

Lesson 36: Most Powerful Political Office

(Less. Time 47:08)

[for Sunday, October 25, 2015]

Reading: *The Making of America*, pages 507-534

(Chapter 21) The Most Powerful Political Office in the World

Pre-lesson questions for homework study and review: [*Supplemental* notes are bracketed]

[287 Constitution Provisions “principles” in text.]

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The Most Powerful Political Office in the World

Madison’s prediction as to size of Executive Department

- ◆ Federal employees much fewer than the states
- ◆ In Washington’s day: 3,000,000 – 350 fed employees
- ◆ [2004] 260,000,000 people – 30,000! [same rate, if @ 0% complexity]
 - Today there are 3,000,000 employees or 100 times the ratio

1. NAME THE SIX AREAS OF RESPONSIBILITY WHICH THE CONSTITUTION GIVES TO THE PRESIDENT. (PAGE 508)

Six Areas of Presidential Responsibility

- ◆ Chief of State [*spokesman*, basically, and little more]
- ◆ Commander-in-Chief
- ◆ CEO of Executive Branch
- ◆ Chief Diplomat
- ◆ Chief architect for needed legislation
- ◆ Conscience of the Nation in granting pardons and reprieves

2. NAME SOME RESPONSIBILITIES GIVEN TO THE PRESIDENT BY CONGRESS WHICH ARE NOT CALLED FOR IN THE CONSTITUTION. (508-9)

Unconstitutional areas (p.508)

- ◆ Maintain full employment ◆ Assure farmers support
- ◆ Housing program for citizens ◆ Welfare programs
- ◆ Atomic Energy Resource Distribution
- ◆ Private Loans and Insurance Underwriting (hundreds of billions)
- ◆ Administering: Medicare & Medicaid; Environmental Protection; Social Security
- ◆ Etc. (See list of 19)
- ◆ No constitutional authority for any of these [would require amendment to change!]

3. IDENTIFY FOUR MAJOR DRAWBACKS OF THE "PROBLEM SOLVING AT THE CENTER" THEORY. (509)

Four problems of additional power

- ◆ Unbelievably expensive [2004 = 1.7 trillion] ◆ Sluggish and inefficient
- ◆ Billions at disposal of president ◆ Impossible for one to do

4. IS EXECUTIVE POWER UNDER THE CONSTITUTION GIVEN TO THE EXECUTIVE BRANCH OR TO THE PRESIDENT? (510-13)

135 - Executive power in one person, the President

- ◆ Some proposed multiple presidency [blame-sifting argumentation likelihood]
- ◆ One has energy ◆ One can be held accountable [can't hide behind a screen]

5. HOW DID THE FOUNDERS ARRIVE AT A FOUR-YEAR TERM FOR THE PRESIDENT? HOW DID THEY FEEL ABOUT PLACING CONSTITUTIONAL LIMITS ON THE NUMBER OF TERMS? (513-18)

136 - Term of office is 4 years ◆ Shorter? ◆ Longer? ◆ Re-Election?

◆ Convention voted for 2-term limit but did not include in Constitution [because Washington refused initially, they thought early formative era needed, so no stipulation]

6. DESCRIBE THE QUALIFICATIONS AND THE TERM OF OFFICE OF THE VICE PRESIDENT. (518-19)

137 - VP serves same term as President (4 Years)

7. ACCORDING TO THE CONSTITUTION, HOW ARE THE PRESIDENT AND THE VICE PRESIDENT TO BE CHOSEN?

138 - ~~Electoral College~~ ◆ How to elect the President? Congress, governors, Senators, voters [problem? Voters would not know personally the man due to 'packaging' him during elections]

WHAT ARE THE ADVANTAGES OF THIS SYSTEM OVER A POPULAR VOTE? (519-26)

- ◆ Electors from each state [single job to find the people who could find suitable one]
- ◆ Same number as Reps + Senators
- ◆ Avoid tumult of elections and political parties
- ◆ Choose best leaders by interview, investigation and elimination
- ◆ Small states have advantage [since a minimum of 3- 2 Senators, 1 Rep]

8. CAN AN OFFICER IN THE FEDERAL GOVERNMENT SERVE AS A PRESIDENTIAL ELECTOR? (526)

139 - No office holder may be elector

9. WHO DECIDES WHEN ELECTORS MEET TO CAST THEIR BALLOTS?

IS IT THE SAME DAY FOR ALL STATES? (527)

