



The Executive Branch and the Bureaucracy

IN THIS CHAPTER

Summary: The office of the president is the most important single position in the government of the United States. The president of the United States has many responsibilities and functions originating in Article II of the Constitution. From the time of George Washington to the present, holders of the office of the president have striven to be more than just a ceremonial head of state. The American president is not just a figurehead but also a personality who commands power and respect.

Key Terms

Federalist No. 70

Twenty-Second

Amendment

Twenty-Fifth Amendment

impeachment

electoral college

line-item veto

executive agreements

pardons

veto

pocket veto

executive orders

executive privilege

Watergate

signing statements

War Powers Act

legislative vetoes

White House staff

bureaucracy

Civil Service

merit system

Hatch Act

cabinet

iron triangles

issue networks

White House Office

Department of

Transportation

Department of Education

Department of Veterans'

Affairs

Department of Homeland

Security

Constitutional Origins of the Presidency

The Debate Over a Strong Versus a Weak Executive

Delegates to the constitutional convention studied the writings of philosophers Montesquieu and Locke, analyzed the powers of the British monarchs, and studied the role of governors in the American colonial governments. The delegates decided they did not want a king; they wanted power to rest with the people. Debate arose over a single versus a plural executive, and a weak executive appointed by Congress versus a strong executive independent of the legislature. The final compromise created a single executive with powers limited by the checks and balances of the legislative and judicial branches.

• Federalist No. 70

In **Federalist No. 70**, Alexander Hamilton argues the need for a strong executive leader. He states, “energy in the executive is the leading character in the definition of good government. It is essential to the protection of the community against foreign attacks ... to the steady administration of the laws, to the protection of property ... to justice; [and] to the security of liberty ...”.

While some delegates to the Constitutional Convention had called for an executive council, Hamilton defended a single executive as “far more safe.” A council of two or more persons leads to the dangers of “difference of opinion” and “bitter dissensions.” This would weaken the executive because it would “lessen the respectability, weaken the authority” of the office. Hamilton also argued that a single executive would be watched “more narrowly” than would be a group of people. The president should bear sole responsibility for his acts. There was no need for a “council to the executive.”

Qualifications

Article II of the Constitution establishes the formal qualifications of the president:

- natural-born citizen
- at least 35 years of age
- resident of United States for 14 years prior to election

Historically, many candidates who have run for the office of the president have also shared several characteristics:

- political or military experience
- political acceptability
- married
- white male
- Protestant
- northern European ancestry

In the 2008 presidential election, Barack Obama presented himself as a new type of presidential candidate. Obama was the first African-American to receive a major party nomination to the presidency, Obama won election in 2008 and 2012. In 2016, Hillary Clinton became the first woman to win a major party nomination, but Clinton lost in the general election to Donald Trump.

Term and Tenure

The concept of a popularly elected president is an American invention. After much debate and compromise, the Founding Fathers created a single executive, elected indirectly

through an electoral college for a four-year term. Until the addition of the **Twenty-Second Amendment** in 1951, the number of terms of the president was unlimited. After Franklin D. Roosevelt won the office an unprecedented four times, the Twenty-Second Amendment was added, limiting the president to two elected terms.

Succession and Disability



KEY IDEA

The Constitution provides that if the president can no longer serve in office, the vice president will carry out the powers and duties of the office. The Constitution does not state that the vice president shall actually become president; that tradition began with the death of W. H. Harrison. After the assassination of John F. Kennedy, the **Twenty-Fifth Amendment** was added to the Constitution, stating that the vice president becomes president if the office of president becomes vacant. That amendment also provides for the new president to nominate a new vice president, with the approval of a majority of both houses of Congress. The first use of the Twenty-Fifth Amendment occurred when Spiro Agnew resigned the vice presidency and was replaced by Gerald Ford in 1973. The following year it was used again when President Richard Nixon resigned; Vice President Gerald Ford became president; and Ford nominated, and Congress confirmed, Nelson Rockefeller as his new vice president.

The Twenty-Fifth Amendment also provides for presidential disability. If the president is unable to perform the duties of his office, the vice president may become “acting president” under one of the following conditions:

- The president informs Congress of the inability to perform the duties of president.
- The vice president and a majority of the cabinet inform Congress, in writing, that the president is disabled and unable to perform those duties.

The president may resume the duties of office upon informing Congress that no disability exists. If the vice president and a majority of the cabinet disagree, Congress has 21 days to decide the issue of presidential disability by a two-thirds vote of both houses.



