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President Johnson used experience and his physical stature to dominate and challenge opposition. A Democrat from Texas, he also served as a United States Representative and as the Majority Leader in the United States Senate. Johnson is one of only four people who have served in all four federal elected positions.

Central to Johnson's control was "The Treatment", described by two journalists:

“The Treatment could last ten minutes or four hours. It came, enveloping its target, at the Johnson Ranch swimming pool, in one of Johnson's offices, in the Senate cloakroom, on the floor of the Senate itself— wherever Johnson might find a fellow Senator within his reach.

Its tone could be supplication, accusation, cajolery, exuberance, scorn, tears, complaint, and the hint of threat. He moved in close, his face a scant millimeter from his target, his eyes widening and narrowing, his eyebrows rising and falling. From his pockets poured clippings, memos, statistics. Mimicry, humor, and the genius of analogy made The Treatment an almost hypnotic experience and rendered the target stunned and helpless.”

“LBJ” American Experience.



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Study Guide Questions

What are the Constitutional Powers of the President? **Pages 197-202**

How does the President work with Congress to select members of the Supreme Court and leaders of the Executive Bureaucracy? **Page 197**

How can the President side-step Congress in making agreements with foreign countries? How is this different than a treaty? **Page 198**

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The Constitutional Powers of the President

- The Appointment Power
- The Power to Convene Congress
- The Power to Make Treaties
- The Veto Power
- The Power to Preside over the Military as Commander in Chief
- The Pardoning Power


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As we will learn in this section, the Framers gave the president a variety of specific constitutional powers in Article II, including the powers to appoint, to convene Congress, and to make treaties. The Constitution also gives the president the capacity to grant pardons and to veto acts of Congress. In addition, the president derives considerable power from being commander in chief of the military.

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How does the President work with Congress to select members of the Supreme Court and leaders of the Executive Bureaucracy?

- Ambassadors
- Judges
- Cabinet



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Article II of the Constitution gives the president authority to appoint a variety of federal officials, subject to confirmation by the Senate. He appoints all U.S. ambassadors, federal judges, including the justices of the Supreme Court, agency heads, and other officials that oversee the federal bureaucracy. Some of these officials, such as federal judges, will serve well beyond the end of the president's term, giving him a lasting influence in shaping the direction of the federal government.

All presidents since Washington have also chosen a Cabinet, a select group



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of officials that advise them in important policy areas. As the size and scope of the federal government has grown, so has the size and specialization of the Cabinet.

In making appointments, presidents look primarily for ideological loyalty. If the Senate is dominated by the opposing political party, it can be difficult for a president to get his nominees confirmed.

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What are the Constitutional Powers of the President?

- Used on extraordinary occasions
 - e.g., Treaty ratification
- State of the Union



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The Constitution gives the president the right to convene either house of Congress when it is not in session. For example, if a president were negotiating a treaty with another country and needed the Senate to ratify it. This does not usually come up in modern times, and Congress is in session more often than in the early days of the republic, but the power remains.

The president is also obligated to inform Congress annually of the state of the union, a duty he performs in the form of a speech called the State of the Union Address. Since this address is now televised, the modern president is speaking as much to the public as to Congress.



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How can the President side-step Congress in making agreements with foreign countries?
How is this different than a treaty?

- ▣ Senate approval
- ▣ Fast track trade agreements
- ▣ Executive agreements
- ▣ Receive ambassadors



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The president has the power to make treaties with foreign nations but they must then be ratified by a two-thirds vote of the Senate. The Senate has ratified about 90% of the treaties it has voted on so far but it sometimes requires significant changes to them. When a trade agreement, which calls for approval by both houses of Congress, is at issue, the president can stipulate that it receive a so-called "fast track" procedure, where it must be unaltered and voted on within ninety days.

Presidents can get around the "advice and consent" of the Senate requirement for treaties by instead signing executive agreements with foreign nations. These do not require Congressional approval, which makes them a popular option with presidents.

The president is also empowered to receive foreign ambassadors. This is important because it gives him the authority to recognize governing authority or deny it official recognition if he considers a country's government illegitimate.

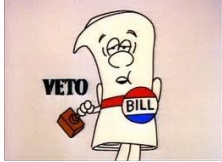


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Slide 7

What are the Constitutional Powers of the President?

- ▣ Veto
- ▣ Line-item veto dreams



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Veto power gives the president authority to reject legislation passed by Congress. Often the threat of a veto will persuade Congress to alter legislation before it crosses the president's desk. The president's veto is only a qualified negative because it can be overruled by a two-thirds vote in both houses of Congress.

Presidents have long sought a line-item veto, which would allow them to strike out individual provisions of a bill without vetoing the whole thing. In 1996, Congress gave President Clinton this power but the Supreme Court ruled it unconstitutional.

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TABLE 7.3 How many Presidential vetoes have there been?

TABLE 7.3 HOW MANY PRESIDENTIAL VETOS HAVE THERE BEEN?

