

23. Power of the President (1789)

Marcus is at home watching the news and is starting to get really frustrated. It seems like nothing is going right and he starts looking for someone to blame.

Marcus: *(aloud to himself)* This country is a mess! The President is a failure. Throw him out!

All of a sudden, James Madison appears in front of the television.

James Madison: Hey, easy there young man. Let's talk this out. What's wrong?

Marcus: Everything! Taxes are too high! All of these other countries are building nuclear weapons! The guy on the news just said that the federal courts don't have enough judges! I could go on and on! *[pauses]* Wait, who are you? Where did you come from? Why are you wearing a powdered wig?

James Madison: I'm James Madison! I was the fourth President of the United States. I'm part of the President's Time Traveling Brigade. We bounce around through time and help out citizens in need.



Marcus: Wow, that's kind of cool. So the cool ones are too busy right now? Lincoln? Teddy Roosevelt?

James Madison: *(hurt)* Hey, I'm cool! I'm the Father of the Constitution!

Marcus: Umm . . .

James Madison: *(puts on sunglasses)* And I have sunglasses on . . . indoors!!

Marcus: OK, that's pretty cool. So why are you here? I mean, I'm mad, but this isn't an emergency.

James Madison: Actually, it is. You are displaying an acute case of Ignorantitus Constitutionus.

Marcus: And that is . . . ?

James Madison: You don't understand the Constitution. Specifically, you fail to understand the limits the Framers and I placed on the President when we designed our government.

Marcus: But I thought the President was the "Leader of the Free World" and stuff? How can I not hold him accountable when times are tough?

James Madison: I'm not saying you can't. You just have to make sure you're angry about things the President is actually in charge of. Let's start with your issue with taxes. Declare your grievance! Sorry, I couldn't resist a little homage to my homeboy, Thomas Jefferson.

Marcus: My mom is constantly complaining about how high income taxes are! Why doesn't the President lower them so she can buy me more stuff!

James Madison: Ahh, here's a chance to fix up some of your affliction. Article I, Section 8, Clause 1 of the Constitution: "The Congress shall have Power to lay and collect Taxes . . ." If you have a beef with your Mom's tax rate, take it up with your local congressional representative. They iron that stuff out in the Legislative Branch.

Marcus: Yeah, but . . .

James Madison: (*interrupts*) Bonus fact! The federal government couldn't even collect an income tax until the Sixteenth Amendment was ratified in 1913. BAM! Info in yo face!!

Marcus: Presidential Interruptus! But the President talks about taxes all the time! You're telling me he can't actually change them?

James Madison: Oh, the President can say whatever he wants, but he can't actually do anything without Congress. His only option is to use the bully pulpit to put pressure on them and, if a tax bill comes along that he doesn't like, use the veto power.

Marcus: Bully pulpit . . .?

James Madison: Teddy Roosevelt came up with that one. He used it to describe the power of the President to use his fame and influence to shape the kind of legislation that Congress passes. Nobody has more of a voice than the President and they can use that voice as a tool to put pressure on Congress to do what they want. Sometimes it works, sometimes it doesn't. It's an indirect power.

Marcus: Well, what about all of these scary dictators trying to build nuclear weapons? Why doesn't the President just invade their countries and stop them?

James Madison: Article I, Section 8, Clause 11. Only Congress can declare war on another country.

Marcus: But the President is the Commander in Chief! He's in charge of the military!

James Madison: Yes, as laid out in Article II, Section 2, Clause 1. The President may be in charge of the military, but he still cannot declare war on another country or, technically, send them into combat without Congressional approval. That doesn't usually stop them from doing the second part, though.

Marcus: What about the shortage of judges I keep hearing about? I know that Article II, Section 2, Clause 2 gives the President the power to appoint federal judges. See, I'm not totally ignorant!

James Madison: Nice job, but you're forgetting about an important part of that clause. The Senate must approve those appointments. Sometimes the Senate and the President disagree on the quality of the judges he appoints, or the Senate doesn't do a good job of getting around to approving his appointments. The Senate loves taking its time on things. This can create a backlog.

Marcus: I guess I need to start taking a broader view when it comes to complaining. Now I see what my teacher was talking about during the lesson on "Checks and Balances."

James Madison: I'm glad they're teaching about my greatest creation! Let me make one last suggestion, though. Instead of complaining to an empty room, how about you identify a problem you have, figure out who can do something about it, and give them a call or write them an email? We actually listen to voters, you know.

Marcus: Will do. Thanks James Madison! Sorry about complaining before. You were nice. Teddy Roosevelt probably would have tried to box me.

James Madison: Trust me, he has a mean left hook.