KEY IDEA

Impeachment and Removal

The Constitution allows for the removal of a president from office through the impeachment process. **Impeachment** involves bringing charges of wrongdoing against a government official. The United States Constitution gives the House of Representatives the authority to impeach the president or vice president for “Treason, Bribery or other High Crimes and Misdemeanors.” Once charges of impeachment have been levied against the president or vice president, the Senate then sits in judgment of the charges. The chief justice of the Supreme Court presides over the trial. If found guilty of the charges, the official may be removed from office. Conviction requires a two-thirds vote of the Senate.

The Road to the White House

There are two basic methods of becoming president: succeed to the office or win election to the office. Most presidents have been elected to the office. Many nominees seeking the office have gained political experience through elected or appointed offices—in Congress (mostly the Senate), as state governors, as vice president, or as a cabinet member. Several nominees gained recognition as military leaders.

The Electoral College System

According to the Constitution and the Twelfth Amendment, an **electoral college** elects the president and vice president. Each state chooses a number of electors equal to its number of members in the House of Representatives and Senate in a method set by the state legislatures. In the general election, voters go to the polls and vote for the candidates of their choice. In December, the electors of the respective candidates meet in each state capital to cast ballots for president and vice president. The electoral college then sends the ballots to the president of the Senate, where they are opened before a joint session of Congress and counted. To win the election, a candidate must receive a majority of electoral votes (270). If no candidate for president receives a majority of electoral votes, the House of Representatives chooses the president from among the top three candidates. If no candidate for vice president receives a majority of electoral votes, the Senate chooses the vice president from the top two candidates.

Contested Elections

The electoral college is a distinctive American institution and no stranger to controversy. Although contested presidential elections are not the pattern, contested elections have occurred. The elections of 1876, 2000, and 2020 have been among the most contentious in American history. In each case, the losing candidate and party dealt with the disputed results differently.

- 1876—After election day in 1876, three states, South Carolina, Florida, and Louisiana, sent two different slates of electors to Congress to be counted. As a result of the disputed electors, Congress established a special bipartisan commission composed of five members of the Senate, five members of the House of Representatives and five members of the Supreme Court to decide the election. The commission awarded all 20 disputed electoral votes to Republican Rutherford B. Hayes just one day before the inauguration.
- 2000—In 2000, several states, including Florida, were using a punch card ballot system, which had proven to cause counting machine malfunctions and missed votes. Some Florida counties were using a “butterfly ballot” form of the punch card, which created confusion for voters. Voters who thought they were voting for Democrat Al Gore, unknowingly voted for other candidates. By the end of election day, Florida, a pivotal state in the election, was too close to call. After initially conceding the election, Gore withdrew his concession and sent a legal team to Florida to pursue a manual recount in some counties. The state engaged in a month-long process to determine the winner of the election. The biggest issue was that of the “hanging chads.” Little pieces of paper that get punched when a voter votes (chads) were hanging from the ballot, causing over 60,000 ballots not to be counted when scanned by the counting machines. Gore sued in court to have those ballots counted by hand, winning in the Florida Supreme Court. Bush challenged the ruling in the United States Supreme Court to stop the recount since it did not involve a recount of the entire state. In *Bush v. Gore* (2000), the United States Supreme Court ruled 7–2 that recounting ballots in different ways violated the Equal Protection Clause of the Constitution. The Supreme Court ruled 5–4 that no constitutional recount could be held within the time left before the electoral college was scheduled to meet. Gore conceded the next day, losing Florida’s electoral votes to Bush by 537 votes.
- 2020—Due to the coronavirus pandemic, unprecedented changes in voting procedures were authorized for this election. States made changes to election dates, procedures, and election administration, including:
 - Voter registration deadlines extended
 - Early voting periods extended
 - Consolidation of polling places
 - Absentee/mail-in voting eligibility extended or suspended
 - Mail-in ballot applications sent to all voters

- Mail-in ballots sent to all voters
- Prepaid return postage for mail-in ballots
- Drop boxes for mail-in ballots
- Receipt deadlines for mail-in ballots extended

On election night, Joe Biden led in the projected electoral vote count with several states either too close to call or large numbers of ballots remaining to be counted. By the next afternoon, the Trump campaign began filing lawsuits and requesting recounts in several states. President Trump indicated he would contest the election results—stating he believed the election would ultimately be decided by the Supreme Court. As states concluded their counts and recounts, Biden was ultimately declared president-elect.

