¶ 3.1

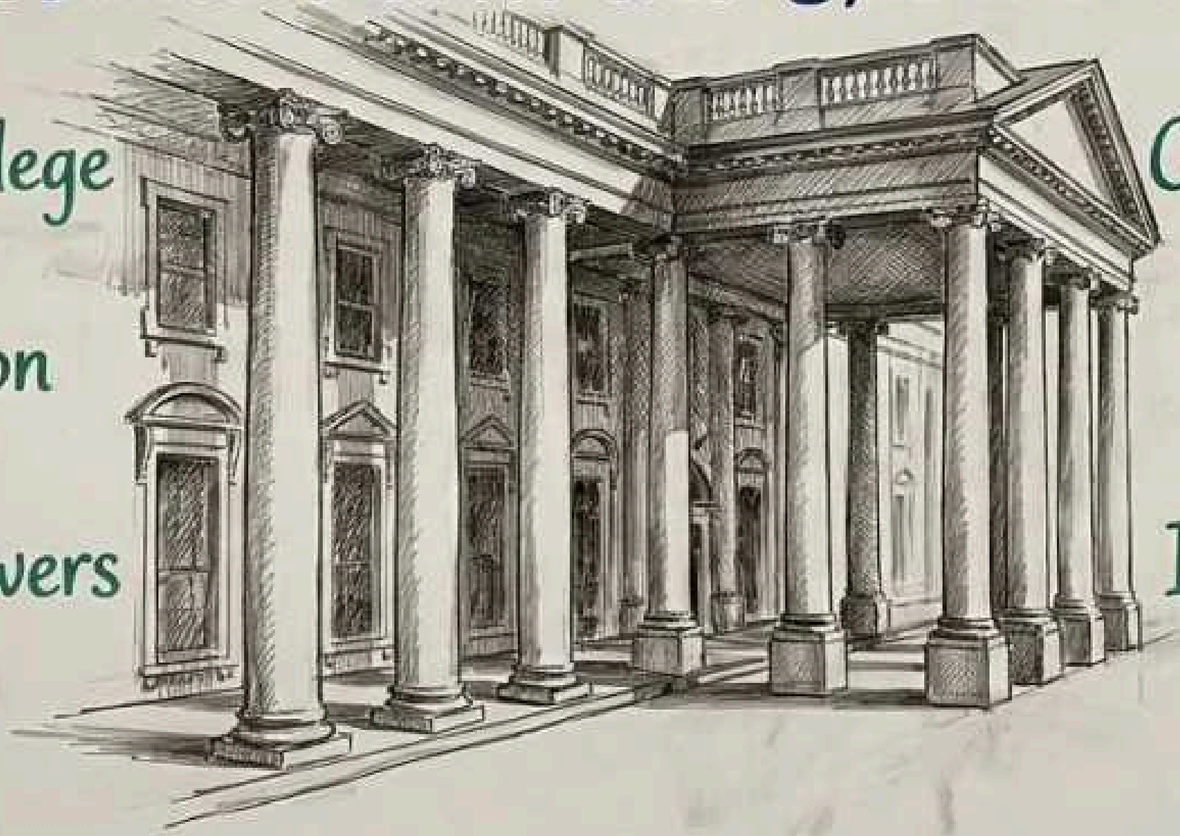
POLS 120 B – Lecture 3

The President and the Executive Branch

Electoral College

Succession

Formal Powers



Cabinet & Agencies

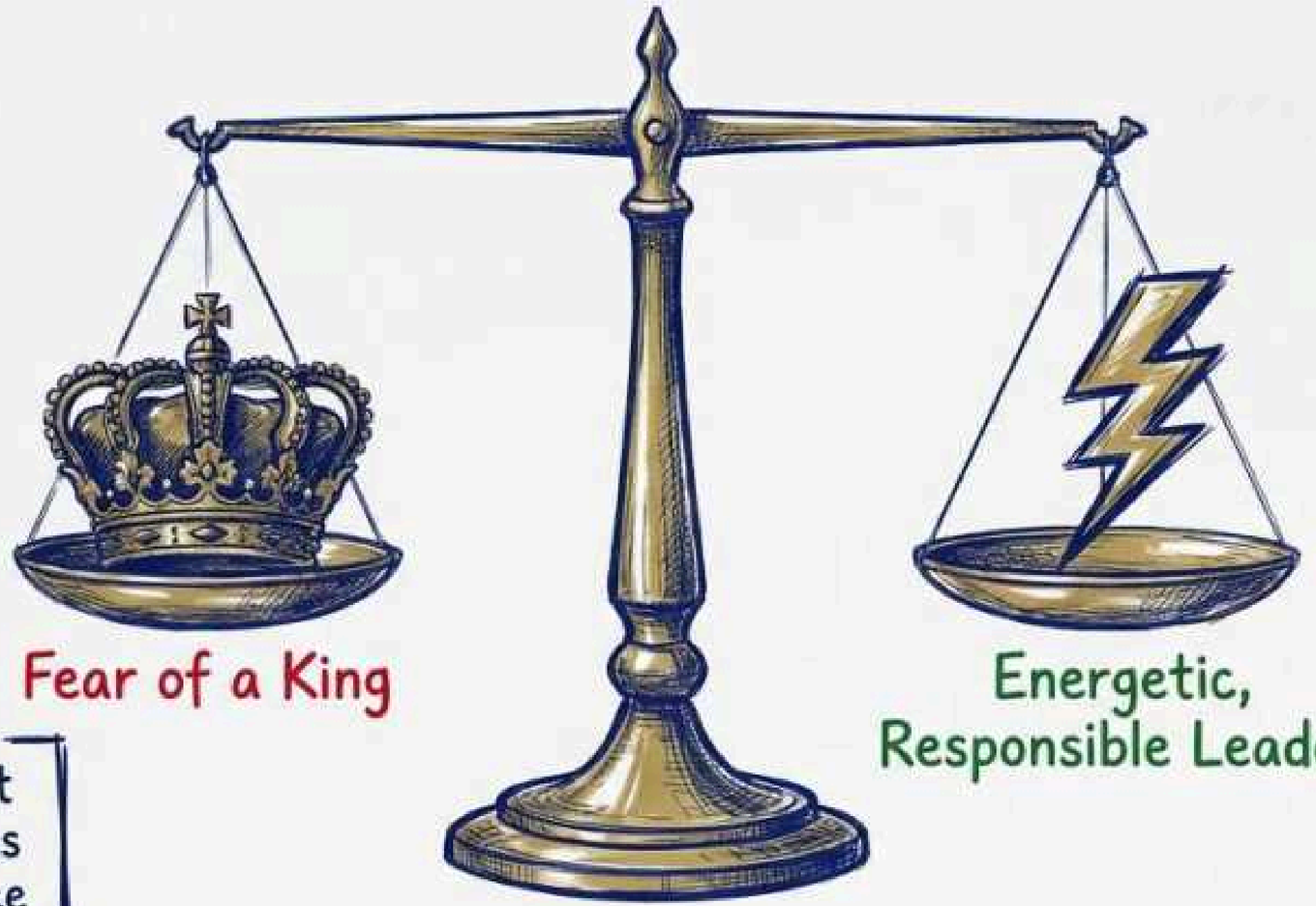
Civil Service

Impeachment

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Vesting the Executive Power

¶ 3.2



Fear of a King

Energetic,
Responsible Leader

Article Two:
Vested in a Single President

The large government they created operates exactly in this balance between power and accountability.

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Constitutional Qualifications for Office

¶ 3.3



T = 4 years (Base Term)

Washington's Precedent (2 terms) → Unwritten Custom → 1951 (22nd Amendment) = Binding Law

