be unpopular with the voters.

President Lincoln made the greatest of such decisions during the Civil War. The early years of the war went very badly for the North. Despite some Union victories, the casualty list was horrendous, and the war’s end seemed nowhere in sight. As time passed, the war became increasingly unpopular, and the president came under intense

public and political pressure to negotiate a peace with the South. Despite his belief that his decision would cause him to be defeated for reelection in 1864, Lincoln decided to continue the war and to preserve the Union.

Presidential Isolation



Information and realistic advice are key ingredients for successful decision making. As presidents have become more dependent on the White House staff, however, the danger that they may become isolated from the information and advice they need has increased.

Special Treatment Modern presidents get very special treatment. One adviser to President Johnson noted:

“The life of the White House is the life of a court. It is a structure designed for one purpose and one purpose only—to serve the material needs and desires of a single man. . . . He is treated with all the reverence due a monarch. . . . No one ever invites him to ‘go soak your head’ when his demands become petulant and unreasonable.”

—George Reedy, 1967

In such an atmosphere, it is easy for presidents to see themselves as deserving only praise and to consider their ideas as above criticism.

Voicing Opinions Presidents may discourage staff members from disagreeing with them or giving them unpleasant advice. Lincoln once asked his cabinet for advice on a proposal he favored. Every member of the cabinet opposed it—to which Lincoln responded, “Seven nays, one aye; the ayes have it.”

No matter how well they know the president as a person, the *office* of president awes almost all staff advisers. A close adviser and friend of President Kennedy put the feeling this way: “I saw no halo, I observed no mystery. And yet I found that my own personal, highly informal relationship with him changed as soon as he entered the Oval Office.”

An assistant to President Nixon had similar feelings. He explained that even after working closely with Nixon, “I never lost my reverent awe of the president, or the presidency, which for me were synonymous.” Such feelings can make it difficult for staff to present unpleasant news or voice criticism, which may mean that the president sometimes receives one-sided views of an issue.

Access to the President A veteran political observer once noted that “power in Washington is measured in access to the president.” Top members of the White House staff are closer to the president than any other government officials. Presidents have different styles of managing staff. Franklin Roosevelt liked having competitive staff full of differing ideas, but Lyndon Johnson was less open to different ideas or dissent.

William Safire, one of the speechwriters for President Nixon, tells a story that shows what can happen to the careless staffer who happens to disagree with the president. Safire once challenged the accuracy of a statement that Nixon had made.

When Nixon insisted that he was correct, Safire produced evidence to show that the president was wrong. As a result, Safire recalls, “For three solid months I did not receive a speech assignment from the president, or a phone call, or a memo, or a nod in the hall as he was passing by.”

Woodrow Wilson’s closest adviser, Colonel Edward House, admitted that he constantly praised his boss. As for bad news, one presidential adviser explained that the strategy everyone followed was “to be present either personally or by a proxy piece of paper when ‘good news’ arrives and to be certain that someone else is present when the news is bad.”

The Dangers of Isolation Not only do top staffers have easy access to the president, but they also use their closeness to control others’

access. Sherman Adams, Eisenhower’s chief of staff, had great authority because

very few messages of any kind would go to Eisenhower without Adams first seeing them. H. R. Haldeman played a similar role for President Nixon. Few people, including most other White House staff members, got to see Nixon without Haldeman’s approval.

President Reagan at first depended heavily on several top advisers. During his second term, however, his new chief of staff, Donald Regan, severely restricted access to the president. One Reagan staffer called Regan the **de facto** president, meaning that although Regan did not legally hold the office, he exercised power as though he was president. Like Nixon before Watergate, President Reagan became increasingly isolated. This isolation may explain why the president apparently was unaware of the **covert**, or secret, activities his National Security Council staff in the Iran-contra affair were conducting.

