The Imperial Presidency I & II
AP Government and Politics
What does imperial presidency mean?

• Arthur Schlesinger wrote *The Imperial Presidency* in 1973
• What President do you think it was written about?
• Belief that prez power had grown excessive
• Is there any defense to this?
• Economic growth necessitated a strong executive branch
• Congress delegated strong powers to the President! (ex. Foreign policy)
Where have there been areas of abuse?

- War Powers:
- Congress has the power to declare it
- The President is Commander In Chief!
- Our Presidents have sent in troops w/o declaring war more than 125 times!
- Mostly after 1945
- Congress has generally gone along w/him
- One reason: decl. war would give him emergency powers!
How have executive agreements been abused?

Bush and Latin American leaders meeting on foreign trade.
Executive Agreements

• These do not require Senate ratification
• There are deals between the Prez. & heads of other nations
• Since WWII these have greatly outnumbered treaties!
• Why might this irritate Congress?
• Ironically, treaties are often forged on trivial matters
• Executive agreements are of great importance! (but die after Prez leaves)
What’s the problem with executive privilege?
Executive Privilege

- **Def:** the right of the president to not divulge conversations between self and advisors
- **Shouldn’t they have this right?**
- **Defense:** if not, advisors would be hesitant to be straightforward to Prez
- **Critics:** Presidents have abused it by claiming to protect “national security”
- **US v. Nixon (1974):** President is entitled, but not in criminal cases
Impoundment

• Def: the refusal to spend money that has been appropriated by Congress

• Why would the Prez do this and is it right?

• Main reason- no longer able to use line-item veto

• He will use to withhold funds from certain types of bills

• Nixon did it for policy objectives

• Congress furious! Constitutional?
The use of the veto

- The mere threat of a veto can influence changes in legislation
- Difficulty of overriding veto gives Prez. a great advantage (2/3 vote)
- 93% + vetoes are sustained!

As you may know, President Bush has said he will veto a bill to expand federal funding for embryonic stem cell research. Do you think Bush should – or should not – veto this bill?

- Yes, should: 31%
- No, should not: 64%
- No opinion: 5%

Source: Gallup
Which presidents would you consider “imperial”?

<table>
<thead>
<tr>
<th>President</th>
<th>Years in Office</th>
<th>Number of Vetoes</th>
<th>Number of Vetoes Overridden by Congress</th>
</tr>
</thead>
<tbody>
<tr>
<td>Franklin Roosevelt</td>
<td>1933–1945</td>
<td>635</td>
<td>9</td>
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<tr>
<td>Harry Truman</td>
<td>1945–1952</td>
<td>250</td>
<td>12</td>
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<td>Dwight Eisenhower</td>
<td>1953–1960</td>
<td>181</td>
<td>2</td>
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<tr>
<td>John Kennedy</td>
<td>1961–1963</td>
<td>21</td>
<td>0</td>
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<tr>
<td>Lyndon Johnson</td>
<td>1963–1968</td>
<td>30</td>
<td>0</td>
</tr>
<tr>
<td>George Bush</td>
<td>1989–1992</td>
<td>46</td>
<td>1</td>
</tr>
<tr>
<td>Bill Clinton</td>
<td>1993–</td>
<td>20</td>
<td>2</td>
</tr>
</tbody>
</table>

Source: Congressional Quarterly Weekly Report, January 7, 1989. Bush figures were provided by the White House Office of Legislative Affairs; Clinton figures were provided by White House Office and cover through March 1998.
Is 635 vetoes really justifiable?
End of Part One...
What events caused Congress to reassert its authority?

1. The Vietnam War
2. The Watergate Scandal
3. The Resignation of Nixon
The War Powers Act of 1973

- The Prez. can send in troops, but only under these circumstances:
  - Notifies Congress within 48 hrs.
  - Must withdraw troops after 60 days
  - Must consult with Congress
  - Congress may pass resolution to withdraw
- What criticisms might exist?
- Unconstitutional? Ties the hands of the Prez? Enemy can just wait it out!
The National Emergencies Act of 1976

- The President must inform Congress in advance to using emergency powers
- State of emergency ends after six months
- Can declare another six, subject to review
- (rarely used)
How did Congress feel about the CIA?

- Past CIA abuses
- Investigations of abuses in 1970’s
- 1974 Congressional oversight Committees created
- Foreign Intelligence Surveillance Act (1978)
- Est. FISA court to authorize electronic surveillance (wiretapping)
How did Congress combat impoundment?

• The passage of the **Budget and Impoundment Control Act of 1974**
• Prez impounds funds temporarily -> either house can **override**
• Prez impounds funds permanently -> act is automatically **voided**
• **CBO** (Congressional Budget Office) est. as check on OMB
• **Budget committees** formed
Other ways of combating Prez power:

• Confirmation of appointees:
• Senatorial courtesy, “borked”, delays and holds
• The Legislative Veto:
• Was a way of forcing the bureaucracy to conform to congressional intent
• 1983 declared unconstitutional by the SC
• Oddly, can still work if not challenged?
• Foreign Affairs:
• Appropriations power to influence foreign policy
• Congress cut off aid to S. Vietnam, Angola, the Contras