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The Mechanics of the Electoral College

¶ 3.4

$(S_{Reps} + S_{Sens}) =$ State Electors

435 (House) + 100 (Senate) + 3 (DC) = 538

$$\frac{538}{2} = 269 \rightarrow$$ **270 to Win**



← Winner-takes-all in 48 states. Maine & Nebraska split proportionally.

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Debating the Electoral System

¶ 3.5

National Popular Vote ≠ Guaranteed Victory (e.g., 2016)

Supporters	Critics
Forces multi-state campaigns	Unequal voter weight
Protects federalism	Popular vote loser can win



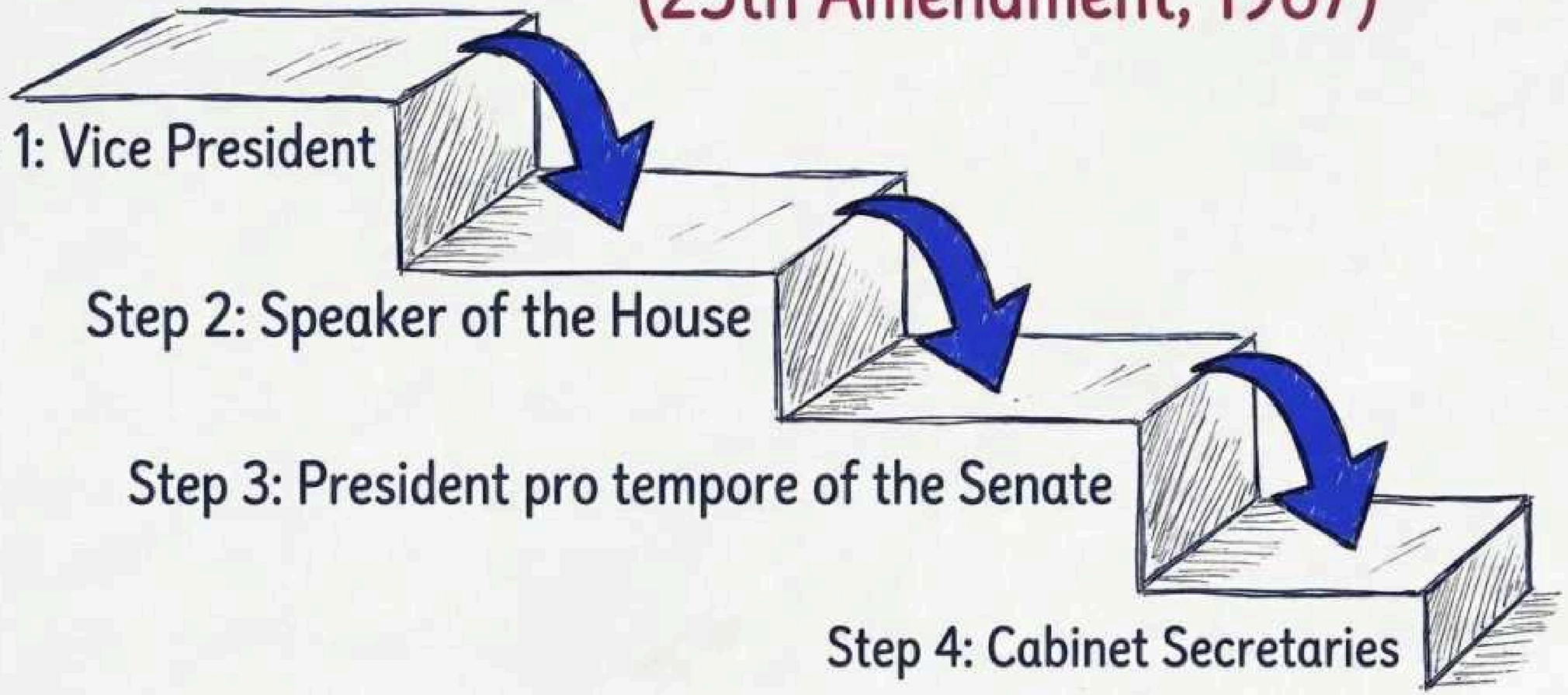
Barrier to Change:
Requires Constitutional Amendment or coordinated action by the States.

