

**Second Exam
Government 2302**

**The US Presidency &
Bureaucracy
and
The Texas Governor &
Executive Branch**

Reading Assignment

- *The Struggle for Democracy*, Chapter 12, "The President"
- *The Struggle for Democracy*, Article II pp. A6-A7; Amendments 12, 20, 22, 23, and 25 pp. A9-12
- *The Struggle for Democracy*, Democracy, Chapter 13, "The Federal Bureaucracy"
- *Texas Government, Policy & Politics*, Chapter 9, "The Executive Branch"

Method of Selection

1. Direct election?
2. Let Congress select?
3. Let the Governors select?
4. Let the states select?

Electoral College

1. The number of electors per state equals the number of U. S. senators from that state plus the number of members of the U. S. House of Representatives from that state

NOTE: neither senators nor members of the U. S. House can serve as electors

Election of 1800

1. Federalists nominated John Adams and John Pinckney
2. Democratic-Republicans nominated Thomas Jefferson and Aaron Burr
3. Tie between Thomas Jefferson and Aaron Burr
4. It was understood that Jefferson was to be president

It took the House seven days and 36 ballots before Jefferson was finally elected

**Constitutional Basis
for
Structure of
U. S. Government**

Separation of Powers

Article I: Legislative Branch - Congress
Article II: Executive Branch - President
Article III: Judicial Branch - Courts

2. Qualified voters elect the electors from their state to cast that state's electoral vote

- A. Men of prominence, well known; leaders, etc
- B. Independent, vote their own conscience
- C. At first, the names of the electors were on the ballot, not the candidates' names

3. Each elector had 2 electoral votes

The following was changed by the 12th Amendment:

4. The elector cast his 2 undesigned electoral votes for the 2 best qualified individuals for president
5. The person with the most votes would be president, (provided that the # of votes equaled a majority of the # of electors)

**12th Amendment
(Changed Electoral College)**

1. Requires electors to designate one of their two votes as a Presidential vote, and to designate the other vote as a Vice Presidential vote
2. A majority is required to win both offices

3. If no one receives majority of the electoral votes for president, the House of Representatives chooses the president from the top 3 presidential electoral vote recipients
4. The vote in the House is by states; each having 1 vote
5. A majority vote is required to be elected president

The Executive Branch

The U.S. Presidency

Plural vs. Unitary Executive

6. The person with the second highest number of electoral votes would be vice president
7. In case of a tie, the House elected the president from the two who tied
8. The vote in the House was by states; each state having one vote; a majority vote was required to be elected president
9. The loser would be the V. P.

10. If no one received a number of electoral votes equal to a majority of the electors, the House of Representatives elected the president from the five highest electoral vote recipients

6. If no one receives majority of the electoral votes for vice president, the Senate chooses the vice president from the top two vice presidential electoral vote recipients
7. The vote in the Senate is by senators; each having 1 vote
8. A majority vote is required to be elected vice president

13th Amendment (1961)
(Electoral votes for Washington D. C.)

1. Gives Washington D. C. a number of electors equal to the number of Senators and Representatives to which it would be entitled if it were a state, but never more than the least populous state

Selection of Electors

1. States determine the manner of selecting electors
2. Each political party selects a slate of citizens to serve as electors for the state
3. The slate of the party whose candidates win a plurality of the popular vote is elected to cast the electoral vote for that state. Only one slate can be elected in each state.....
WINNER TAKE ALL

Constitutional Qualifications to be President

1. Age: 35
2. U. S. citizen (natural born)
3. Resident of U. S.: 14 years within the U. S.

Disability

1. The President may declare his own disability by notifying, in writing, the President *pro tempore* of the Senate and the Speaker of the House.
2. The Vice President becomes Acting President
3. The President can regain the powers and duties of the office by declaring, in writing, to the President *pro tempore* of the Senate and the Speaker of the House that he is o.k.

4. What if the President will not, or can not declare his disability?
 - A. The Vice President plus a majority of the principle officers of the executive departments, or such other body as Congress may provide, may declare the disability, in writing, to the President *pro tempore* of the Senate and the Speaker of the House
 - B. The V. P. becomes Acting President.

HELP !

1. 15 cabinet departments
2. 60(+ -) executive and independent regulatory agencies, boards, and commissions
3. "With the advice and consent of the Senate", the President appoints: ambassadors, ministers, consuls, all federal judges, members to the cabinet, all heads of the regulatory agencies (plus most of the members), & other senior officials

Term of Office

1. Each term is four years with no limits on the number of terms.
2. George Washington, the first president set the precedent of two terms.
3. This precedent was followed until Franklin Delano Roosevelt was elected to four terms

22nd Amendment (1951)
(Limits Presidential Tenure)

1. Limited to two elected terms
2. Limited to only one elected term if serves more than two years of another president's term

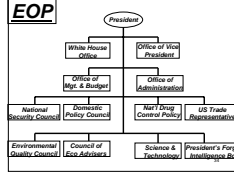
5. What if the President disagrees with the Vice President and the majority of the cabinet?
 - A. Congress must settle the issue by a two-thirds vote in both chambers.
 - B. If Congress can not settle the issue within 21 days, the President resumes the powers and duties of his office.