140 - Congress to decide when electors will cast votes

10. WHAT ARE THE THREE QUALIFICATIONS REQUIRED OF A PRESIDENT? (528-29)

141 - President must be natural-born

142 - President must be 35

143 - President must be resident at least 14 years

11. WHAT HAPPENS IF THE OFFICE OF PRESIDENT IS VACATED? (529-30)

144 - Vacancy filled by VP

12. WHAT HAPPENS IF THE OFFICES OF BOTH PRESIDENT AND VICE PRESIDENT ARE VACATED? (530)

145 - Vacancy (if both expire) filled by Congress (has chosen: House Speaker, then Protem of Senate then non-electors by seniority- Cabinet members)

13. IS THE PRESIDENT ENTITLED TO COMPENSATION FOR HIS SERVICES? WHEN CAN THE AMOUNT BE CHANGED? (531-34)

146 - President to be paid ◆ At first, \$25,000 [Washington took \$0]

◆ Now \$200,000 ◆ not to change during his term [defeats threats of cutting by members]

14. CAN THE PRESIDENT RECEIVE COMPENSATION FROM ANY OTHER BRANCH OF GOVERNMENT, FEDERAL OR STATE? (534) **147** - No additional emolument from Fed or States

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(Chapter 21) The Most Powerful Political Office in the World

QUIZ - LESSON 36

1. NAME THREE OF THE SIX AREAS OF CONSTITUTIONAL RESPONSIBILITY OF THE PRESIDENT.

2. NAME THREE THINGS CONGRESS HAS ASSIGNED TO THE PRESIDENT TO DO WITHOUT CONSTITUTIONAL AUTHORITY.

3. CONCENTRATING ALL THESE RESPONSIBILITIES IN THE EXECUTIVE DEPARTMENT HAS PRODUCED FOUR MAJOR PROBLEMS. NAME TWO.

4. ALL EXECUTIVE POWER LIES IN _____.

5. THE PRESIDENTIAL TERM IS _____ YEARS.

6. WHO REALLY ELECTS THE PRESIDENT?

7. HOW MANY ELECTORS ARE CHOSEN IN EACH STATE?

8. HOW DOES THIS SYSTEM GIVE MORE WEIGHT TO THE LESS POPULATED STATES? _____

9. WHAT, ORIGINALLY, WAS THE JOB OF ELECTORS OTHER THAN CASTING VOTES?

C_____ S_____ P_____

10. HOW DID THE FOUNDERS' SYSTEM AVOID THE INTRIGUE AND CORRUPTION OF NATIONAL CONVENTIONS?

I_____ I_____ E_____

11. WHY DID THE FOUNDERS REJECT A POPULAR VOTE FOR PRESIDENT?

12. TO BE PRESIDENT, A PERSON MUST HAVE BEEN _____ BORN, BE _____ YEARS OLD,

AND HAVE BEEN A RESIDENT OF THE UNITED STATES AT LEAST _____ YEARS.