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The Line of Succession

¶ 3.6

The Trigger: Death, Resignation, Removal, or Incapacitation. (25th Amendment, 1967)



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Specific Constitutional Powers

¶ 3.7

Military:
Commander in Chief

Foreign Policy:
Make treaties
(requires Senate approval)



Justice: Grant pardons
(federal crimes)

Appointments: Nominate
judges & ambassadors

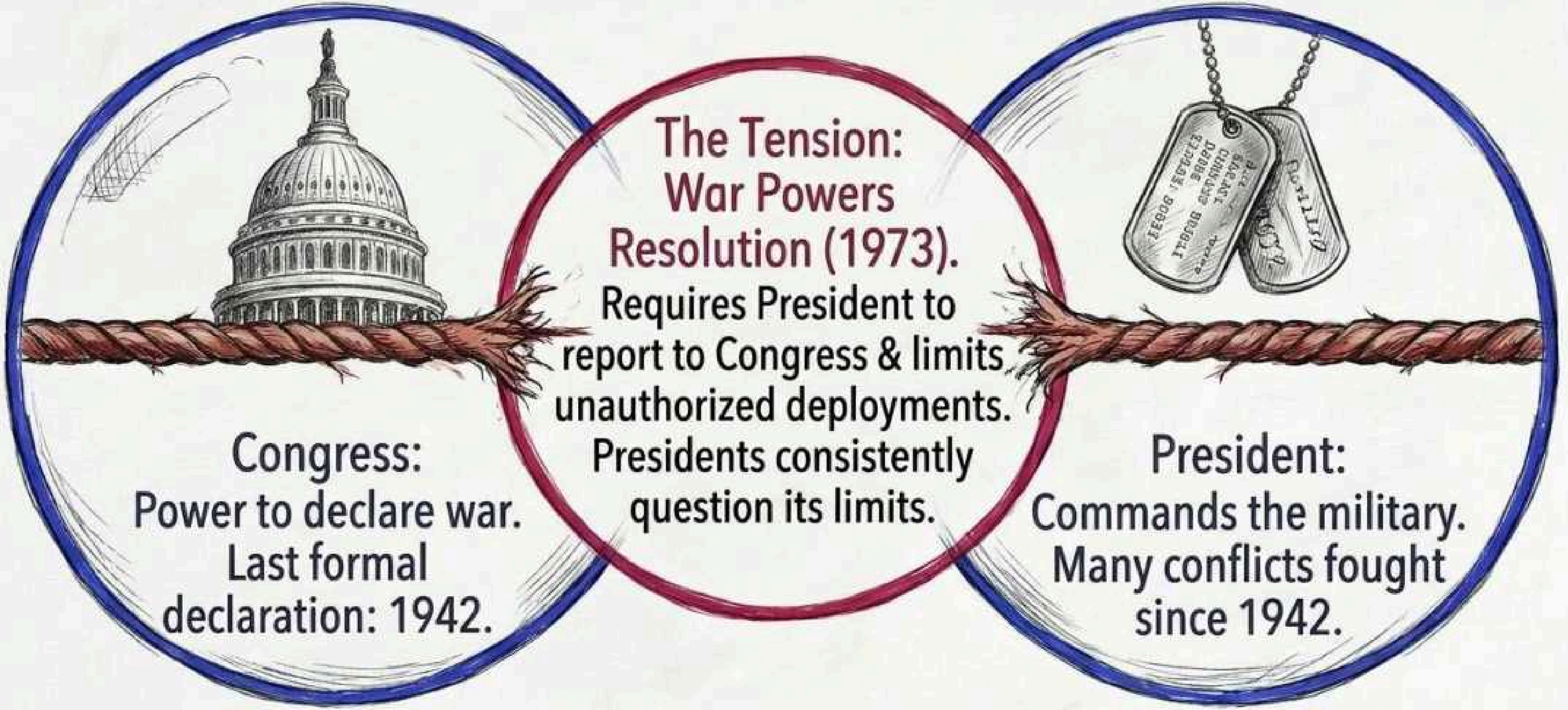
Legislative: Recommend
laws to Congress

Core Duty: Take care that the laws be faithfully executed

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The Disputed Power of War

¶ 3.8



Congress:

Power to declare war. Last formal declaration: 1942.

