

The Executive Branch

- Framers & executive branch
 - Unchecked executive power?
 - Rule by committee?
 - Wanted balance
- Constitution & Presidency
 - Art II creates exec power
 - Art II, Sec 1, Cl 1 = POTUS
 - Executive Powers
 - Take Care Clause
 - Power to Pardon
 - Appointments
 - Most important = SCOTUS
 - Advice & consent of Senate
 - NOTE: recess appointment
 - Veto & Pocket Veto
 - Special Session of Congress
 - Executive orders?
 - Commander in Chief
 - NOTE: Declaration of War
 - War Powers Act (1973)
 - Foreign Affairs

- Treaties
 - Appoint ambassadors
 - Receive foreign ambassadors
 - SCOTUS = inconsistent
- “Extraconstitutional” Powers of Pres
 - Chief of State
 - World Leader
 - Party Leader
 - Crisis Manager
 - Economic Manager of national economy
- Checks on presidential power
 - Most significant = impeachment process
 - “Treason, bribery, or other high crimes and misdemeanors“
 - House “impeaches”; Senate tries & removes
- Primary role = administrators
 - “Take Care” clause
 - Authority flows down line
 - Aided by staff
 - Most important =
White House Staff
 - Executive Office of the President
 - Most important:

» Office of Management & Budget (OMB)

» National Security Council

- Cabinet

- Heads of 15 exec departments; 9 other department heads & VPOTUS

- Not in Constitution

- Importance varies

- Presidential Vacancies

- Death, resignation, removal

- 9 VPOTUS -> POTUS

- Tyler set precedent

- NOTE: codified in 25th Amend

- What if POTUS incapacitated?

- Sec 3 of 25th Amend

- Sec 4 of 25th Amend

- What if both POTUS & VPOTUS vacant?

- Presidential Succession Acts

- (1792, 1886, 1947)

- What if POTUS-elect &

- VPOTUS-elect vacant?

- 20th Amendment (1933)

- Vice-Presidency

- VPOTUS has evolved

- Chosen to balance out ticket
- President of Senate plus other tasks
- Relationship with POTUS
- VPOTUS impacted by:
 - 22nd Amend (1951)
 - 25th Amend (1967)