Rolls or the Presidency

1. Chief of State
2. Chief Executive
3. Commander in Chief
4. Chief Diplomat
5. Chief Legislator
6. Chief of Party
7. Popular Leader

1. 15 cabinet heads
2. 425 sub-cabinet officials & agency heads
3. 165 ambassadors
4. 2,800 aides, assistants, and confidential secretaries

NOTE: Out of approximately 4,000 key appointments, about 1,200 are important policy advisors.



25th Amendment, 1971

1. Succession
 - A. Filling a vacancy
2. Disability
 - B. Inability to exercise the powers and duties of the office

Succession

1. If there is a vacancy in the presidency, "...the Vice president shall become President."
2. If there is a vacancy in the vice presidency, the President shall nominate a V. P. who must be confirmed by a majority vote of both chambers of Congress

Chief of State

1. Ceremonial & Symbolic *head of state*
 - A. Trivial tasks and rituals
 - 1) hosts and toasts dignitaries
 - 2) Custodian of the people's power
 - 3) Symbol of nationhood
 - D. Represents what the US stands for
 - 1) When people of a foreign country "boo" or "cheer" the President, they are "booing" or "cheering" the US

Chief Executive

1. Art. II, sect. 1. "The executive power shall be vested in a President of the United States of America...."
2. Art II, sect. 3, He...shall take care that the laws be faithfully executed..."
3. 2,790,000 civilian employees
4. \$120 billion in civilian salaries

Commander-in-Chief

1. Art II, sect 2. "The President shall be Commander in chief of the Army and Navy of the U. S. and of the militia of the several states when called into actual service of the U. S...."

2. Civilian control of the military
 - A. President normally delegates the the exercise of military operations to the military commanders, he is not required to do so
 - B. George Washington personally led troops into Pennsylvania to put down the Whiskey Rebellion
 - C. President Lincoln often gave instructions to his generals

D. President Roosevelt + Winston Churchill conferred on military strategy during WW II.
 E. President Truman made the decision to drop the atomic bomb to end WW II
 F. President Truman fired General MacArthur for publicly disagreeing about whether or not to cross the Yalu River into Manchuria
 G. *Seven Days in May*

Waging War vs Declaring War
 1. Article I, section 8, specifically gives the Congress the power to declare war.
 2. Article II, section 2 makes the President the commander in chief
 3. War Powers Resolution of 1973
 A. Requires president to:

Administrative Law
 1. Rules and regulations issued by administrative agencies to fill in the details necessary to carry out their responsibilities
 A. Congressional law (1934) which created the FCC and directed the new agency to "...serve the public interest, convenience, and necessity...."

Presidential vs Parliamentary Government

Vice Presidential Roles & Duties
 1. President of the U. S. Senate
 2. Stand-in for the president
 3. Member of the president's cabinet
 4. Member of the National Security Council

The Bureaucracy

1) "consult" with Congress before involving troops in military hostilities in foreign country
 2) notify Congress within 48 hours of committing troops to a foreign intervention
 3) conclude the action within 60 days
 4) Has 30 days to remove troops safely.

Judicial Powers
 1. Art. II, sect 2, The President "shall have power to grant reprieves and pardons for offenses against the U. S., except in cases of impeachment."
 2. Art. II, Sect. 2, The President shall appoint...judges of the Supreme Court and all other officers of the U. S.

Divided Government
 Gridlock?

Inherent Powers
 Powers that are inferred or deduced from the wording in the constitution.
 1. Presidential Cabinet
 2. The power to hire implies the power to fire
 3. War powers

Executive Office of the President (EOP)
 Includes: 1,600 workers with a budget of nearly \$242,000,000
 1. Senior policy advisors and special assistants to the president on a wide range of issues
 2. Office of the Vice President
 7/16/03

5. White House Office (WHO)
 A. 400 employees
 1) 30 million dollars in payroll
 a. Speech writers, personal secretary, etc.
 6. Other offices and councils, for example:
 National Security Council, Office of Management and Budget, Foreign Intelligence,

Chief of Foreign Policy
 1. Art. II, sect. 2. The President "shall have the power, with the advice and consent of the senate, to make treaties, and shall appoint ambassadors, other public Ministers and consuls...."