President	Regular Vetoes	Pocket Vetoes	Total Vetoes	Times Overridden
Washington	2	—	2	—
Adams	—	—	—	—
Jefferson	4	—	4	—
Madison	—	—	—	—
Monroe	—	—	—	—
John Adams	—	—	—	—
James Madison	—	—	—	—
James Monroe	—	—	—	—
John Quincy Adams	—	—	—	—
Andrew Jackson	—	—	—	—
Martin Van Buren	—	—	—	—
William Henry Harrison	—	—	—	—
John Tyler	—	—	—	—
James K. Polk	—	—	—	—
Zachary Taylor	—	—	—	—
Millard Fillmore	—	—	—	—
Franklin Pierce	—	—	—	—
Abraham Lincoln	—	—	—	—
Andrew Johnson	—	—	—	—
Ulysses S. Grant	—	—	—	—
Rutherford B. Hayes	—	—	—	—
James A. Garfield	—	—	—	—
Chester A. Arthur	—	—	—	—
Grover Cleveland	—	—	—	—
Benjamin Harrison	—	—	—	—
William McKinley	—	—	—	—
Theodore Roosevelt	—	—	—	—
Woodrow Wilson	—	—	—	—
Warren G. Harding	—	—	—	—
Calvin Coolidge	—	—	—	—
Herbert Hoover	—	—	—	—
Franklin D. Roosevelt	—	—	—	—
Dwight D. Eisenhower	—	—	—	—
John F. Kennedy	—	—	—	—
Lyndon B. Johnson	—	—	—	—
Richard M. Nixon	—	—	—	—
Gerald R. Ford	—	—	—	—
Jimmy Carter	—	—	—	—
Ronald Reagan	—	—	—	—
George H. W. Bush	—	—	—	—
Bill Clinton	—	—	—	—
George W. Bush	—	—	—	—
Barack Obama	—	—	—	—
Donald Trump	—	—	—	—

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As you can see from this table, presidents vary widely in their exercise of veto power, and rarely does Congress override a presidential veto. Sometimes presidents do not have to veto a bill because the threat of a veto is enough to get the policy amended before it reaches the president's desk.

Source: *Clerk of the House*, http://artandhistory.house.gov/house_history/vetoes.aspx.



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TABLE 7.3 How many Presidential vetoes have there been?

TABLE 7.3 HOW MANY PRESIDENTIAL VETES HAVE THERE BEEN?

President	Regular Vetoes	Pocket Vetoes	Total Vetoes	Vetoes Overridden
Washington	0	0	0	0
John Adams	2	0	2	0
Thomas Jefferson	12	0	12	0
James Madison	1	0	1	0
James Monroe	1	0	1	0
John Quincy Adams	1	0	1	0
Andrew Jackson	12	0	12	0
Martin Van Buren	1	0	1	0
William Henry Harrison	1	0	1	0
John Tyler	1	0	1	0
James K. Polk	1	0	1	0
Zachary Taylor	1	0	1	0
Millard Fillmore	1	0	1	0
Franklin Pierce	1	0	1	0
Abraham Lincoln	1	0	1	0
Andrew Johnson	1	1	2	0
Ulysses S. Grant	1	0	1	0
Rutherford B. Hayes	1	0	1	0
James A. Garfield	1	0	1	0
Chester A. Arthur	1	0	1	0
William McKinley	1	0	1	0
Theodore Roosevelt	1	0	1	0
Woodrow Wilson	1	0	1	0
Warren G. Harding	1	0	1	0
Calvin Coolidge	1	0	1	0
Herbert Hoover	1	0	1	0
Franklin D. Roosevelt	1	0	1	0
Dwight D. Eisenhower	1	0	1	0
John F. Kennedy	1	0	1	0
Lyndon B. Johnson	1	0	1	0
Richard M. Nixon	1	0	1	0
Gerald R. Ford	1	0	1	0
Jerry F. Bush	1	0	1	0
George W. Bush	1	0	1	0
Barack Obama	1	0	1	0
Mi	1	0	1	0
Donald Trump	1	0	1	0
Total	4,000	1,000	5,000	100

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Overall the number of vetoes far exceeds the number of vetoes overridden.

Source: *Clerk of the House*, <http://artandhistory.house.gov/history/vetoes.aspx>.

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What are the Constitutional Powers of the President?

- Most important executive power
- War Powers Resolution (1973)
 - Controversy over Vietnam War
 - Presidents must now seek prior approval to use force.



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Many people consider the president's power as commander in chief of the armed forces to be one of the most important executive powers. While the Constitution gives Congress the power to declare war, the president can deploy troops without a formal declaration of war from Congress, as Johnson did during the Vietnam War.

When it was revealed that the Johnson and Nixon administrations had misled the public about the progress of the war, Congress passed the War Power Resolution of 1973, which required the president to seek prior Congressional approval before committing troops abroad. So strong was anti-executive sentiment at that time that Congress overrode Nixon's veto. Subsequent presidents have insisted that the law is unconstitutional, but they have not yet dared to test it in court.




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What are the Constitutional Powers of the President?

- ❑ Check on judicial branch
- ❑ Can be issued before or after conviction
- ❑ Cannot be used for impeachment
- ❑ Ford pardons Nixon



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We have talked about the checks and balances between the executive and legislative branches. The president also has a check on the judicial branch in the form of the presidential pardon. This reprieve can be issued before or after conviction, and releases the individual from punishment or trial, and restores all privileges of citizenship.

The president can issue a pardon for any federal offense except impeachment. Pardons can be individual, such as President Ford's infamous pardon of Richard Nixon, or they can be general amnesties, such as President Carter's unconditional amnesty to men who had fled to avoid being drafted for the Vietnam War.

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Exit Question 7

What are the three most important powers of a president? Why? Explain your answers with details and examples.



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