Perhaps in response to the events of the Nixon and Reagan presidencies, former president Bush tried to reverse the trend toward consolidating power in the White House Office, but he had



The Oval Office

We the People

Making a Difference

Jimmy Carter



Jimmy Carter served as president of the United States from 1977 to 1981. After leaving office, he continued to help mediate and solve international and domestic problems. For his efforts, Carter has been nominated seven times for a Nobel Peace Prize and was awarded one in 2002.

A year after leaving office Carter founded the Carter Center in Atlanta. The center focuses on global health, human rights, and democracy. Carter's presidential experience, especially in negotiating foreign policy, has helped him resolve conflicts around the world. In 1994 he helped negotiate the return of deposed Haitian president Jean-Bertrand Aristide to office.

He has traveled to Ethiopia, Sudan, North Korea, and Bosnia to help the cause of peace.

Carter and his wife Rosalynn are working to eradicate a deadly disease called guinea-worm disease that affects people in India, Pakistan, and 16 African countries. By teaching people to filter their water, the death rate from this disease has decreased.

At home, Carter and his wife are involved in the Habitat for Humanity program. With thousands of other volunteers, they help build houses for the poor. Carter, who is now in his seventies, says, "To work for better understanding among people, one does not have to be a former president. . . . Peace can be made in the neighborhoods, the living rooms, the playing fields, and the classrooms of our country."


a very strong chief of staff who restricted access. Although most presidents appoint their close friends to the White House staff, Bush appointed them to the cabinet instead. As one presidential aide explained, "The cabinet has played a very important role in all major decisions. [The president] wants them to be running things—not the White House staff."

Many observers believed that the leadership changes that Bush made were positive moves. Relying more on advice from officials who were not so close to White House operations gave the president access to a greater variety of views.

Staying in Touch Most political observers caution, however, that despite a president's best intentions, power will inevitably drift toward the White House. Keeping in direct touch with the public can be very difficult, if not impossible, for a modern president. The need for cabinet members to protect the interests of their departments and the constituent groups they serve always influences the advice they give.

President Clinton brought plans for major domestic legislation to Washington in 1993. Dealing with White House staff problems became a major distraction, however. The president relied on key staffers for input in frequent brainstorming sessions that often lasted for hours. Many sessions were inconclusive, and the president's agenda lost momentum. To increase efficiency the president found it necessary to reorganize the staff.

The Use of Executive Privilege

 Presidents do not want the information from their advisers to become public knowledge. In order to keep White House discussions and policy making confidential, modern presidents have sometimes used executive privilege. **Executive privilege** is the right of the president and other high-ranking executive officers, with the president's consent, to refuse to provide information to Congress or a court.

Although the Constitution does not mention executive privilege, the concept rests on the

principle of separation of powers. Presidents since George Washington have claimed that executive privilege is implied in the powers granted in Article II. Congress has disputed executive privilege, claiming that its oversight powers give it the right to obtain necessary information from the executive branch.

Limits of Executive Privilege Presidents have long claimed that executive privilege also protects their communication with other members of the executive branch. They argue that executive privilege is necessary if they are to get frank opinions and advice from their assistants.

Until recently, neither Congress nor the courts had much need to question members of the White House staff. These presidential aides traditionally had little to do with making policy. The various cabinet departments made key policy decisions, and Congress could call department heads to testify as part of its oversight function. Because more policy making has been taking place in the Executive Office of the President, however, the constitutionality and limits of executive privilege have become an important question.



Landmark Cases

United States v. Nixon In 1974 the Supreme Court issued a major decision on executive privilege.

President Nixon had secretly tape-recorded his conversations with key aides about the Watergate cover-up. In **United States v. Nixon**, the Court unanimously ruled that the president had to surrender the tapes to the special prosecutor investigating the scandal.

Although the Court rejected Nixon's claim of executive privilege in this case, it ruled that because executive privilege "relates to the effective discharge of a president's powers, it is constitutionally based." The Supreme Court held the following opinion:

“A President and those who assist him must be free to explore alternatives in the process of shaping policies and making decisions; and to do so in a way many would be unwilling to express except privately.”