After the electoral college met in December, the results were sent to Congress for the formal counting of the states' electoral votes. Several Republican representatives and senators challenged the votes from some states, thus delaying final certification of the votes. As the debate and vote count were occurring, protestors marched on the United States Capitol, entered the building, attacking the Capitol police and vandalizing the building, causing the final vote count to be delayed. Once the protesters were removed, the debate and final count continued with Joe Biden being declared the next president.

The Vice Presidency

During much of American history, the office of the vice president has been seen as one to be avoided by ambitious politicians. Constitutionally, the vice president has two duties:

- preside over the Senate, casting tie-breaking votes if necessary
- help determine presidential disability under the Twenty-Fifth Amendment and take over the presidency if necessary

Because the vice president may some day become president, the formal qualifications for vice president are the same as those for the president. The vice president serves a four-year term; however, the number of terms a vice president may serve is not limited. The selection of the nominee for vice president occurs at the national convention when the presidential nominee selects a “running mate.” Often the choice of nominee is influenced by the party’s desire to balance the ticket; that is, to improve a candidate’s chances of winning the election by choosing someone from a different faction of the party or from a different geographic section of the country. With the assassination of Kennedy and attempts on the lives of Ford and Reagan, more attention has focused on the vice president. Today, the vice president is often given a larger role in government, taking part in cabinet meetings, serving on the National Security Council, and acting as the president’s representative on diplomatic missions. More consideration is also given to the background, health, and other qualifications of vice presidents.

Presidential Powers



Article II of the Constitution outlines the powers of the president. The checks and balances of the other branches of government limit them. The power of the modern presidency comes from the men who have held the office and have shaped the use of these powers. Historians have often rated presidents as strong or weak. After the 1960s and 1970s, Arthur Schlesinger, Jr., argued that the presidency had become so powerful that an “imperial presidency” existed, applying the term to Richard Nixon and his administration in particular. Richard Neustadt contended that the president’s powers lie in the ability to persuade others through

negotiation, influence, and compromise. From 2002 to 2008 President George W. Bush and Vice President Dick Cheney argued for greatly expanded powers for the presidency in both domestic and foreign affairs.

Some of these powers are formal, meaning they are provided for by the U.S. Constitution, while others are considered informal, can be categorized as executive, legislative, diplomatic, military, judicial, and party powers.

Executive Powers

- “Faithfully execute” the laws—enforces laws, treaties, and court decisions.
- Presides over the cabinet and executive departments.
- Grants pardons for federal offenses except in cases of impeachment.
- Nominates judges of the Supreme Court and all other officers of the United States (with the consent of the Senate).

Legislative Powers

- Gives annual State of the Union message (constitutionally required) identifying problems, recommending policies, and submitting specific proposals (president’s legislative agenda). Expectations are that the president will propose a comprehensive legislative program to deal with national problems (the Budget and Accounting Act of 1921 requires the president to prepare and propose a federal budget).
- Issues annual budget and economic reports.
- Signs or vetoes bills. Presidents must sign or reject the bill in its entirety. The Line Item Veto Act of 1996 granted the President the power to **line-item veto** (partial veto) budget bills passed by Congress. The act was ruled unconstitutional by the Supreme Court in *Clinton v. City of New York*.
- Proposes legislation and uses influence to get it passed.
- Calls for special sessions of Congress.

Diplomatic Powers

- Appoints ambassadors and other diplomats.
- Negotiates treaties and **executive agreements**.
- Meets with foreign leaders in international conferences.
- Accords diplomatic recognition to foreign governments.
- Receives foreign dignitaries.

Military Powers

- Serves as commander-in-chief of the armed forces.
- Has final decision-making authority in matters of national and foreign defense.
- Provides for domestic order.

Judicial Powers

- Appoints members of the federal judiciary.
- Grants reprieves, **pardons**, and amnesty.

Party Powers

- Is the recognized leader of the party.
- Chooses vice-presidential nominee.
- Strengthens the party by helping members get elected (coattails).
- Appoints party members to government positions (patronage).
- Influences policies and platform of the party.