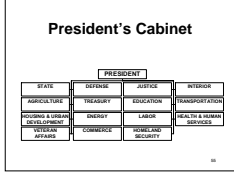
Chief Legislator
 1. State of the Union Address
 2. Veto & line item veto (1996)
 3. Threat of veto
 4. Party Leader
 5. Access to media
 6. Public opinion polls
 7. Should a President lead public opinion, or, should he be led by public opinion?

The Power to Persuade

The Vice President
 1. Constitutional Qualifications: same as the president.
 2. Difference between the original intent when constitution was written and today?
 A. Balance the ticket: geographically, philosophically, etc. to heal the party & WIN.

C. The make-up depends on each President.
 1) Out of these 300 employees, approximately only a dozen are top-ranking positions of policy influence
 Note: TV program, "East Wing"

The Cabinet (15 departments)
 1. State 2. Treasury
 3. Defense 4. Interior
 5. Agriculture 6. Justice
 7. Commerce 8. Transportation
 9. Energy 10. Education
 11. Veterans Affairs 12. Labor
 13. Health and Human Services
 14. Housing and Urban Development
 15. Homeland Security



Independent Regulatory Commissions/Agencies (IRC's)
 1. Headed by a group of commissioners appointed by the president who serve overlapping terms
 2. Created by Congress as a result of effective demand by some segment of society to regulate some part of the economy, protect the public from unsafe products or the environment.
 3. Examples: (FTC, ICC, FPC, FCC, etc.)

Jacksonian Democracy
 1. Not only is the common man capable of voting, but he is capable of holding any office..... even the office of President
 2. Advocated
 a. Minimal qualifications to vote
 b. Election of more offices
 c. Shorter terms of office

Plural Executive
 1. The Texas Constitution states that "...the Executive Department of the State shall consist of a
 a. Governor, who shall be the Chief Executive Officer of the State,
 b. Lieutenant governor,
 c. Attorney General
 d. Comptroller of Public Accounts
 e. Commissioner of the General Land Office, and
 f. Commissioner of Agriculture."

Term of Office, Salary
 1. Four-year term with no limits on the number nor sequence of terms
 2. Salary = \$93,432 per year

Removal From Office
 1. Very similar to the procedure used in the national government
 a. Impeachment requires a simple majority vote in the Texas House of Representatives
 b. The Texas Senate tries the governor on impeachment charges; a 2/3 majority vote is required to convict

Government Corporations
 1. Supposed to be run like a private business, i.e. Charge for their services and be self sufficient.
 A. Post Office
 B. TVA
 C. Panama Canal

The Civil Service
 1. Pendleton Act (1883)
 2. Passed in response to assassination of President John Garfield by disgruntled office seeker.
 3. Replaced patronage spoils system of filling federal jobs by competitive exams.

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Texas Governor
 Rick Perry

Removal From Office, (Cont'd)
 c. The penalty is removal from office and prohibition from ever holding an office of trust or profit for the State of Texas
 d. Only one governor has been tried, convicted and removed from the Office of Governor of Texas....James E. Ferguson
 e. Ferguson was impeached and convicted during a special session convened by the Lt. Governor

Ma and Pa
 1. James E. Ferguson
 a. Populist & anti KKK
 b. Impeachment conviction penalty
 2. Challenged the conviction in Texas Supreme Court
 a. Convicted during a special session
 3. Miriam A. Ferguson
 a. Elected governor 1925-1927 and 1933-1935

Civil Service, (cont'd)
 4. Provides job protection from arbitrary dismissal.
 5. Approximately 2.3 million civilians work of the federal government.
 A. The vast majority come under civil service guidelines.

Second Exam Government 2302
The Texas Executive Branch
 1. Reaction to Reconstruction
 a. Grangers
 b. Retrenchment and reform
 2. Jacksonian democracy

Constitutional Qualifications
 1. Age: 30
 2. Citizenship: U. S.
 3. Residency: Resident of Texas for at least 5 years preceding the election

Unofficial Qualifications
 1. WASP
 2. Male
 a. Only two women governors
 1) Ann Richards
 2) Miriam Ferguson
 3. Democrat or a Republican
 4. Access to money
 5. Name recognition
 6. Prior experience in public office

Governor's Staff
 1. Size of governor's staff has been steadily increasing since the 1960's (80 full and part time staff)
 2. Governor Bush's staff had more than 250 full and part time workers
 3. Growth due mostly to federal grant requirements that a state's governor be involved in the planning and implementation of the grant's activities

Powers and Responsibilities
 1. Legislative powers
 2. Appointive powers
 3. Judicial powers
 4. Financial/Budgetary powers
 5. Law enforcement/Military Powers

Legislative Powers

1. State of the State address
2. Veto
3. Item Veto
4. Special legislative sessions

State of the State Address

1. Required by Texas Constitution at the start of every regular session
2. Similar to the President's state of the union address at the beginning of each session of Congress

Appointive Powers

1. Very weak at executive level
 - a. Plural executive
2. Considerable appointments at board and commission level
3. Fill vacancies in state district and appellate court positions
4. Appoints his own staff
5. Can make almost 4,000 appointments over a 4-year term

Limits on Appointive Powers

1. Plural executive
2. All appointments (except for his own staff) require 2/3 approval of Senate
3. Senatorial courtesy
4. Most boards & commissions have six-year overlapping terms
5. Very limited removal power

Military/Police Powers

1. Commander in Chief of the state's militia ...unless "nationalized" by the President of the United States
2. Can call out the guard to "...protect the domestic tranquility...."