The Tension: War Powers Resolution (1973).

Requires President to report to Congress & limits unauthorized deployments. Presidents consistently question its limits.

President:

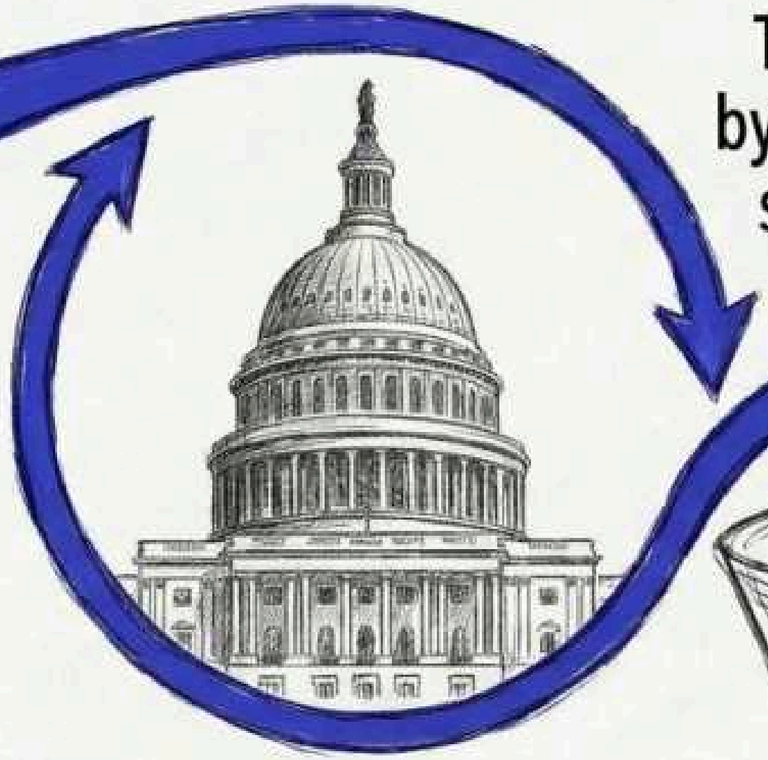
Commands the military. Many conflicts fought since 1942.

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Directing the Executive Branch

¶ 3.9





Executive Order: Written directives to executive officials carrying the force of law.

Authority Base: The Constitution OR congressionally granted power.

The Debate: Critics see them bypassing Congress; supporters see them as necessary to run the government.