—Chief Justice Warren Burger, 1974

The Court's decision did not end the controversy over executive privilege. While many support the view that presidents need such privacy in their communications, others disagree. They argue that by defending the constitutional basis of executive privilege, the Court has opened the way for even more secrecy in the White House. Although the president's right of executive privilege is legally recognized, the question of how far it extends to presidential advisers remains unanswered.



Section 3 Assessment

Checking for Understanding

- 1. Main Idea** Using a graphic organizer like the one below, identify six qualities of presidential leadership and give an example of each.

Qualities	Examples

- 2. Define** de facto, covert.
- 3. Identify** executive privilege, *United States v. Nixon*.
- 4.** How do presidents test public opinion before announcing new policies?
- 5.** How do good communication skills help a president gain public support?

Critical Thinking

- 6. Synthesizing Information** How can a president's willingness to let staff express disagreements on issues help the president make better decisions?

Concepts IN ACTION

Cultural Pluralism Suppose that you are the president's chief assistant for legislative affairs. The president has asked for your advice on whether or not the opinions of interest groups should be a factor in making policy decisions. Write a memo supporting your position.

DEMOCRACY IN ACTION

WORKSHOP

TIME



Presidential Debate

IN UNIT 3 you learned about the office of the president and the enormous responsibility and power granted the person who holds this office. This activity will help you understand what qualities voters look for in a presidential candidate. By staging a mock presidential debate, you will also see the roles that campaign staffs and the media play in influencing the public's choice of a presidential candidate.

► Campaign paraphernalia advertises candidates' stands on issues.



The following excerpt from TIME illustrates how seriously candidates and their staffs prepare for the important presidential debates.

With so much on the line, George Bush started prepping this summer and has had occasional full-length rehearsals, but the pace picked up the week before the first debate at his Texas ranch. New Hampshire Senator Judd Gregg stood in for Kerry, and admaker Mark McKinnon acted as the debate moderator. Bush practiced behind a lectern and aides flashed cue cards that told him how much time he had left, just as officials will at the debate. Sessions were scheduled for 9 p.m. E.T. so that the early-to-bed Bush could set his body clock to the precise time of the real thing.

All those Democratic-primary debates kept John Kerry in practice. The Kerry campaign has guarded his debate preparation as closely as they did his selection of a running mate, making sure that only a few advisers are in the room when he drills. Among them: campaign manager Mary Beth Cahill; admaker and speechwriter Bob Shrum; and former Gore aide Ron Klain. Kerry's longtime adviser Jonathan Winer is charged with making sure the candidate is prepared on every issue. Bush is being played by Greg Craig, who was a White House special counsel. Wife Teresa is often on hand for the prep sessions, but one source said she has little to say, at least in front of the others. [The first Bush-Kerry debate was held on September 30, 2004. Most political watchers concluded that Kerry was the victor.]

— From *TIME*,
October 4, 2004

COLLECTION OF JANICE L. & DAVID J. FRENT

Setting Up the Workshop

- 1 For this activity you will need a timer or stopwatch, access to research materials such as current magazines and newspapers, and paper and pencils.
- 2 Divide the class into four work groups:
 - Group 1** Presidential candidate #1 and campaign staff (5–10 students)
 - Group 2** Presidential candidate #2 and campaign staff (5–10 students)
 - Group 3** Presidential candidate #3 and campaign staff (5–10 students)
 - Group 4** Representatives from the media to ask questions during the debate (5–8 students)
- 3 Choose a chairperson to organize your group's activities and a recorder to take notes.
- 4 If you are in groups 1 through 3, vote to select one person to play the role of your presidential candidate in the debate. The rest of your group's members will make up the campaign staff. The campaign staff's responsibility is to prepare their candidate for the debate.

STEP 1

Identifying Debate Topics

Voters who watch presidential debates want to find out where a candidate stands on issues that affect their lives and the nation's well-being. As a class, decide on four topics that you think are important to the voting public today. Use the categories below to help you narrow your choices. Choose one topic from each category. Sample topics are provided in parentheses. The debate will be limited to the four topics you select.