Summary of Presidential Powers

FORMAL POWERS	INFORMAL POWERS
Faithfully execute the laws	Executive orders: Orders issued by the president that carry the force of law (i.e., FDR's internment of Japanese-Americans during World War II)
Sign or veto legislation, including pocket veto when the president refuses to sign a bill at the end of a legislative session and the bill dies	Executive agreements: International agreements made by a president that have the force of treaty but do not require Senate approval (i.e., Jefferson's purchase of Louisiana from France in 1803)
Commander-in-chief of Army and Navy and of the militia of the several states	Executive privilege: Claim by presidents that they have the discretion to decide that the national interest will be better served if certain information is withheld from the public, including the courts and Congress (For example, Nixon's refusal to turn over the Watergate tapes. In <i>United States v. Nixon</i> , the Supreme Court ruled that executive privilege did not apply and Nixon must turn over the tapes. They did not strike down executive privilege.)
Make treaties, with the advice and consent of the Senate	Signing statements: written comment issued by a president at the time legislation is signed. Signing statements may make comments about the bill signed, or indicate the president's attitude towards the bill and how he intends to ignore it or to implement it
Appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States (with Senate approval)	Persuader (bully pulpit): Teddy Roosevelt's referred to the White House as a "bully pulpit," a platform to communicate with the American people and promote his agenda through the media coverage of presidential events.
Receive ambassadors and other public Ministers	Crisis manager: President is a key player in domestic and foreign crisis management.
Power to grant reprieves and pardons, except in cases of impeachment	Leader of the free world: Meets with world leaders in international conferences.
Provide Congress with information on the state of the union	Party leader: Head of his own political party.
Fill vacancies that may happen during the recess of the Senate	
Convene in special session or adjourn Congress when it cannot agree on adjournment	
Commission all officers of the United States.	

Limitations on Presidential Powers

In order to avoid the possibility of abuses by the executive, the Founding Fathers provided for checks upon the powers of the executive.

- Congressional checks
 - Override presidential vetoes; requires a two-thirds vote of both houses of Congress.
 - Power of the purse; agency budgets must be authorized and appropriated by Congress. In 1974 Congress passed the Congressional Budget and **Impoundment** Control Act, which denied the president the right to refuse to spend money appropriated by Congress and gave Congress a greater role in the budget process.
 - Power of impeachment.
 - Approval powers over appointments.
 - Legislation that limits the president's powers (for example, the **War Powers Act** limited the president's ability to use military force).
 - **Legislative vetoes** to reject the actions of the president or executive agency by a vote of one or both houses of Congress without the consent of the president; declared unconstitutional by the Supreme Court in 1983.
- Judicial checks—Judicial review of executive actions.
- Political checks
 - public opinion
 - media attention
 - popularity

Presidential Character

Political scientist James David Barber examined the importance of a president's personality and character, classifying presidents into four distinct types based on their childhood and other experiences. Barber measured each president's assertiveness in office as active or passive, and how positive or negative his feelings were about the office itself. His classifications were:

- *active-positive*—Takes pleasure in the work of the office, easily adjusts to new situations, and is confident in himself (FDR, Truman, Kennedy, Ford, Carter, Bush).
- *active-negative*—Hard worker but doesn't enjoy the work, insecure in the position, may be obsessive or antagonistic (Wilson, Hoover, LBJ, Nixon).
- *passive-positive*—Easygoing, wanting agreement from others with no dissent, may be overly confident (Taft, Harding, Reagan).
- *passive-negative*—Dislikes politics and tends to withdraw from close relationships (Coolidge, Eisenhower).

The President and Congress

As James Madison states in Federalist No. 51, the Founding Fathers wanted “ambition to counteract ambition” as a way to prevent tyranny. The Founders deliberately created a rivalry between the executive and legislative branches by assigning important constitutional powers to each. By granting institutional rivals independent bases of political power, the Constitution also ensured that each would be capable of protecting and advancing its interests.

The relationship between the president and Congress is often combative. Although both branches work closely together to address critically important problems, they are most

likely to agree in first year of president's term or when one party controls both branches. They are most likely to fight late in president's first term and off and on throughout the president's entire second term, often unable to reach agreement on difficult issues. Several reasons account for this conflict:

