

Lesson 37: Powers & Responsibilities of the President (Less. Time 42:05)
[for Sunday, November 8, 2015] Reading: *The Making of America*, pages 537-567

(Chapter 22) The Powers and Duties of the President

Pre-lesson questions for homework study and review: [*Supplemental* notes are bracketed]
[287 Constitution Provisions “principles” in text.]

1. CAN YOU RECITE THE OATH OF OFFICE WHICH THE PRESIDENT IS REQUIRED TO TAKE? (PAGE 538) **Provision – 148** Must take an oath.

o to preserve, protect, and defend the Constitution of the US

2. WHAT ADDITION DID GEORGE WASHINGTON MAKE TO THE OATH? (538)

o Washington added “so help me God” [incorporated 1862 (civil war era)]

3. DESCRIBE THOMAS JEFFERSON'S INAUGURATION.

o Inaugural ceremonies [March, 1801]

UNDER WHAT DIFFERENT CIRCUMSTANCES HAS THE PRESIDENTIAL OATH BEEN ADMINISTERED? (538-39)

[any location/by any officer prescribed to admin oaths, Hayes - twice, Sunday(White House), and Monday(Capitol),Truman(White House); Johnson(Air Force One/ Plane)]

4. THE PRESIDENT'S OATH OF OFFICE BINDS HIM TO BE A FAITHFUL EXECUTIVE.

o Must carry out the law even if he disagrees

WHAT STRESSES HAS THIS CAUSED BETWEEN THE EXECUTIVE AND LEGISLATIVE BRANCHES OF THE GOVERNMENT? (539)

[When an opposite political party holding both houses does not support a different party of the president]

5. DISCUSS THE POWERS OF THE PRESIDENT DURING WARTIME. (539-40)

Provision – 149 Commander-in-Chief of military

o May lead into battle!

o War Powers many during war

6. DOES THE PRESIDENT HAVE CONSTITUTIONAL AUTHORITY TO FORM A CABINET? Yes IS HE BOUND TO TAKE THEIR ADVICE? No HOW MANY DEPARTMENTS ARE THERE IN THE CABINET TODAY? 13 (541-43)

Provision – 150 Require report from Principal officers

o authority for cabinet

o not compelled to take advice

7. BESIDES BEING THE PRESIDENT'S HOME AND OFFICE, WHAT OTHER FUNCTIONS DOES THE WHITE HOUSE SERVE? (543)

[The highest concentration of political power in the history of the world: W. H. Office; Nat'l Sec Council; Off. Policy Development; Off Mgt & Budget; Off Env Quality (not EPA but associates with it; U.S. Trade Repres; Intel Ovrsite Brd; Off Admin]

8. DESCRIBE THE PRESIDENT'S POWER TO GRANT REPRIEVES AND PARDONS.

Provision – 151 Pardons and Reprieves

- o pardon – suspension of sentence

UNDER WHAT CIRCUMSTANCES HAS THIS POWER BEEN EXERCISED? (544-46)

- mercy appeases demands of justice

- o reprieve – delay of sentence

- o group pardons = amnesty

9. WHAT RESTRICTIONS DOES THE CONSTITUTION IMPOSE ON THE PRESIDENT'S POWER TO PARDON? (546-47)

Provision – 152 May not pardon impeachment

10. DESCRIBE THE PRESIDENT'S POWER TO MAKE TREATIES. HOW IS THIS POWER RESTRICTED? (548-53)

Provision – 153 Make treaties with approval of 2/3 of Senate [must also originate there]

- o League of Nations – rejected [Woodrow Wilson never recovered from this defeat]

- o United Nations – approved

- sold to Senate by Alger Hiss, a Communist agent

- only 2 Senators read the treaty [who later rejected; but was rushed through to pass it and still in effect today]

- o Panama Canal Treaty [DeConcini resolution -with reservation taken out in Spanish translation]

- gave away territory unconstitutionally [was granted in perpetuity]

11. WHAT IS THE CONSTITUTIONAL PROCEDURE FOR FILLING MAJOR APPOINTIVE POSITIONS IN THE NATIONAL GOVERNMENT?

Provision – 154 Nominate officers with approval of the Senate

- o Ambassadors, judges, cabinet, etc.

- o needs advise and consent of senate (majority vote)

WHAT ADVANTAGE DID THE FOUNDERS SEE IN GIVING THE PRESIDENT POWER TO CHOOSE HIS OWN OFFICERS? (553-57)

[the complexities of foreign negotiations, over-spreading of shame in wrong appmts, etc.]