We're Number 49!

1. What does this mean?
2. Why?

Veto

1. Only 1 veto overridden since 1941

Line Item Veto

1. Only on appropriation bills

Limited Removal Powers

1. Can not remove any elected official
2. Can not remove anyone appointed by his/her predecessor
3. Can not even remove his/her own appointees without 2/3 o.k. of Senate

Judicial Powers

1. Clemency
 - a. Can not exercise clemency without recommendation from Texas Board of Pardons and Paroles with one exception
 - b. Reprive - postponement of the implementation of the sentence
 - c. Commutation - reduction of sentence
 - d. Pardon - exemption from punishment

Communication and Persuasion

1. As with almost every official of any government, the effectiveness of the official often boils down to the ability to effectively communicate
 - a. to the public
 - b. to the law/rule making branch
 - c. to his/her own party/political allies
2. The ability to persuade others to support your ideas and policies

Lieutenant Governor
David Dewhurst

1. Elected
2. First in line of succession if the Governor dies, resigns, or is removed from office
3. Become temporary governor when the Governor is out of the state
4. President of the Texas Senate
5. *Ex officio* member of LBB and LRB

Special Legislative Sessions

1. Called only by the governor
2. No more than 30 days each
3. No limit on the number of sessions
4. The governor determines the agenda
5. Often referred to as the "Governor's session"
6. Important as a bargaining tool

Special Session for Impeachment

1. May be called by the Lt. Governor if the Governor is the target of the impeachment proceedings
2. Only used once....James E. Ferguson

Judicial Powers, (cont'd)

2. Fills vacancies in judgeships at the district and appellate court levels
 - a. Unofficial "appointive/elective" system for selecting judges at the district and appellate court levels.
 - 1) Approximately 50% of these judges initially became judges by gubernatorial appointment

Financial/Budgetary Powers

1. Texas Constitution requires Governor to submit a budget to the Texas legislature
2. LBB
3. Line item veto
4. Budget execution
 - a. Can reduce the amount or transfer amounts from one budget to another with the o.k. of the LBB when the legislature is not in session.

Attorney General
Gregg Abbott

1. Serves as the state's lawyer
 - a. Represents Texas in the Courts
 - b. Issues written opinions to state agencies and local governments regarding the constitutionality of their intended actions & policies
 - 1) These opinions are binding until a court rules on the issue
 - c. U. S. Attorney General can not issue opinions on constitutionality

Comptroller of Public Accounts
Carole Keeton Strayhorn

1. Elected
2. Serves as the state's auditor and tax officer
 - a. Audits expenditures of state agencies, boards & commissions
 - b. Must certify that there will be enough revenue to cover expenditures required by appropriation bills before they can be passed by the legislature

Land Commissioner
Jerry Patterson

1. Oversees Texas's Public Lands
 - a. Mineral rights to 20.3 millions acres of public land
 - b. Texas Veteran's Land Program
 - 1) Provides low interest loans for Texas veterans to purchase land

Commissioner of Agriculture
Susan Combs

1. Administers all laws relating to agriculture
 - a. Inspects and regulates a variety of items, for example: seeds, gasoline pumps, meat markets sales, use of pesticides, etc. etc.

Secretary of State,*
Geoff Connor

1. *Originally elected, but an amendment to the Texas Constitution made this position appointed by the Governor
2. Chief election officer for the state
 - a. Compiles and certifies results of all state-wide elections
3. Office serves as depository for reports and records of state agencies including the Great Seal of the State of Texas.

Elected Boards and Commissions

1. Texas Railroad Commission

Texas Railroad Commission

1. 3 members
2. Six-year overlapping terms
3. Unofficial "appointive/elective terms"
4. One of the most powerful state commissions/agencies in the United States.
5. Created in 1891 to regulate the railroads in Texas

Railroad Commission, (cont'd)

6. Regulates price, and production amount of oil and gas produced in Texas at the well head
7. Regulates the drilling, storage and pipeline transmission of oil and gas
8. Regulates commercial vehicle transportation
9. Involved in alternate fuel research
10. Regulations made with regard to protection of the environment