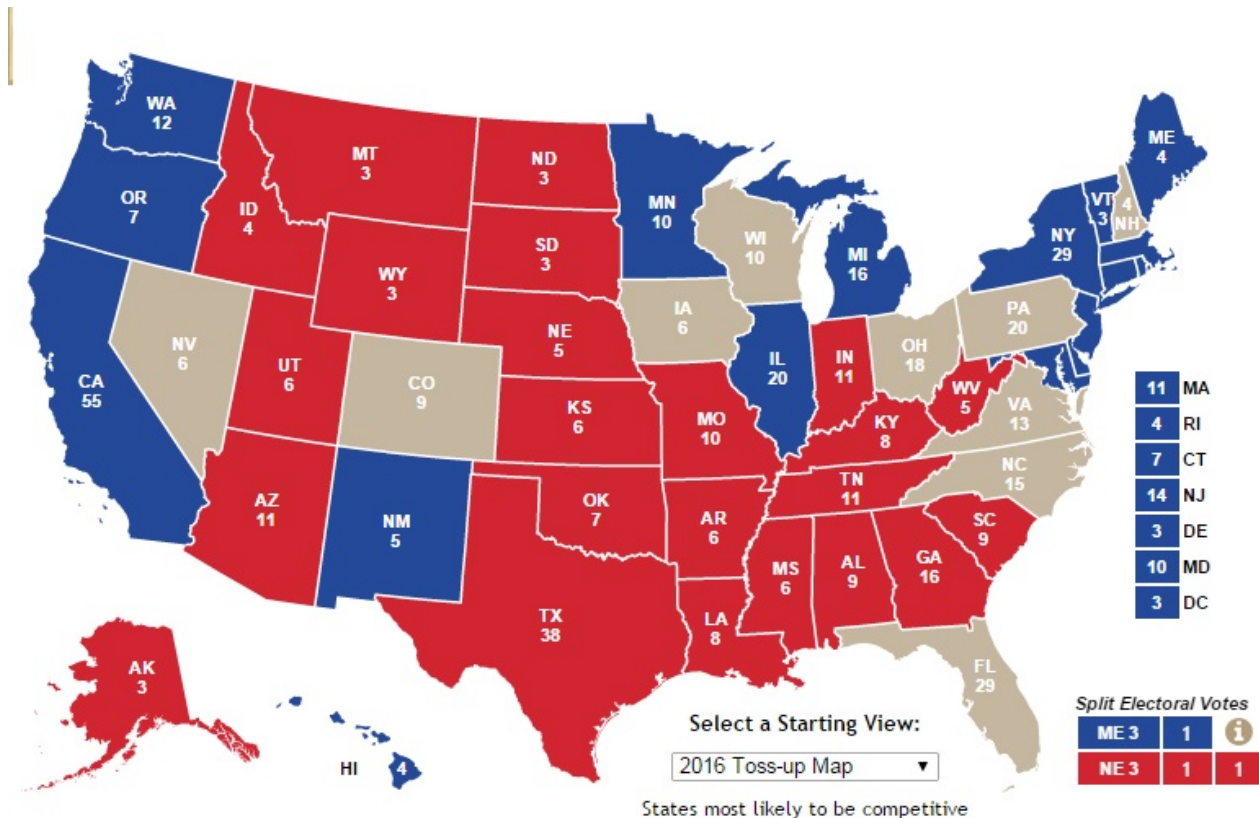
13. WHAT EDUCATIONAL REQUIREMENT IS THERE TO BE PRESIDENT? _____

14. LIST THE THREE OFFICERS IN ORDER OF SUCCESSION TO THE PRESIDENCY IF THE PRESIDENT AND VICE PRESIDENT WERE NOT AVAILABLE.

15. WHAT WAS THE PRESIDENT'S SALARY SET BY CONGRESS IN WASHINGTON'S DAY?

IN OUR DAY? _____

ELECTORAL COLLEGE FOR 2016



ELECTORAL COLLEGE - WHO AND HOW: <http://usgovinfo.about.com/library/weekly/aa120300a.htm>

What are the qualifications to be an Elector?

The U.S. Constitution contains very few provisions relating to the qualifications of Electors. Article II, section 1, clause 2 provides that no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector. As a historical matter, the 14th Amendment provides that State officials who have engaged in insurrection or rebellion against the United States or given aid and comfort to its enemies are disqualified from serving as Electors. This prohibition relates to the post-Civil War era.

Each state's Certificates of Ascertainment confirms the names of its appointed electors. A state's certification of its electors is generally sufficient to establish the qualifications of electors.

Who selects the Electors?

The process for selecting Electors varies throughout the United States. Generally, **the political parties nominate Electors at their State party conventions or by a vote of the party's central committee** in each State. Each candidate will have their own unique slate of potential Electors as a result of this part of the selection process.

Who are the Electors?

Electors are often chosen to recognize service and dedication to their political party. They may be State-elected officials, party leaders, or persons who have a personal or political affiliation with the Presidential candidate.

On Election Day, the voters in each State choose the Electors by casting votes for the presidential candidate of their choice. The Electors' names may or may not appear on the ballot below the name of the candidates running for President, depending on the procedure in each State. The winning candidate in each State-except in Nebraska and Maine, which have proportional distribution of the Electors-is awarded all of the State's Electors. In Nebraska and Maine, the state winner receives two Electors and the winner of each congressional district receives one Elector. This system permits the Electors from Nebraska and Maine to be awarded to more than one candidate.