12. HOW ARE PERSONS APPOINTED TO FILL FEDERAL OFFICES ON LOWER LEVELS? (557)

Provision – 155 May delegate authority to appoint inferior officers

- o not need Senate consent

13. UNDER WHAT CONDITIONS CAN THE PRESIDENT FILL VACANCIES WHILE THE SENATE IS IN RECESS? (558)

Provision – 156 May fill vacancies temporarily

- o Must be approved by Senate by end of next session

14. DOES THE CONSTITUTION REQUIRE THE PRESIDENT TO GIVE CONGRESS REPORTS ON THE STATE OF THE UNION?

Provision – 157 Gives State of the Union report

- o Washington and Adams in person

- o Jefferson – [continued until] 1913 in writing

- o Wilson – gave in person

WHAT KINDS OF THINGS SHOULD SUCH REPORTS INCLUDE? (559)

[His Military behaviors, other requests of specific info for either/both Houses]

15. WHAT ARE THE PRESIDENT'S DUTIES REGARDING SPECIAL SESSIONS OF CONGRESS AND THE ADJOURNMENT OF CONGRESS? (560-61)

Provision – 158 Recommend legislation

Provision – 159 May call special session of Congress [in or out of regular sessions, either one]

Provision – 160 May designate adjournment of Congress

16. WHO HAS THE CONSTITUTIONAL AUTHORITY TO DECIDE WHETHER THE UNITED STATES WILL ESTABLISH OR MAINTAIN DIPLOMATIC RELATIONS WITH A FOREIGN COUNTRY?

Provision – 161 Receive ambassadors

GIVE SOME EXAMPLES. (561-62)

- o Returning passport to diplomat means he must leave

17. HOW DOES THE PRESIDENT EXECUTE THE LAWS OF THE UNITED STATES? (562)

Provision – 162 Faithfully execute federal laws

[Can mean the use of military force to enforce federal laws not being obeyed in states.]

18. WHO COMMISSIONS ALL U.S. MILITARY OFFICERS? (562)

Provision – 163 Commission all military officers of the United States

19. WHO MAY BE IMPEACHED, AND FOR WHAT OFFENSES?

Provision – 164 Subject to impeachment

- o Treason, bribery, other high crimes or misdemeanors

- o For serious misconduct

WHAT IS IMPEACHMENT DESIGNED TO PROTECT AGAINST?

- o Not limited to breaking a law (quote p. 565)

HOW WERE GOVERNMENT OFFICIALS REMOVED BEFORE THE DEVELOPMENT OF THE IMPEACHMENT PROCESS?

[Assassination]

CAN YOU IDENTIFY SOME WEAKNESSES IN THIS PROCESS? (563-67)

[Congress and the Supreme Court have migrated to a point where they have encouraged over-authorizing power in the President's Office]

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QUIZ - LESSON 37

1. BEFORE HE CAN ASSUME HIS DUTIES, THE PRESIDENT MUST TAKE AN _____ .

WHAT DOES HE PROMISE TO DO WITH RESPECT TO THE CONSTITUTION?

2. WHAT PHRASE DID WASHINGTON ADD ON HIS OWN BUT WHICH WAS LATER ADDED OFFICIALLY BY AN ACT OF CONGRESS?

3. CAN A PRESIDENT REFUSE TO CARRY OUT A LAW WITH WHICH HE DISAGREES? _____

4. WHAT PHRASE IN THE CONSTITUTION JUSTIFIES THE EXISTENCE OF THE PRESIDENT'S "CABINET" ?

5. WHAT IS A PARDON?

6. WHAT IS A REPRIEVE?

7. WHAT RESTRICTION IS THERE IN THE CONSTITUTION ON THE PRESIDENT'S POWER TO GRANT PARDONS?

8. ANY AGREEMENT THE PRESIDENT MAKES WITH A FOREIGN POWER WILL BE

A _____ WHICH MUST BE APPROVED BY A _____ (GIVE FRACTION) VOTE OF THE SENATE.

9. NAME A TREATY THE SENATE REJECTED.

10. NAME A TREATY WHICH WAS SHEPHERDED THROUGH THE WRITING PROCESS AND THE RATIFICATION PROCESS IN THE SENATE BY A COMMUNIST AGENT.

11. NAME THE TREATY THAT GAVE AWAY A \$20 BILLION ASSET OF THE U.S. WITHOUT THE APPROVAL OF THE HOUSE OF REPRESENTATIVES WHICH THE CONSTITUTION REQUIRES.

12. BESIDES THE PRESIDENT NOMINATING THEM, WHAT ELSE IS REQUIRED FOR PERSONS TO SERVE AS A CABINET OFFICER OR SUPREME COURT JUSTICE?

13. WHAT REPORT IS THE PRESIDENT REQUIRED TO GIVE TO CONGRESS?

14. WHEN MAY THE PRESIDENT DESIGNATE TIME OF ADJOURNMENT OF CONGRESS?

15. WHAT DOES IT MEAN WHEN THE PRESIDENT GIVES A FOREIGN AMBASSADOR HIS PASSPORT?

16. HOW IS AN EXECUTIVE OFFICER REMOVED FOR SERIOUS MISBEHAVIOR IN OFFICE?