1. **Political issues** (campaign reform, campaign financing)
2. **Social issues** (crime, education, Social Security, welfare)

▶
Senator John Kerry and President Bush shake hands during the first 2004 presidential debate.

3. **Financial issues** (cutting entitlement programs, the budget, housing)
4. **Foreign policy issues** (the Middle East, terrorism, NATO)

STEP 2

Researching Debate Topics

Groups 1, 2, and 3. Divide your group's campaign staff into four topic teams.

Group 4. Divide your group into four topic teams.

Follow these steps to complete the research needed for the debate:

1. Assign one of the four debate topics to each team.
2. Each team should do research on its topic outside class and bring its written notes to class.
3. Teams should present their findings to their group in an oral summary.

Remember that the presidential candidates will be relying on their group's research to help them come out ahead in the upcoming debate, and the public will be relying on the media to help them choose the best candidate.



BRIAN SNYDER/CORBIS

STEP 3

Preparing Your Candidate for the Debate

Groups 1–3. To help prepare your candidate, ask him or her questions that you think might be asked during the debate. Think out each response carefully and coach your candidates so they will be well-prepared. Help candidates to make their statements more engaging by suggesting specific gestures, word emphasis, or expressions.

Campaign staffs will want to make sure that their candidates appear “presidential.” Make a list of qualities that you would like to see in a presidential candidate and help your candidate to present herself or himself in this manner. Candidates should come across as well-informed, decisive, and confident.

▼ The first televised presidential debates occurred in 1960. They pitted a campaign-weary Richard Nixon against a fit and witty John F. Kennedy.



NBC PHOTO

Decide before the debate what position your candidate will take on each issue and stick to it. Remember, it is not necessary for everyone in your group to agree on the issues. However, for the purpose of the debate, group members should present a united front. Before the debate, work together to create a name for your candidate’s political party and write a brief statement about why your candidate would make the best president based on your group’s views and philosophy of leadership.

Group 4. Media representatives should prepare for the debate by first discussing what they think the voters will want to know about the candidates and their stands on each issue. Your responsibility will be to draw out each candidate’s knowledge and position on the four issues.

Work as a group to prepare a written list of four questions for each topic and possible follow-up questions. Divide the questions evenly among the group’s members. Review the questions to eliminate duplication and to make them as concise as possible. Because of time constraints, choose the most important ones to use first.



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▲ In 1960, for the first time, radio and television played a major role in a presidential campaign. This advertisement for Sylvania television sets focuses on the 1960 televised presidential debates.

STEP 4

Establishing Debate Ground Rules

1. Work with your teacher to establish the time, date, and rules for the debate.
2. Allow a total of 30 to 45 minutes to stage the debate.
3. Select one student to serve as a debate moderator and one to serve as a timekeeper.
4. Arrange the classroom so the three candidates are at the front of the class. The media should sit facing the candidates.
5. Begin the debate with candidates introducing themselves. Each should give the name of his or her party and a general statement about why he or she would make the best president.
6. Media representatives should direct each question to only one candidate. That candidate will have a maximum of one minute to respond. The other candidates, if they choose, will have 30 seconds to respond to that same question or rebut another candidate's response.

Scoring the Debate

Groups 1 through 3 will be awarded points by the teacher based on their knowledge of each issue, how well prepared their candidate is, and how consistent their candidate is in presenting a uniform stand on each issue.

Group 4 will be awarded points by the teacher based on its knowledge of the issues, question relevancy, and the use of follow-up questions where necessary to establish a candidate's stand.

★ Summary Activity ★

After the debate, work as a class to analyze and evaluate each party's performance. Hold a discussion by answering the following questions.



Questions for Discussion

1. What topic seemed to pose the most problems for the candidates? Examine why.
2. Do you think a presidential candidate's personal opinions always have to agree with his or her political stand on an issue? Why?
3. According to TIME, presidential debates are a "chance" for candidates to define important issues in the election. What else do you think voters look for during a debate?
4. How could each of the candidates have been more effective or more persuasive?
5. Based on this debate, which party and candidate would you support and why?