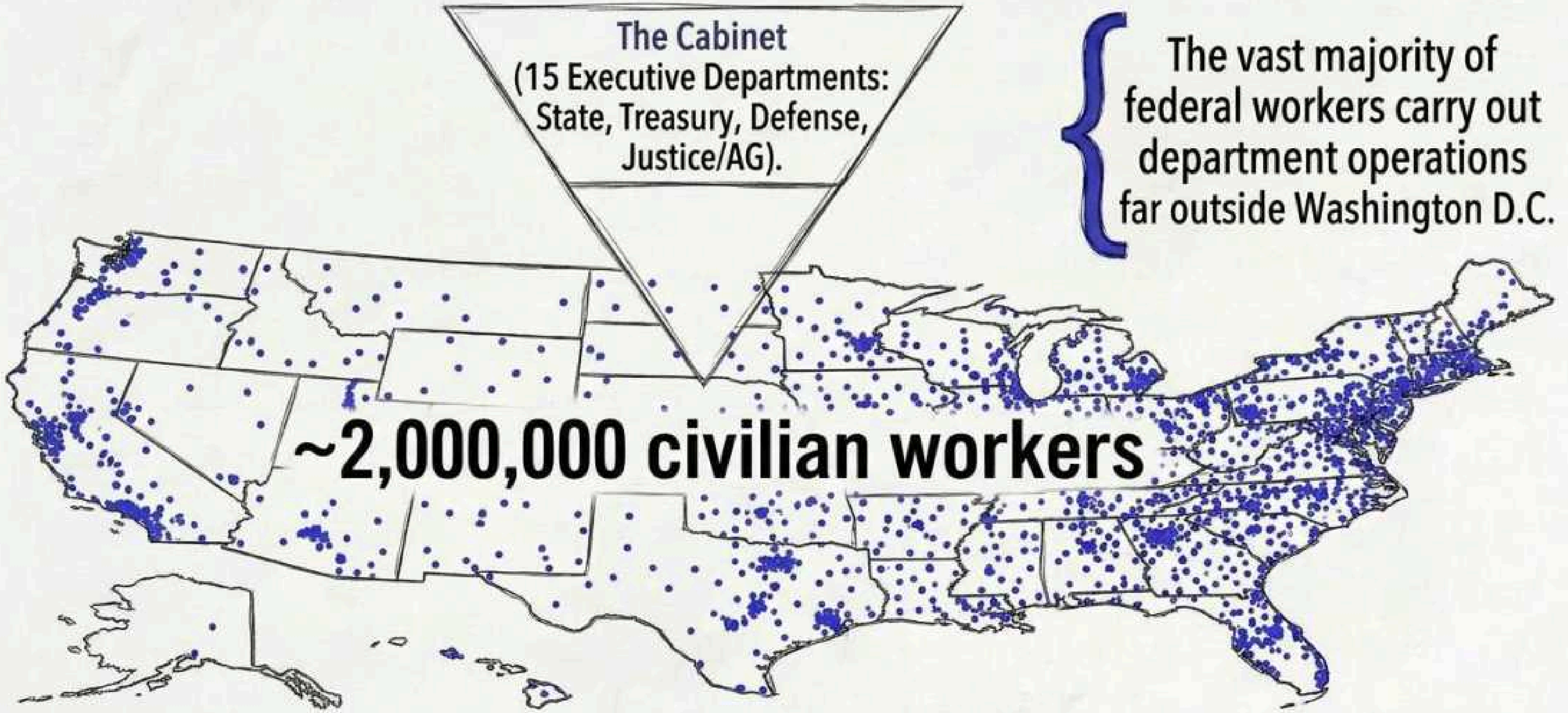
The Funnel of Vulnerability

- Easily reversed by the next President
- Can be struck down by Courts

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The Massive Scale of Execution

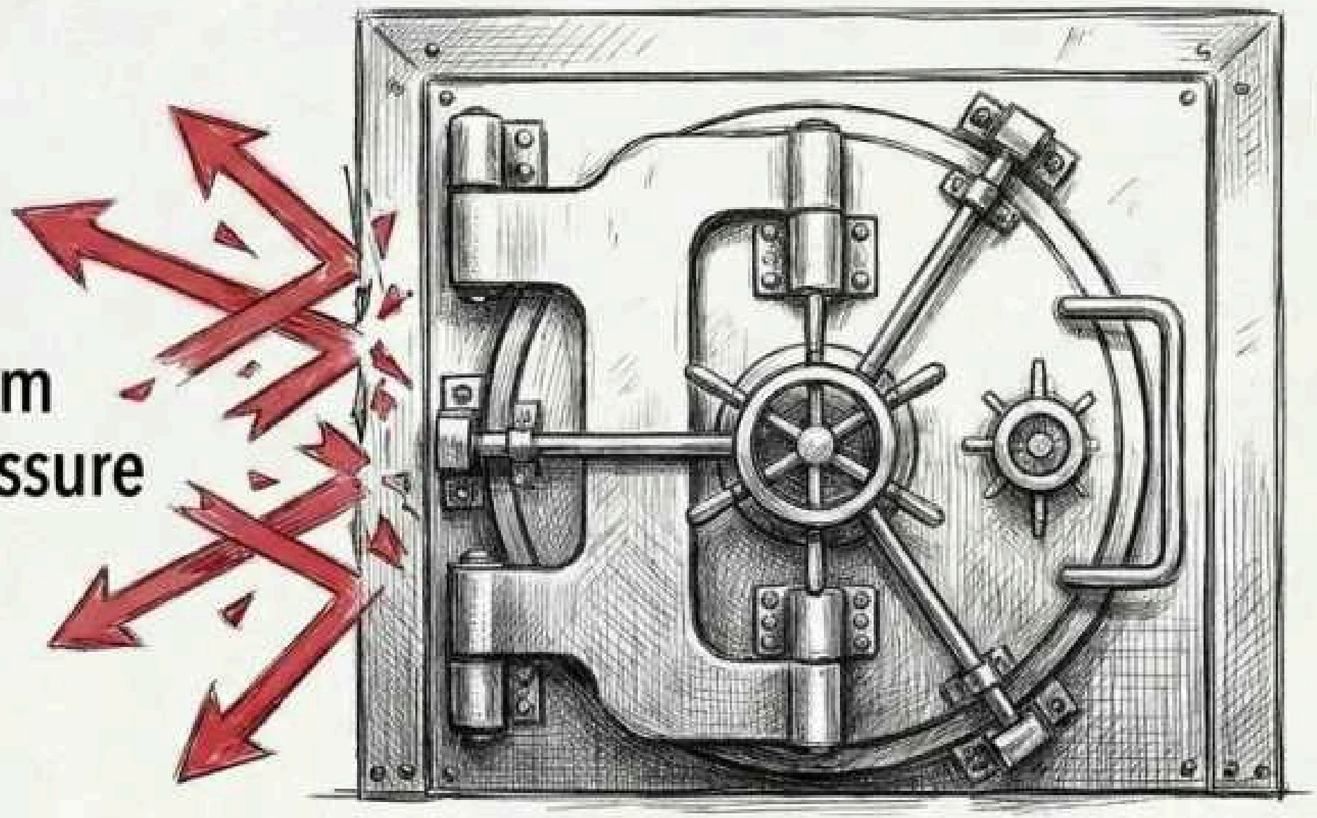
¶ 3.10



Insulation from Presidential Control

¶ 3.11

Short-term political pressure



Independent Agencies:

- Federal Reserve (Sets monetary policy, 14-yr terms)
- FCC (Communications)
- SEC (Securities & Exchange)

Pro-Independence:	Anti-Independence:
Protects expert, long-term decisions from immediate politics.	The accountability gap—Who holds these agencies accountable?

