Overview of the Presidency
I. Official Qualifications

A. Natural-born citizen.
B. At least 35 years of age.
C. Residency for at least last 14 years.

II. Term of Office

A. Four years.
B. Maximum of two elected terms.
1. Washington’s precedent was institutionalized by 22nd.
2. Passage of 22nd Amendment of due to Republican Congress’ concern over future FDR’s.
• If V.P. serves less than half of a President’s term, it does not count as a term served (Possible to serve almost 10 years).

• III. Compensation

• A. Set by Congress. Cannot be raised or lowered during the President’s term of office for fear of Congress using undue influence.
• B. Salary was raised in 2001 for first time since 1969 from $200,000 to $400,000.
• C. Numerous “perks”
• D. Opportunity to make real money after leaving office: Speaking fees, writing memoirs, serving on corporate board of directors.
• IV. Succession

• A. V.P. takes over due to death, resignation, impeachment and removal.

• B. Nominates and Congress confirms a new V.P.

• If V.P. dies before inauguration, line of succession is as follows: Speaker, Senate President Pro Temp., Secretary of State, Sec. of Treasury, Sec. of Defense, and then the other Cabinet secretaries in the order of the creation of their offices.

• C. If President is disabled, 25th Amendment applies

• 1. Pres informs Congress of disability and V.P. becomes Acting President.

• 2. If Pres is unable to inform Congress, the V.P. and a majority of Cabinet secretaries can go to the Congress and receive approval for the V.P. to become Acting Pres.

• 3. In either case, the President regains powers by informing the Congress of his intent to return. In case of a dispute, Congress has the power to decide who shall be President. (Know the 25th).
Evolution of the Presidency

• I. Deliberations at the Constitutional Convention
• A. Alternatives:
• 1. Some proposed a plural executive.
• 2. Some wanted an executive council to have veto power over presidential actions.
• Some wanted a President with a life term.
• Eventually, compromises brought about a single, elected President with a fixed term of office.
B. Concerns of the Founders:
1. Fear of an excessively strong President ("fetus of monarchy") – concern over no term limits.
2. Fear of an excessively weak President who would become a "tool of the Senate" because of its ratification and confirmation powers.
3. Problem summarized: "Make him too weak: the legislature will usurp his powers. Make him too strong: he will usurp the legislature."
– Governor Morris
C. Election of the President
1. Some wanted Congress to elect the President.
2. Some wanted a direct election.
Problems:
- A. Inordinate weight to large states.
- B. Illiteracy was common.
- C. Communication was poor.

3. Compromise: the Electoral College
- A. People had some input.
- B. Large states had lots of input, but 3 votes minimum per state.
• D. Term of office: Fears of unlimited terms were quieted when Washington chose not to run for a third term. This precedent was followed until 1940.

• II. The First Presidents 1789-1825 (Washington, Adams, Jefferson, Madison, and Monroe)
  • A. All were extremely active in the movement for independence. All but Adams served 2 terms and all but Adams were Virginians.
  • B. Though Washington warned against it, political parties developed.
  • C. Presidency was kept modest. It was assumed that Congress would take the leading role in the new national government.
• III. Andrew Jackson – Expansion of presidential power (1829-1837)
  • A. Use of spoils system (giving government jobs to supporters for help getting elected).
  • B. Vetoed 12 acts of Congress, more than all predecessors combined.
  • C. Ignored S.C. order regarding Indian removal.

• IV. Reemergence of Congress – (1837-1932)
  • A. After Jackson, Congress took over. No President served more than one term for next 8 terms.
  • C. Except for T. Roosevelt and W. Wilson, presidency was seen as a negative force (opposition to Congress).
D. Today, we are used to thinking that the President initiates legislative programs and Congress responds; until the 1930’s though, the opposite was usually the case.

E. In past, required strong personality or crisis for President to become central figure of government.

V. Emergence of the Presidency

A. Great Depression led to increased Pres power.

B. WWII, foreign policy crisis = more power.

C. Cold War = more power.

D. 1970’s Congress tried to reassert itself (short-term) – Reagan restored power and prestige.

E. Today, War on Terror is example of Congress giving more powers to the President.