- Different electoral constituencies—While the president represents entire nation, senators represent states, and congressmen (H.R.) represent individual geographical districts. The president tends to see issues from a national/international (as commander-in-chief and diplomatic duties) perspective, while Congress is concerned with how law will affect their home state or district constituency first.
- Internal design (structure) of institutions—The presidency is highly centralized with all or most decisions and orders coming from a centralized source, usually the members from the top levels of the organizational structure; Congress is highly decentralized with decision-making distributed throughout a larger group, often with different people in charge on different issues.
- Information and expertise—The number-one resource in government is information, which is necessary for policy decisions. The president has the ability to have more information than anyone on the planet. His White House staff mirrors the bureaucracy and acquires information for the president immediately. Congress relies on interest groups, executive departments and agencies, personal staff and committee staff, and their own research to gain information, taking more time to gather the necessary information to make decisions.
- Differing timetables—The president and Congress serve different terms. The president has a maximum of 8 years (must get things done quickly before time runs out), while senators and representatives may serve for decades (so they can wait). Time affects decision-making and policymaking strategy. Legislation moves faster through the House than the Senate. The Senate is willing to take more time—to be the “deliberative body” that the Founding Fathers wanted.
- Competing campaigns—The president must campaign on national issues, while Congress makes elections about local issues.

Congress and the president also are cooperative at times:

- Party loyalty and public expectations—Party provides a common ground to start from (theoretically). The president and Congress may have a “We are all in this together” attitude. Constituents who voted along party lines expect party loyalty from their elected officials. Exceptions to these expectations may occur when presidential approval starts to fall.
- Bargaining and compromise—The president and congress need each other, creating an interdependence between the two. Both have things to bargain with, such as the budget, policies, and access.
- Informal links and associations which draws them together—Members of government know each other. Many went to school together or their families associate with each other socially.

The Bureaucracy

A **bureaucracy** is a systematic way of organizing a complex and large administrative structure. The bureaucracy is responsible for carrying out the day-to-day tasks of the organization. The bureaucracy of the federal government is the single largest in the United States, with 2.8 million employees. Bureaucracies generally follow three basic principles:

- *hierarchical authority*—Similar to a pyramid, with those at the top having authority over those below.
- *job specialization*—Each worker has defined duties and responsibilities, a division of labor among workers.
- *formal rules*—Established regulations and procedures that must be followed.

History and Growth

- *beginnings*—Standards for office included qualifications and political acceptability.
- *spoils system*—Practice of giving offices and government favors to political supporters and friends.
- *reform movement*—Competitive exams were tried but failed due to inadequate funding from Congress.
- *Pendleton Act*—**Civil Service Act of 1883**, passed after the assassination of Garfield by a disappointed office-seeker; replaced the spoils system with a **merit system** as the basis for hiring and promotion.
- *Hatch Act of 1939, amended in 1993*—Prohibits government employees from engaging in political activities while on duty or running for office or seeking political funding while off duty; if in sensitive positions, may not be involved with political activities on or off duty.
- *Civil Service Reform Act of 1978*—Created the Office of Personnel Management (replaced the Civil Service Commission) to recruit, train, and establish classifications and salaries for federal employees.

Organization

The federal bureaucracy is generally divided into four basic types:

- *cabinet departments*—Fifteen executive departments created to advise the president and operate a specific policy area of governmental activity (Department of State, Department of Labor, Department of the Interior); each department is headed by a secretary, except the Department of Justice, which is headed by the attorney general.
- *independent executive agencies*—Similar to departments but without cabinet status (NASA, Small Business Administration, **Environmental Protection Agency**).
- *independent regulatory agencies*—Independent from the executive; created to regulate or police (**Securities and Exchange Commission**, **Federal Election Commission**, Nuclear Regulatory Commission, Federal Reserve Board).
- *government corporations*—Created by Congress to carry out business-like activities; generally charge for services (Tennessee Valley Authority, National Railroad Passenger Corporation [AMTRAK], United States Postal Service).



KEY IDEA

Influences on the Federal Bureaucracy

- *executive influences*—Appointing the right people, issuing executive orders, affecting the agency's budget, reorganization of the agency.
- *Congressional influences*—Influencing appointments, affecting the agency's budget, holding hearings, rewriting legislation or making legislation more detailed.
- *iron triangles (subgovernments)*—Alliances that develop between bureaucratic agencies, interest groups, and congressional committees or subcommittees. Because of a common goal, these alliances may work to help each other achieve their goals, with Congress and the president often deferring to their influence.
- *issue networks*—Individuals in Washington—located within interest groups, congressional staff, think tanks, universities, and the media—who regularly discuss and advocate public policies. Unlike iron triangles, issue networks continually form and disband according to the policy issues.

The Executive Office of the President (EOP)

The Executive Office of the President includes the closest advisors to the president. Although it was established in 1939, every president has reorganized the EOP according to his style of leadership. Within the executive office are several separate agencies.