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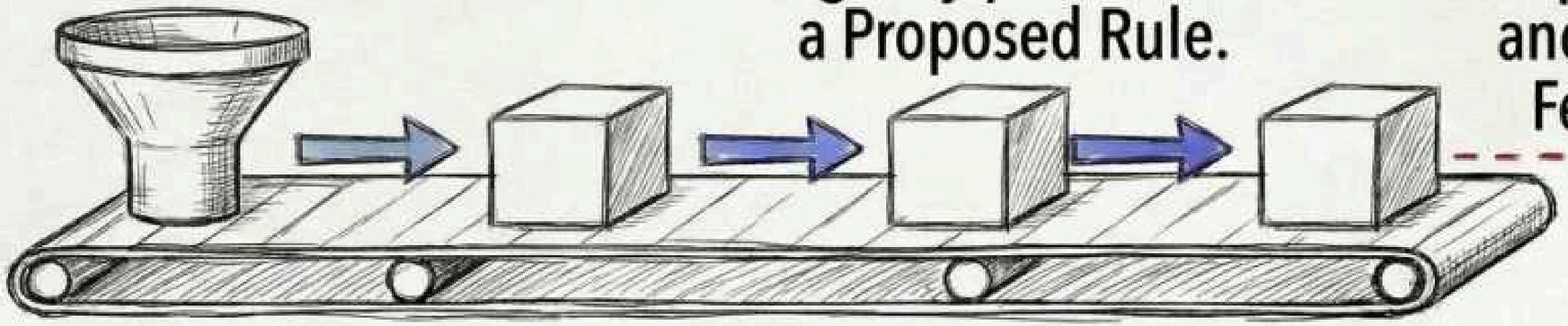
The Rulemaking Pipeline (APA 1946)

¶ 3.12

Input: Congress writes broad, undefined laws.

Step 2: Agency publishes a Proposed Rule.

Step 3: Final Rule is explicitly explained and recorded in the Federal Register.



Step 1: Agency publishes a Proposed Rule.

Public Comments are taken and reviewed.



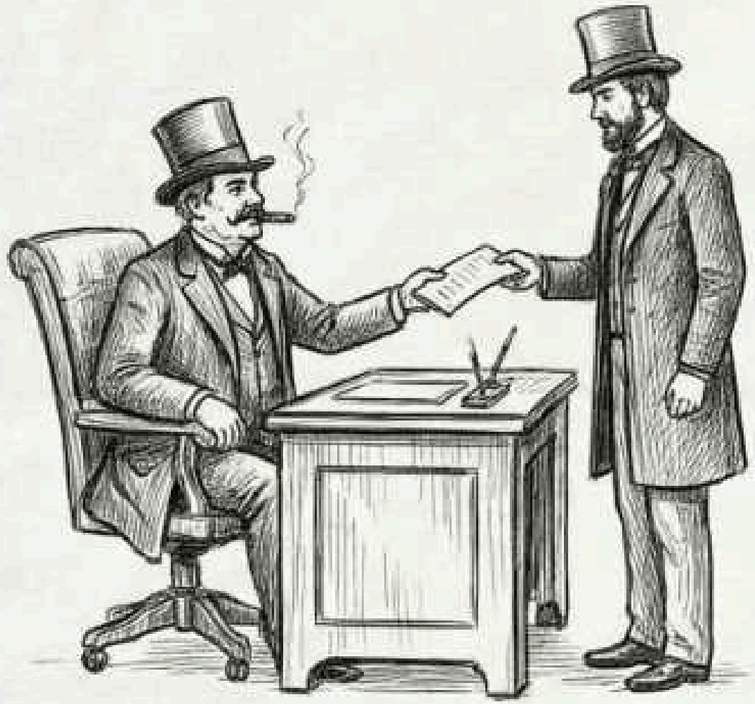
The Failsafe: Courts can review if the agency acted within its legal authority.

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The Evolution of the Civil Service

¶ 3.13

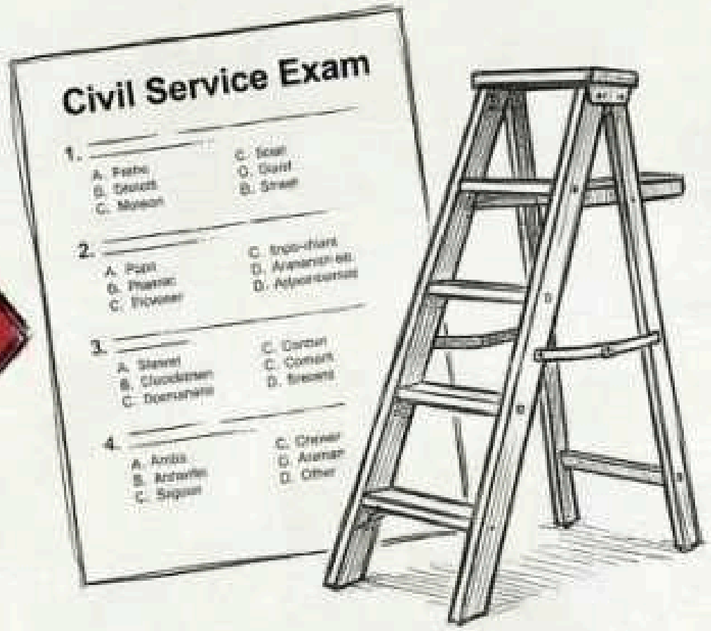
Before 1881: The Spoils System



Winners of elections handed out government jobs to political supporters.

