

Chapter 5: The Executive

Introduction

- Intent of the Framers.
- Article II.
- Disputes over executive authority.

The Structure of the Presidency

(1 of 5)

- Uncertainty in creating an executive.
- Establishing weak governorships.
- Position of the founders.

The Structure of the Presidency

(2 of 5)

Selection of the President

- The Electoral College system.
- The role of the State.
- The vote of the elector.
- The declaration of the President.

The Structure of the Presidency

(3 of 5)

Selection of the President

- Qualifications for president.
- Defects in the electoral system.
- Evolution of political parties.
- The Twelfth Amendment.
- Current controversy.

The Structure of the Presidency

(4 of 5)

Removal of the President

- Impeachment: abuse of office.
- Two-stage process.
- Grounds for impeachment.
- Presidents almost removed.

The Structure of the Presidency

(5 of 5)

Tenure and Succession

- The two-term limit.
- Twenty-second Amendment.
- Federal succession law.

Constitutional Authority of the President

(1 of 2)

- Article II Sections 1, 2, and 3.
- General executive powers.
- Military and foreign policy powers.
- Powers related to the legislative branch.
- Powers related to the judicial branch.

Constitutional Authority of the President

(2 of 2)

- Vaguely worded provisions.
- Mere designation of office.
- General grant of power.

The Domestic Powers of the President (1 of 8)

The Faithful Execution of the Laws

- Presidential responsibility; “Take Care Clause.”
- *In re Neagle*.
- *Train v. City of New York*.

The Domestic Powers of the President (2 of 8)

The Faithful Execution of the Laws

- *Myers v. United States.*
- Defense of Marriage Act.
- *Bowsher v. Synar.*

The Domestic Powers of the President (3 of 8)

The Veto Power

- Presentment clause.
- Signing the bill: becomes a law.
- Vetoing the bill: attempt to override.
- Doing nothing: pocket veto.

The Domestic Powers of the President (4 of 8)

The Veto Power

- The controversial issues.
- The Line Item Veto Act.
- *Clinton v. City of New York*.

The Domestic Powers of the President (5 of 8)

The Powers of Appointment and Removal: Principal versus Inferior Officers

- The appointments clause.
- Principal and inferior positions.
- Office of Independent Counsel.
- *Morrison v. Olson*.

The Domestic Powers of the President (6 of 8)

The Power of Removal

- A lingering controversy.
- Tenure of Office Act 1867.
- *Myers v. United States*.
- *Humphrey's Executor v. United States*.
- *Wiener v. United States*.

The Domestic Powers of the President (7 of 8)

Executive Privilege: Protecting Presidential Confidentiality

- For the best interests of the nation.
- Refusal to testify.
- *United States v. Nixon*.

The Domestic Powers of the President (8 of 8)

Immunity: Protection From Lawsuits.

- Presidential immunity.
- Reconstruction Acts.
- *Nixon v. Fitzgerald*.
- *Clinton v. Jones*.

Powers Over Foreign Affairs

(1 of 9)

- Article II
- Chief of army and navy.
- Authority to make treaties.
- Appoint ambassadors and ministers.
- Receive ambassadors and ministers.

Powers Over Foreign Affairs

(2 of 9)

- Supreme Court reads Article II broadly.
- *United States v. Curtiss-Wright Export Corp.*
- Insight on other countries.
- Role of the Congress.
- Relationship between elected branches.

Powers Over Foreign Affairs

(3 of 9)

The Constitutional War Powers

- Allocation of Powers.
- Formal declaration of war.
- Military actions.
- War Powers Resolution.
- Judicial role.

Powers Over Foreign Affairs

(4 of 9)

Civil War Disputes.

- Lincoln's blockade of Southern ports.
- Combatting Confederate supporters.
- Right of habeas corpus.
- *Ex parte Milligan*.

Powers Over Foreign Affairs

(5 of 9)

World War II.

- Denial of basic liberties.
- *Ex parte Quirin*.
- Anti-Japanese hysteria.
- *Korematsu v. United States*.
- *Trump v. Hawaii*.

Powers Over Foreign Affairs

(6 of 9)

The Korean Conflict.

- *Youngstown Sheet & Tube Co. v. Sawyer.*
- Divided Court opinion.
- Jackson's concurrence.

Powers Over Foreign Affairs

(7 of 9)

Foreign Policy in the Middle East

- Applying Jackson's framework
- *Zivotofsky v. Clinton*.
- *Zivotofsky v. Kerry*.

Powers Over Foreign Affairs

(8 of 9)

The War on Terrorism.

- Restriction of rights and liberties.
- *Hamdi v. Rumsfeld*.
- *Rasul v. Bush*.
- *Hamdan v. Rumsfeld*.
- *Boumediene v. Bush*.

Powers Over Foreign Affairs

(9 of 9)

The War on Terrorism.

- The habeas corpus.
- The successors of President Bush.
- Constitutionality of government actions.