- **White House Office**—Personal and political staff members who help with the day-to-day management of the executive branch; includes the chief of staff, counsel to the president, press secretary.
- **National Security Council**—Established by the National Security Act of 1947; advises the president on matters of domestic and foreign national security.
- **Office of Management and Budget**—Helps the president prepare the annual federal budget.
- **Office of Faith-Based and Community Initiatives**—Created by George W. Bush to encourage and expand private efforts to deal with social problems.
- **Office of National Drug Control Policy**—Advisory and planning agency to combat the nation's drug problems.
- **Office of Policy Development**—Gives the president domestic policy advice.
- **Council of Economic Advisers**—Informs the president about economic developments and problems.
- **Office of U.S. Trade Representative**—Advises the president about foreign trade and helps negotiate foreign trade agreements.
- **Office of Administration**—Provides administrative services to personnel of the EOC and gives direct support services to the president.
- **Council on Environmental Quality**—Coordinates federal environmental efforts and analyzes environmental policies and initiatives.
- **Office of Science and Technology Policy**—Advises the president on the effects of science and technology on domestic and international affairs; it also works with the private sector and state and local governments to implement effective science and technology policies.
- **Office of the Vice President**—Consists of the vice president's staff.

Executive Departments

- **State (1789)**—Advises the president on foreign policy, negotiates treaties, represents the United States in international organizations.
- **Treasury (1789)**—Collects federal revenues; pays federal bills; mints coins and prints paper money; enforces alcohol, tobacco, and firearm laws.
- **Defense (1789)**—Formed from the Department of War and the Department of the Navy (1789) but changed to the Department of Defense in 1947; manages the armed forces, operates military bases.
- **Interior (1849)**—Manages federal lands, refuges, and parks; operates hydroelectric facilities; manages Native American affairs.
- **Justice (1870)**—Provides legal advice to the president, enforces federal laws, represents the United States in court, operates federal prisons.
- **Agriculture (1889)**—Provides agricultural assistance to farmers and ranchers, inspects food, manages national forests.
- **Commerce (1903)**—Grants patents and trademarks; conducts the national census; promotes international trade.
- **Labor (1913)**—Enforces federal labor laws (child labor, minimum wage, safe working conditions); administers unemployment and job training programs.

- *Health and Human Services (1953)*—Administers Social Security and Medicare/Medicaid programs; promotes health care research; enforces pure food and drug laws.
- *Housing and Urban Development (1965)*—Provides home financing and public housing programs, enforces fair housing laws.
- *Transportation (1967)*—Promotes mass transit programs and programs for highways, railroads, and air traffic; enforces maritime law.
- *Energy (1977)*—Promotes development and conservation of fossil fuels, nuclear energy, research programs.
- *Education (1979)*—Administers federal aid programs to schools; engages in educational research.
- *Veterans' Affairs (1989)*—Promotes the welfare of veterans of the armed forces.
- *Homeland Security (2002)*—Prevents terrorist attacks within the United States, reduces America's susceptibility to terrorism, and minimizes damage and helps recovery from attacks that do occur; includes Coast Guard, Secret Service, Border Patrol, Immigration and Visa Services, and Federal Emergency Management Agency (FEMA).

The Bureaucracy and Policymaking

The bureaucracy engages in writing and enforcing legislation, issuing fines, and testifying before Congress, but its primary role is the implementation of public policy. Because bureaucrats put policy into action, they have a significant impact on public policymaking. When Congress passes legislation, it does not establish all the details on how the policy will be implemented. The bureaucracy has been delegated authority because the president and Congress cannot handle every detail of every piece of legislation. This discretionary authority allows the bureaucracy to interpret legislation and “fill in the gaps” where Congress has left the legislation vague. The bureaucratic agency can therefore write specific regulations that determine the implementation of public policy (rule-making). Bureaucratic discretion and rule-making allow agencies to work out the specifics of the legislation. Although the agency is bound by the legislation, the interpretation of that legislation allows a great deal of latitude in determining how to carry it out. Controlling the actions of bureaucracy can be difficult because:

- The size of the bureaucracy makes it difficult to monitor.
- Bureaucrats have expertise—often more than the president or members of Congress on issues related to their department or agency.
- Civil service laws make firing bureaucrats very difficult.
- Independent agencies are politically independent.