The Catalyst:
1881 Assassination of President Garfield by a disappointed office seeker.

After 1883: Pendleton Act

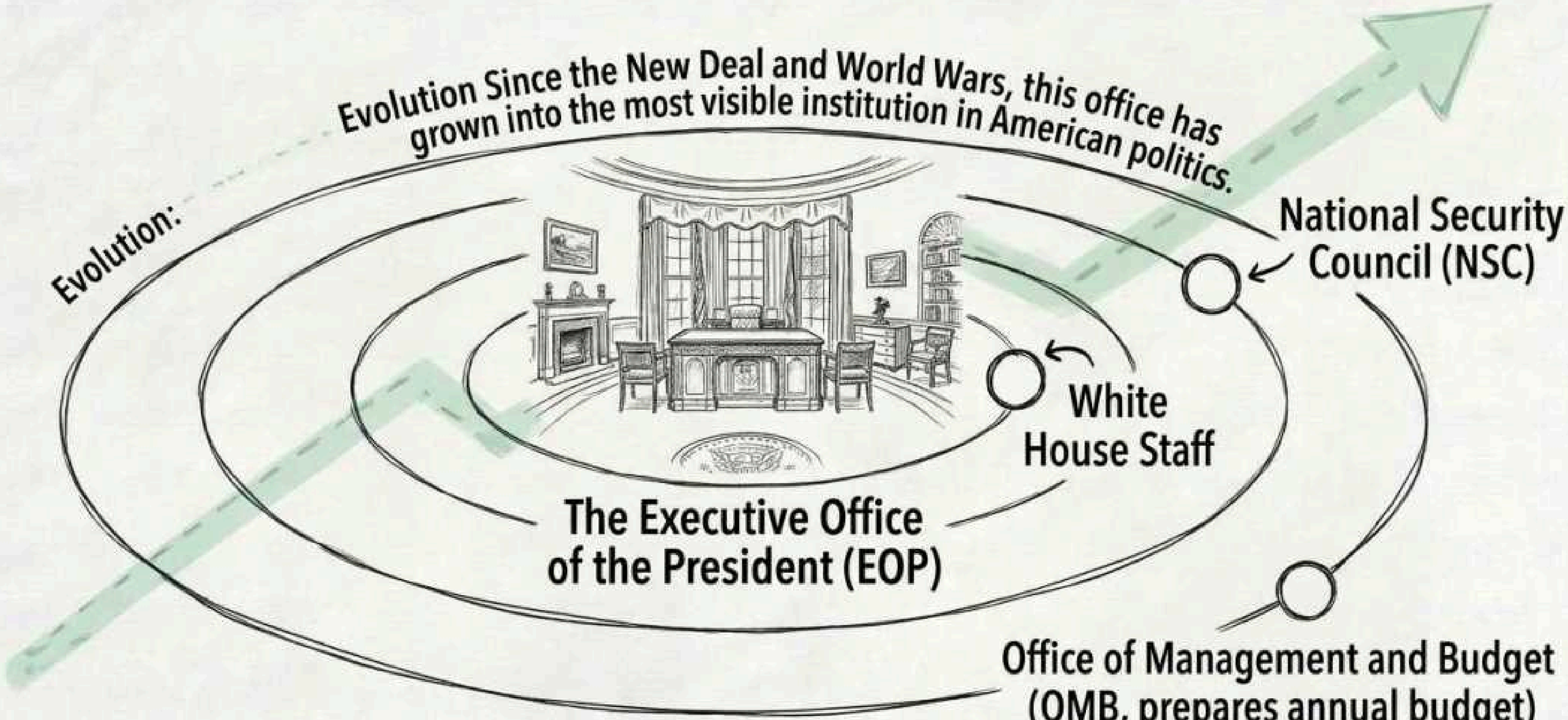


The Merit System begins. Most federal workers are career civil servants hired on merit. Only a few thousand top posts are political appointments.

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The President's Inner Orbit

¶ 3.14



The True Power of the Office

¶ 3.15

Neustadt's Theorem: Real Power = f(Persuasion)

$$\text{Modest Formal Powers} + \left(\text{Bargaining} \times \text{Public Support}\right) = \text{Presidential Success}$$

The Uncontrollable Variables

- Party control in Congress
- Public approval ratings
- Unforeseen global events

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The Mechanics of Impeachment

¶ 3.16

The Grounds: Treason, bribery, or other high crimes & misdemeanors.

Step 1: The House (Impeachment)

Requires Majority Vote (> 50%).

Step 2: The Senate (Trial)

Presided over by the Chief Justice.

Requires 2/3 Vote (~ 67%) for Conviction & Removal.



Historical Fact: No president has ever been completely removed from office by this process.

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Judicial Limits on Executive Power

¶ 3.17



1952
(Truman)
Cannot seize steel mills during the Korean War without Congress's explicit authority.

1974
(Nixon)
Forced to hand over tape recordings to prosecutors (triggering his subsequent resignation).

The Legal Precedent: Executive Privilege exists, but it is not absolute.