Chapter 9

Assessment and Activities

GOVERNMENT

Online



Self-Check Quiz Visit the *United States Government: Democracy in Action* Web site at gov.glencoe.com and click on **Chapter 9–Self-Check Quizzes** to prepare for the chapter test.

Reviewing Key Terms

On a separate sheet of paper choose the letter of the term defined in each phrase.

- | | |
|--------------------|-------------------|
| a. executive order | f. amnesty |
| b. reprieve | g. line-item veto |
| c. de facto | h. treaty |
| d. mandate | i. covert |
| e. pardon | j. forum |

Chapter Summary

Presidential Powers

- Formal powers granted by Article II of the Constitution
- Informal sources of power include the president's personal exercise of power, the immediate needs of the nation, and public mandates
- Powers limited by Congress, the federal courts, the bureaucracy, and public opinion

Roles of the President

- Head of State—Performs ceremonial roles
- Chief Executive—Sees that laws of Congress are carried out
- Chief Legislator—Proposes legislation
- Economic Planner—Prepares federal budget
- Party Leader—Supports party members
- Chief Diplomat—Directs foreign policy
- Commander in Chief—Commands armed forces of the United States

Presidential Leadership Skills

- Understanding of the public
- Ability to communicate
- Sense of timing
- Openness to new ideas
- Ability to compromise
- Political courage

1. expressed will of the people
2. medium of discussion of presidential messages
3. the power to accept or reject only parts of a congressional bill
4. a release of a group from legal punishment
5. presidential decree that has the force of law
6. postponement of a person's legal punishment
7. existing "in fact" rather than officially or legally
8. something that is secret

Recalling Facts

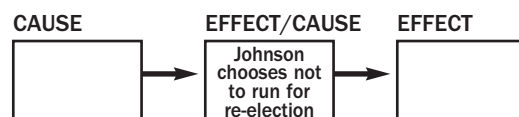
1. Identify the five constitutional roles or duties of the president.
2. What are four limits on presidential power?
3. What is the president's role as party leader?
4. Why can failing to understand the public's mood weaken a president's power?
5. How do presidents become isolated?

Understanding Concepts

1. **Constitutional Interpretations** How did President Lincoln's actions during the Civil War violate some people's constitutional rights?
2. **Political Processes** When has Congress allowed expansion of a president's economic power?
3. **Cultural Pluralism** Why is compromise such a vital ingredient for a president to be able to maintain support of the people?

Critical Thinking

1. **Understanding Cause and Effect** Use a graphic organizer to show why President Johnson chose not to run for re-election in 1968.



Chapter 9

- 2. Identifying Alternatives** How could Congress have prevented President Jefferson from purchasing the Louisiana Territory?
- 3. Drawing Conclusions** What are the dangers in depending only on the cabinet for advice? Only on presidential aides?

Analyzing Primary Sources

George Washington knew that his two terms as the nation's first president would set the precedent for future office-holders. Washington's Farewell Address, delivered at the end of his second term in 1796, gives his ideas on presidential duties and powers regarding both domestic and foreign policy. Read the excerpt and answer the questions that follow.

[On office terms:]

"The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made."

[On foreign policy:]

"In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated."

1. What is the first precedent that George Washington set in declining to run for another term of office? Why do you think he did this?

Interpreting Political Cartoons Activity

1. According to the cartoon, what do the American people expect of their president?
2. How must presidential candidates present themselves to the public?
3. Are the personal qualities of presidential candidates important in an election? Explain your answer.



2. George Washington also warned against carrying grudges against other nations. What does this warning say about the developing powers of the presidency?

Participating in Local Government

Just like the president, a mayor must be aware of how the people of the community view his or her actions or decisions. Such opinion is often measured through polls of a sample of the population. Design your own poll, using questions about your mayor's recent actions that impact your city. Use the questions to interview friends, family, and neighbors to find out the mayor's popularity. Summarize your results in a chart or graph.