The president, Congress, and the courts have checks over the bureaucracy. The president suggests an annual budget that can increase or decrease an agency's funding. The Office of Management and Budget (OMB) oversees agency budgets. The president also appoints top-level officials to run the bureaucratic agencies. These officials will most likely be supportive of the president's agenda. Congress sets appropriations for agencies and can increase or decrease funding. Congress can also pass legislation that affects how the agency operates, and can approve or reject appointments to the agency. Congress can check the bureaucracy with its oversight function. It can hold hearings and conduct investigations. The courts can check the bureaucracy with rulings that support or oppose the agency's actions.

Interest groups can influence the bureaucracy. They seek to influence bureaucracies through lobbying relevant congressional committees. An “iron triangle” may emerge between a bureaucratic agency, interest group, and congressional committee. Bureaucratic capture refers to a situation when regulatory agencies are more obligated to the interest groups they regulate than the elected officials for whom they work. For example, if lobbyists can get the bureaucratic agency to enforce policies in a way that are beneficial to the special interest rather than the general public.

› Review Questions

Multiple-Choice Questions

1. The office of the president of the United States can best be described as an office
 - (A) of great responsibility and function
 - (B) created as a mere ceremonial head of state
 - (C) full of conflict and by nature difficult to understand
 - (D) untouched by the power and experience of the person holding it
2. Which of the following amendments provides for presidential succession and disability?
 - (A) Twenty-Second
 - (B) Twentieth
 - (C) Twenty-Fifth
 - (D) Twenty-Third
3. When the Founding Fathers finally decided on the length of the presidential term of office, they established a term
 - (A) of 8 years
 - (B) of 4 years
 - (C) not to exceed 10 years
 - (D) that could not be renewed after 4 years
4. The president decides to send American troops into Syria to help in the fight against ISIS. This is an example of which of the president's powers?
 - (A) powers as party leader
 - (B) power as commander-in-chief
 - (C) power of appointment
 - (D) power to "faithfully execute the law"
5. If the president becomes disabled and cannot perform his duties, how may the vice president take over the office of the president?
 - (A) The president may write a letter to the chief justice of the Supreme Court stating his inability to perform the duties of office.
 - (B) Congress removes the president.
 - (C) The Speaker of the House and president *pro tempore* of the Senate may remove the president.
 - (D) The vice president and a majority of the cabinet may inform Congress of the president's disability.
6. Which of the following is NOT considered to be a part of the Executive Office of the President?
 - (A) National Security Council
 - (B) White House Office
 - (C) Office of Management and Budget
 - (D) Office of Personnel Management
7. Members of the president's cabinet are usually individuals of great ability but little or no political power. Which of the following best describes this statement?
 - (A) The Senate must approve all appointments made by the president.
 - (B) The primary functions of cabinet members are to effectively run a department of government and advise the president.
 - (C) Cabinet members serve as long as the president remains in office.
 - (D) Cabinet members serve as an informal advisory body.
8. Which of the following was NOT an original cabinet position?
 - (A) secretary of state
 - (B) secretary of war
 - (C) attorney general
 - (D) secretary of the interior
9. Which power is used by the president for enforcing federal law?
 - (A) general executive power
 - (B) veto power
 - (C) executive agreements
 - (D) patronage
10. The partisan power of the president is most recognizable in the fact that the president
 - (A) is an elected leader
 - (B) checks the power of the party controlling Congress
 - (C) is the head of a political party
 - (D) alone must write the party platform

Use the following passage to answer question 11.

“The president and the executive branch are always going to have greater latitude and greater authority when it comes to protecting America because sometimes you just have to respond quickly and not everything that is a danger can be publicized and be subject to open debate, but there have to be some guardrails.”

—Barak Obama

11. Which of the following statements best depicts the role of the president referred to in the quote?
- (A) The president serves as commander-in-chief of the armed forces.
 - (B) The president must “faithfully execute” the laws of the United States.
 - (C) The president serves as a crisis manager and although he may have expanded powers during times of crisis, he can also be restrained by the other branches.
 - (D) The president can check or restrain the other two branches of government.

Free-Response Question

12. The modern presidency exercises powers far beyond those envisioned by the Founding Fathers.
- (A) Describe two formal powers that allow the executive branch to influence public policy-making.
 - (B) Describe two informal powers that allow the executive branch to influence public policymaking.
 - (C) Explain how the president interacts with the bureaucracy.

