CHAPTER 14/S E C T I O N 1
The Growth of Presidential Power

Constitutional Basis for Presidential Power
- Article II of the US Constitution
  - Grants the President 10 specific powers
  - allows for the growth of presidential power by being vague in some areas
- Oath of Office

Why Presidential Power Has Grown
- Proponents of a stronger presidency have almost always won in the courts.
- increasingly complex social and economic life placed more dependence on presidential power.
- By Congress passed laws expanding the role of the Federal Government
- The ability to use the mass media

CHAPTER 14/S E C T I O N 2
The President’s Executive Powers

Executing the Law
- As chief executive, the President executes (enforces, administers, carries out) federal law.
- The oath of office instructs the President to carry out the laws of the land.
• The other provision is the Constitution’s command that “he shall take care that the laws be faithfully executed.”

The Ordinance Power

• The President has the power to issue executive orders.
  – An **executive order** is a directive, rule, or regulation that has the effect of law.
• Congress writes the law, but the President determines how the law is to be carried out
• the **ordinance power**, comes from two sources:
  – the Constitution
  – acts of Congress.

The Appointment Power

• the President chooses most top-ranking officers of the Federal Government, including:
  1. ambassadors and other diplomats;
  2. Cabinet members and their top aides;
  3. the heads of independent agencies as the EPA and NASA;
  4. all federal judges, attorneys, and U.S. marshals;
  5. all officers in the armed forces.
• Senate must approve Presidential nominations
The Removal Power - The Historical Debate

1. First Congress debated whether the President could remove appointees without the consent of the Senate.
2. General rule is that the President may remove most appointees w/o Congressional Consent
   a. Federal Judges cannot be removed for except for commission of a high crime, bribery, or crime against the nation
   b. Federal judges must be impeached

CHAPTER 14/SECTION 3
Diplomatic and Military Powers

The Power to Make Treaties

- A treaty is a formal agreement between two or more sovereign states.
- The President’s office negotiates international agreements.
- Senate must approve treaties by 2/3 vote

Executive Agreements

- An executive agreement is a pact between the President and the head of a foreign state, or a subordinate.
Commander in Chief

- **Making Undeclared War**
  - Many Presidents have used the armed forces abroad without a declaration of war.
  - Limited by the [War Powers Act, 1973](#)
    - President can only deploy troops overseas for 60 days w/o Congressional Approval
    - Passed in response to the Korean & Vietnam Conflicts of which there had been no declarations of war

- **Wartime Powers**
  - The President’s powers as commander in chief are far greater during a war than they are in normal times.
  - EXAMPLE:
    - During WWII, F.D. Roosevelt ordered all Japanese Americans living near military bases be placed in “internment camps” to protect national security

**CHAPTER 14/SECTION 4**

Legislative and Judicial Powers

Legislative Powers

- **Recommending Legislation**
  - The Constitution provides that the President shall report to Congress on the state of the Union and recommend necessary legislation.
  - This power is often called the *message power*. 
• **Issue a Veto**
  – President may refuse to sign a bill into law
  – Congress will have to over rule veto by 2/3 vote in both Chambers

• **The Line Item Veto**
  – A line-item veto measure would allow the President to reject specific dollar amounts in spending bills enacted by Congress.
  – In 1996, Congress passed the Line Item Veto Act; however, it was struck down by the Supreme Court in 1998.
  – President can choose not to enforce some provisions of a bill

**Other Legislative Powers**
• According to Article II, Section 3 of the Constitution, only the President can call a Congress into special session.

**Judicial Powers**
• Article II, Section 2, Clause 1 gives the President certain Judicial Powers
  o **A reprieve** is the postponement of a sentence.
  o **A pardon** is legal forgiveness for a crime.
  o These powers of **clemency** (mercy or leniency) in cases of federal crimes.
• President also appoints all high level federal judges if an opening becomes available.
Focus Questions:

Section 2
1. Where does the President get the power to execute federal laws?
2. What is ordinance power, and where does it come from?
3. How does the appointing power work?
4. How has the debate over the removal power evolved?

Section 3:
1. How are treaties made and approved?
2. Why and how are executive agreements made?
3. What purpose does the power of recognition have?
4. What powers does the President have in the role of commander in chief?

Section 4:
1. How are the President’s legislative powers an important part of the system of checks and balances?
2. What are the President’s major judicial powers?