

AP AMERICAN GOVERNMENT

Unit Four Part 3

The President and the Bureaucracy



Unit 4 Learning Objectives

Running for President

- 4.1 Outline the stages in U.S. presidential elections and the differences in campaigning at each stage.

The Electoral College

- 4.2 Assess concerns regarding presidential elections and reforms that have been proposed.

The Powers of the Presidency

- 4.3 Describe the constitutional foundations of the presidency and of the formal and informal roles of the president.

Controversies in Presidential Power

- 4.4 Evaluate the controversies surrounding presidents' assertion of additional executive powers.

Unit 4 Learning Objectives

Managing the Presidency

- 4.5 Outline the functions of the White House staff, the cabinet, and the Vice President.

Congress and the Presidency

- 4.6 Identify the sources of presidential-congressional conflict and the tools presidents use to influence Congress

Chapter 12: The Presidency



- Structure and Powers
- Controversies in Power
- Managing the Presidency
- Job of the President
- Congress and the Presidency
- Judging Presidents

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Presidential Transition

- Only fifteen of forty-five presidents have served two full terms
- Eight vice presidents have taken office upon the president's death



Article I, Section 1

Presidential Succession

In Case of the Death, Resignation, Removal, or Inability to discharge the Powers and Duties of the President, these powers shall devolve on the Vice President

Congress decides what Officer shall act as President in the Case of Removal, Death, Resignation, or Inability of both the President and Vice President.

Presidential Succession, 1841

Article II, Section 1 of the United States Constitution provides that:

*In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, **the same shall devolve on the Vice President** ... until the disability be removed, **or a President elected**.*

Article I, section 3 of the Constitution reads:

*The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided. The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall **exercise the office of President** of the United States.*

Presidential Succession, 1841

John Tyler was elected Vice President on the Whig (Republican) ticket with William Henry Harrison.

On Harrison's death,

Tyler insisted that he **was** President, not *Vice President* or *Acting President*

Tyler insisted on being sworn in using the **Presidential** oath of office.

Tyler even returned mail sent to the "Vice President" or "Acting President of the United States".



20th Amendment

If the President elect shall have died, the Vice President elect shall become President.

and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President.

Presidential Succession Act of 1947

President Truman requested that Congress put the **Speaker** and **President Pro Tempore** on the list because they were elected:

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



Presidential Succession Act of 1947

Is it Constitutional?

Article I, Section 6

- **No Senator or Representative** shall, during the Time for which he was elected, be appointed to any Civil Office under the Authority of the United States; and **no Person holding any Office under the United States, shall be a Member of either House during his time in Office.**

Incapacitation of the President

- In October, 1919, President Wilson suffered a serious stroke that left him paralyzed on his left side
 - He did not meet with Vice President, Cabinet, Congressmen or Press for the remainder of his term.
 - He was isolated from everyone but his wife, Edith.
 - Edith selected issues for his attention and directed the cabinet heads.
 - *The first woman President?*



25th Amendment

- **Section 1.** In case of the removal of the President from office or of his death or resignation, **the Vice President shall become President.**
- **Section 2.** Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall be confirmed by a **majority vote of both Houses** of Congress.
- **Section 3.** Whenever the President transmits to the **President pro tempore** and the **Speaker of the House** his written declaration he is unable to discharge the powers and duties of his office, such powers and duties shall be discharged by the **Vice President as Acting President.**

25th Amendment, 1973-1974



November 4, 1972
President Nixon and Vice President Agnew are re-elected in landslide

July, 1973
Charges of extortion, tax fraud, conspiracy and bribery against the VP are reported out in House



October 12, 1973
Vice President Agnew resigns
President Nixon nominates House Minority Leader Gerald Ford of Michigan as Vice President.

December 6, 1973
The House and Senate confirm Ford and he is sworn in the same day



August 9, 1974
President Nixon resigns
Vice President Gerald Ford is sworn in as President

August 20, 1974
President Ford nominates New York Governor Nelson Rockefeller as Vice President.
Rockefeller is confirmed and sworn into office.

55

The Weather
Today—Cloudy, high near 50, low in the 30s. The chance of rain is 50 percent through tonight. Tuesday—Showery, likely, high in the 50s. Yesterday's temperature range: 70s. Details are found on Page C4.

The Washington Post

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FINAL

11 Pages—4 Sections
 Appearance: 2¢
 Classified: C3 Metro
 District: C2
 Coverage: B4 Sports
 Features: A2
 Financial: Daily 30 TV Radio 30

Ford Grants Nixon Full Pardon, Says He Has 'Suffered Enough'

TerHorst Quits in Protest
 By Richard M. Cohen
 President Ford yesterday granted former President Nixon a full, free and absolute pardon for all federal crimes. Mr. Nixon "submitted or may have submitted" during his term in the White House, Mr. Ford said.

Mr. TerHorst, a former aide to the President, said he was the first appointment announced by the new administration.

According to White House sources, Mr. TerHorst, 44, Cal. 1.

... would have been indicted without Jones' aid.

... the issue that one federal grand jury named Mr. Nixon as "indicted co-conspirator in the Watergate cover-up" would be held when he was still President and at a time when there was less evidence of his involvement than a federal case.

... The effect of Mr. Ford's action yesterday was to remove Mr. Nixon from federal prosecution "for all offenses except the United States" during his term as President.

... Mr. Ford in his formal proclamation of pardon, and he took the step because the trajectory in which the pardon has been removed by the events of recent weeks could be irreparably lost by the prospect of bringing to trial a former President of the United States. A pardon he said, would take a year or more and "cause prolonged and divisive debate" all across the country.

... And finally, Mr. Ford added to a statement delivered before grand jury before television cameras and a small pool of reporters in the Oval Office: "I feel that Richard Nixon and his loved ones have suffered enough, and will continue to suffer no matter what I do."

... Mr. Ford had said himself during his 1974 presidential campaign that he would not pardon Nixon, but that "I don't think the public would stand for it" if an President pardoned and his pardon was then used to squish the possible prosecution. "I wanted to end simply that many decisions in the White House" for and back at all the steps in the hypothetical question that I have answered directly and perhaps too fast on previous occasions.

... Reaction yesterday was mixed and sharply divided. Both sides, the Democrats' critics and Republicans, including the President, though not enthusiastically.

... One Democrat, Sen. Henry M. Jackson of Washington, said at a press conference last November, that "I don't

Nixon To Control His Papers
 By Fred Barbash
 The White House announced yesterday a negotiated agreement with Richard M. Nixon under which the former President and the U.S. government will have joint custody of White House tapes and presidential documents, but with Mr. Nixon determining who shall have access to them.

Not Consulted About Pardon, Jaworski Says
 By George Lovibond Jr.
 Watergate special prosecutor Leon Jaworski said yesterday that he had not been consulted about the pardon granted to former President Nixon.

"This is a matter that was decided upon by the President on his authority under the Constitution," Jaworski said. "It was something I didn't participate in."

Jaworski said, however, that he doubted the decision would have any impact on the Watergate case so long



Article II, Section 4: Impeachment

For what offenses can a president be removed from office?

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors



IMPEACH

Impeachment

- House drafts articles
- Speaker argues case in front of Senate
- Supreme Court chief justice presides
- 2/3rds vote of guilty by Senate to convict