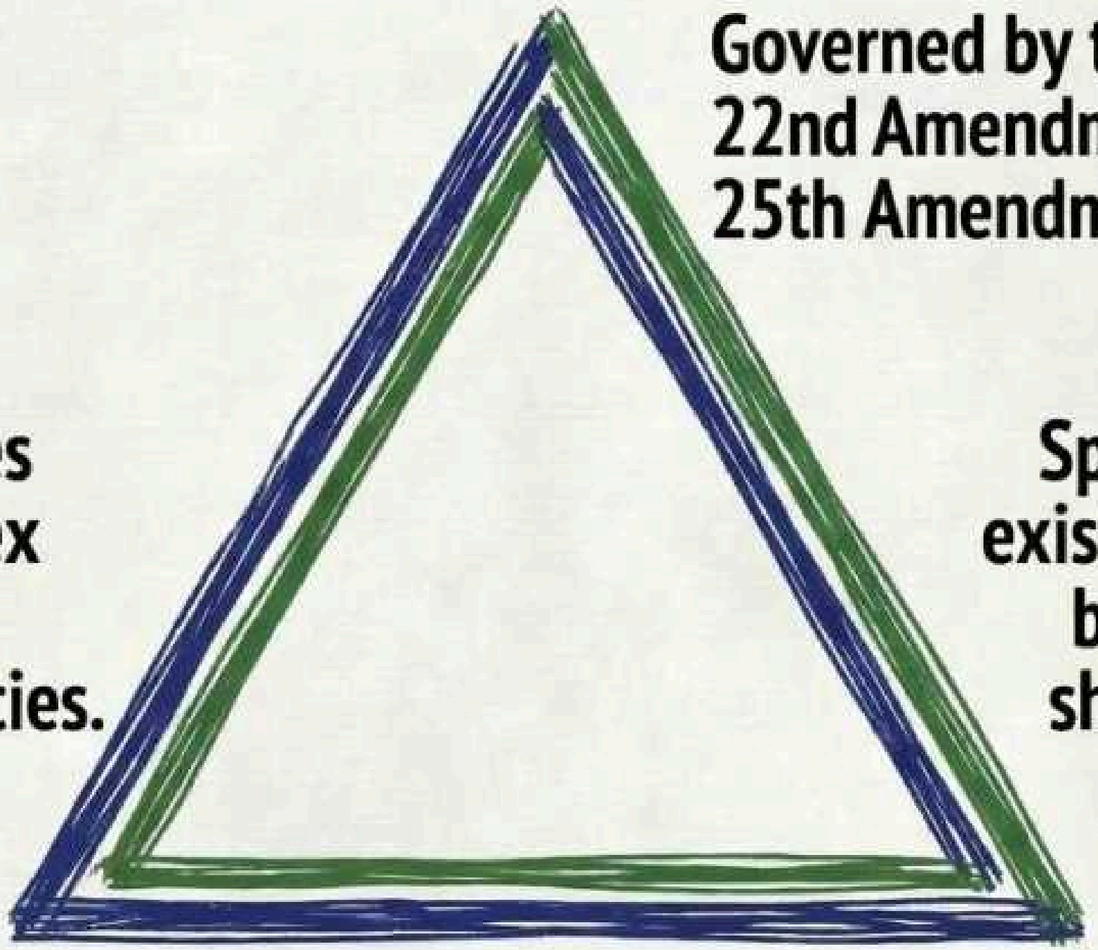
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Synthesizing the Executive Branch

¶ 3.18

Pillar 1: Selection

Governed by the Electoral College, 22nd Amendment (Terms), and 25th Amendment (Succession).



The actual work relies on a massive, complex bureaucracy of departments and agencies.

Specific formal powers exist, but major ones (war, budget, treaties) are shared with Congress.

Pillar 3: Execution

Pillar 2: Powers

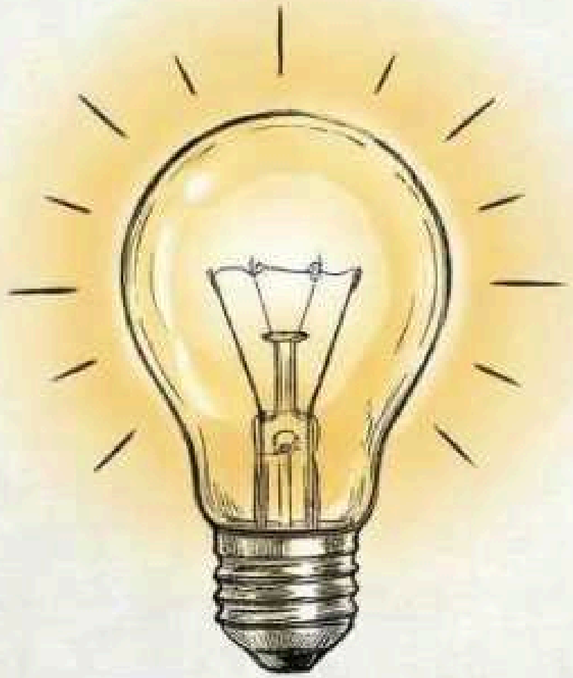
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The Democratic Dilemma

¶ 3.19

The Reality: A modern president cannot personally run 2 million employees. Agencies must make rules.

[Unelected Experts / Agencies ——— Elected Officials]



Reflection: How much law-making should be left to unelected experts, and how much should elected officials decide? Think of one agency you have personally dealt with.

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Looking Ahead to Article Three

¶ 3.20