Are there restrictions on who the Electors can vote for?

There is no Constitutional provision or Federal law that requires Electors to vote according to the results of the popular vote in their States. Some States, however, require Electors to cast their votes according to the popular vote. These pledges fall into two categories-Electors bound by State law and those bound by pledges to political parties.

The U.S. Supreme Court has held that the Constitution does not require that Electors be completely free to act as they choose and therefore, political parties may extract pledges from electors to vote for the parties' nominees. Some State laws provide that so-called "faithless Electors"; **may be subject to fines or may be disqualified** for casting an invalid vote and be replaced by a substitute elector. The Supreme Court has not specifically ruled on the question of whether pledges and penalties for failure to vote as pledged may be enforced under the Constitution. **No Elector has ever been prosecuted for failing to vote as pledged.**

Today, it is rare for Electors to disregard the popular vote by casting their electoral vote for someone other than their party's candidate. Electors generally hold a leadership position in their party or were chosen to recognize years of loyal service to the party. Throughout our history as a nation, more than 99 percent of Electors have voted as pledged.

List of **State Laws and Requirements** Regarding the Electors as of November 2000

Source: Congressional Research Service

The Office of the Federal Register presents this material for informational purposes only, in response to numerous public inquiries. The list has no legal significance. It is based on information compiled by the Congressional Research Service. For more comprehensive information, refer to the U.S. Constitution and applicable Federal laws.

Legal Requirements or Pledges

Electors in these States are bound by State Law or by pledges to cast their vote for a specific candidate:

ALABAMA - Party Pledge / State Law - § 17-19-2

ALASKA - Party Pledge / State Law - § 15.30.040; 15.30.070

CALIFORNIA - State Law - § 6906

COLORADO - State Law - § 1-4-304

CONNECTICUT - State Law - § 9-175

DISTRICT OF COLUMBIA - DC Pledge / DC Law - § 1-1312(g)

FLORIDA - Party Pledge / State Law - § 103.021(1)

HAWAII - State Law - §§ 14-26 to 14-28

MAINE - State Law - § 805

MARYLAND - State Law - § 20-4

MASSACHUSETTS - Party Pledge / State Law - Ch. 53, § 8, Supp.

MICHIGAN - State Law - §168.47 (Violation cancels vote and Elector is replaced.)

MISSISSIPPI - Party Pledge / State Law - §23-15-785(3)

MONTANA - State Law - § 13-25-104

NEBRASKA - State Law - § 32-714

NEVADA - State Law - § 298.050

NEW MEXICO - State Law - § 1-15-5 to 1-15-9 (Violation is a fourth degree felony.)

NORTH CAROLINA - State Law - § 163-212 (Violation cancels vote; elector is replaced and is subject to \$500 fine.)

OHIO - State Law - § 3505.40

OKLAHOMA - State Pledge / State Law - 26, §§ 10-102; 10-109 (Violation of oath is a misdemeanor, carrying a fine of up to \$1000.)

OREGON - State Pledge / State Law - § 248.355

SOUTH CAROLINA - State Pledge / State Law - § 7-19-80 (Replacement and criminal sanctions for violation.)

VERMONT - State Law - title 17, § 2732

* VIRGINIA - State Law - § 24.1-162 (Virginia statute may be advisory - "Shall be expected" to vote for nominees.)

WASHINGTON - Party Pledge / State Law - §§ 29.71.020, 29.71.040, Supp. (\$1000 fine.)

WISCONSIN - State Law - § 7.75

WYOMING - State Law - §§ 22-19-106; 22-19-108

No Legal Requirement Electors in these States are not bound by State Law to cast their vote for a specific candidate:

| | | | |
|----------|-----------|---------------|---------------|
| ARIZONA | INDIANA | MISSOURI | RHODE ISLAND |
| ARKANSAS | IOWA | NEW HAMPSHIRE | SOUTH DAKOTA |
| DELAWARE | KANSAS | NEW JERSEY | TENNESSEE |
| GEORGIA | KENTUCKY | NEW YORK | TEXAS |
| IDAHO | LOUISIANA | NORTH DAKOTA | UTAH |
| ILLINOIS | MINNESOTA | PENNSYLVANIA | WEST VIRGINIA |