› Answers and Explanations

1. **A.** The presidency is the most important single office in the United States, and the powers of the president extend beyond just ceremonial duties (B). The roles and powers of the presidency are clearly defined by Article II of the Constitution (C). The power and experience of the president contribute to the prestige of the office (D).
2. **C.** The Twenty-Fifth Amendment provides for succession and disability. The Twenty-Second Amendment (A) deals with presidential tenure. The Twentieth Amendment (B) sets the beginning dates of the terms for the president, vice president, and members of Congress. The Twenty-Third Amendment (D) provides presidential electors for the District of Columbia.
3. **B.** The term of office for the president is four years.
4. **B.** Sending troops to combat is the role as commander-in-chief of the armed forces. When the president acts as party leader (A), uses his powers of appointment (C), or “faithfully executes” the law (D), he is not fulfilling the commander-in-chief function.
5. **D.** Either the president may inform Congress, not the chief justice (A), of his or her inability to perform the duties of office, or the vice president and a majority of the cabinet may inform Congress of the president’s inability to perform his or her duties. Congress may not remove a president from office unless the president is impeached and found guilty (B). The Speaker of the House and president *pro tempore* of the Senate do not have the ability to remove the president (C).
6. **D.** The Office of Personnel Management is an independent agency that is not a part of the EOC. The other answer choices are offices in the EOC.
7. **B.** Cabinet members must possess the administrative skills necessary to run a cabinet-level department, as well as to advise the president. At the same time, they serve largely at the request of the president (C, D) and by approval of the Senate (A).
8. **D.** The secretary of the interior was not added to the cabinet until 1849. Washington’s cabinet was composed of secretaries of state (A), war (B), and the attorney general (C).
9. **A.** The president uses administrative powers as chief executive to enforce federal laws. The president’s veto power (B) is a legislative power; executive agreements (C) are included in the president’s diplomatic powers. Patronage (D) is the practice of offering political positions or jobs to friends and supporters.
10. **C.** Partisan power refers to the president serving as the elected leader of his or her political party.
11. **C.** President Obama’s statement refers to the president serving as a crisis manager. Even though the president may have expanded powers during crisis times, Obama states that there must also be checks/restraints on those powers by the other branches of government. Obama is not referring to the president as commander-in-chief (A), chief executive “faithfully executing” the law (B), or imposing checks and balances over the other branches of government.
12. **A.** Formal powers that allow the executive branch to influence public policymaking include:
 - Role as chief executive to “faithfully execute”
 - Legislative powers to sign/veto/pocket veto
 - Role as commander-in-chief/power to commit troops
 - Negotiate treaties
 - Appointment powers
 - State of the Union Address
 - Calling special sessions of Congress
 - Preparing/proposing the federal budget**B.** Describe two informal powers that allow the executive branch to influence public policymaking.
 - Executive orders
 - Executive agreements
 - Signing statements
 - Bully pulpit
 - Crisis manager
 - Global leader
 - Party leader

C. The primary function of bureaucratic agencies is policy implementation; they carry out the decisions of Congress, the president, and the courts. The president has the ability and responsibility of choosing the leaders of bureaucratic agencies, which allows him to choose someone who will guide the bureaucratic agency in a direction the president wants. The president has the power to issue execu-

tive orders and signing statements which can influence policy by directing an agency to enforce the legislation in a certain direction. The president also has the ability to influence the budgets of the bureaucratic agencies which can impact how those agencies can operate and how they might enforce legislation.

> Rapid Review

- Article II of the Constitution establishes the office of the president and outlines the powers and duties of the office.
- The presidency was a compromise creating a single executive with limited powers.
- There are both formal and informal qualifications for the president.
- The Twenty-Fifth Amendment provides for the succession and disability of the president.
- The House of Representatives impeaches and the Senate tries cases of impeachment of the president. Only two presidents have been impeached, and none has been removed from office.
- To become president one must succeed to the office or win election to the office.
- The electoral college is an indirect method of electing the president.
- The constitutional duties of the vice president include presiding over the Senate and determining presidential disability.
- Presidents have numerous powers: executive, legislative, diplomatic, military, judicial, and party.
- The powers of the president may be limited by congressional, judicial, and political checks.
- James David Barber described presidential personality and character by classifying presidents as one of four distinct types: active-positive, passive-positive, active-negative, and passive-negative.
- The bureaucracy is a systematic way of organizing government.
- The development of the current bureaucracy has undergone several changes and reforms.
- The organization of the bureaucracy may be divided into four major types: cabinet departments, independent executive agencies, independent regulatory agencies, and government corporations.
- The executive, Congress, iron triangles, and issue networks may influence the federal bureaucracy.
- There are currently 15 executive departments in the executive branch of government.