

Presidential Power



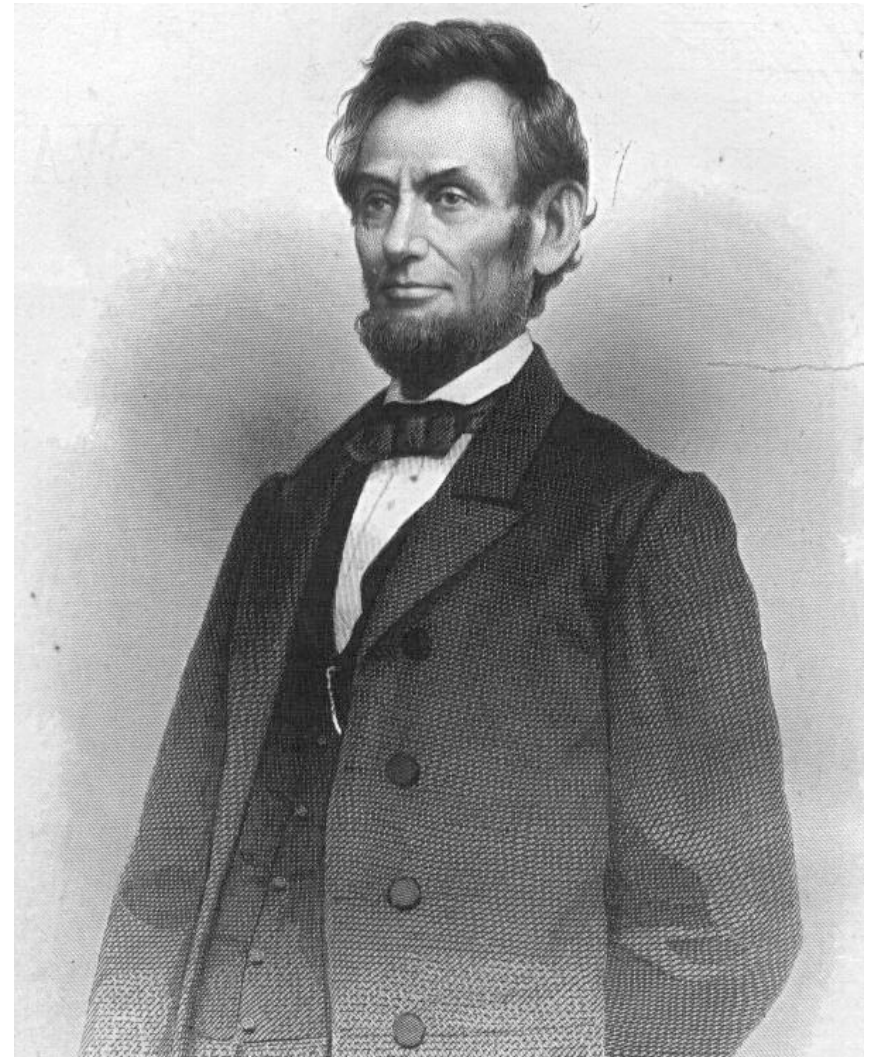
Presidential Power

Times of crisis lead to an expansion of presidential power.

Especially during times of war, American presidents traditionally assume a greater role in the separation of powers.



During the Civil War, Abraham Lincoln declared martial law and Congress passed legislation allowing the president to use military tribunals to make arrests and imprison enemies.





Similarly, congressional delegations of power to the president during wartime empowered Woodrow Wilson and Franklin Roosevelt during World Wars I and II, respectively, and President George W. Bush after September 11, 2001.

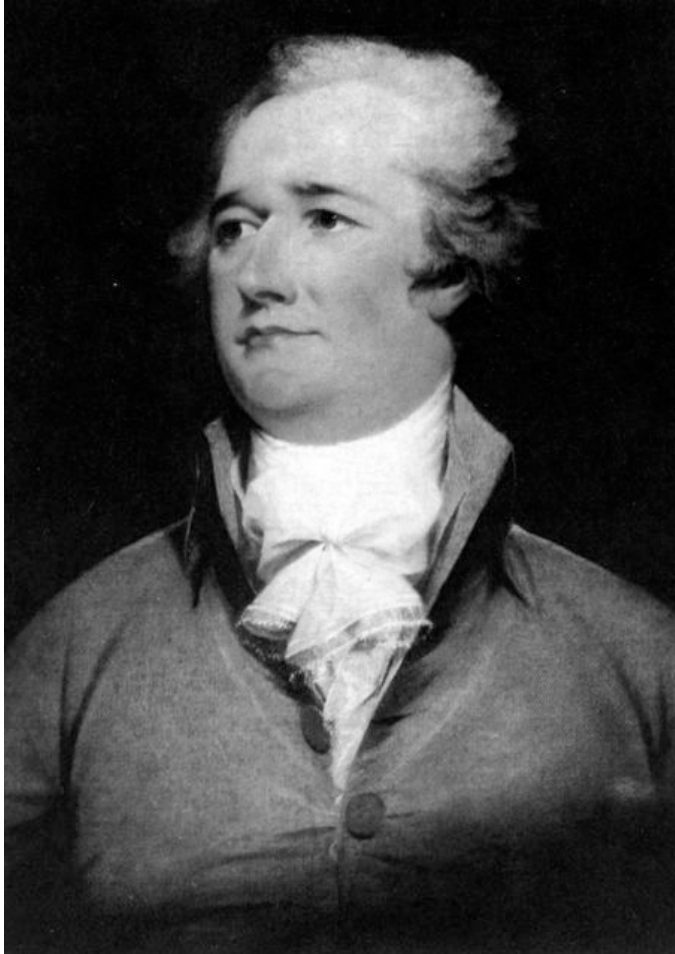


Much of the rise of presidential power in the 20th century was the result of accumulations of such delegated powers because, once power was delegated, it was difficult for Congress to recover it.

The Presidency

The Framers of the Constitution were unsure about the executive power.

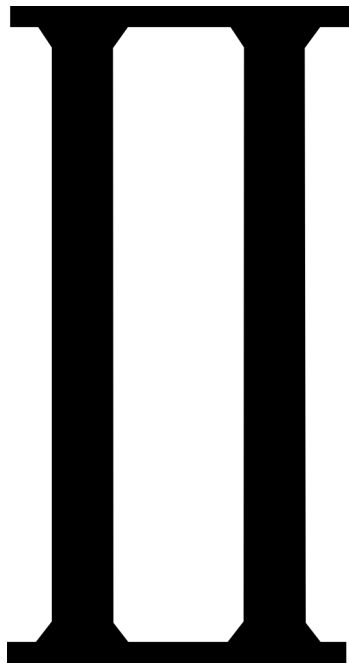
1. The colonial experience with the king of England and royally appointed governors warned Americans of the dangers of strong executives.
2. The weak executive under the Articles of Confederation highlighted the problems of governing without a potent executive.



Led by Alexander Hamilton, Federalists sought to provide for a presidency that was:

- Energetic
- Independent of Congress
- Endowed with sufficient powers to lead

The Constitutional Powers of the Presidency



Most of the constitutional provisions concerning the president and executive power are to be found in Article II, which demonstrates the framers' considerable ambivalence about executive power.

Presidential powers combine those expressly stated in the Constitution, delegated powers, and powers inherent to executive leadership.

The Constitutional Powers of the Presidency

delegated powers:

constitutional powers that are assigned to one government agency but that are exercised by another agency with the express permission of the first

inherent powers:

powers claimed by a president that are not expressed in the Constitution but are inferred from it

The Constitutional Powers of the Presidency



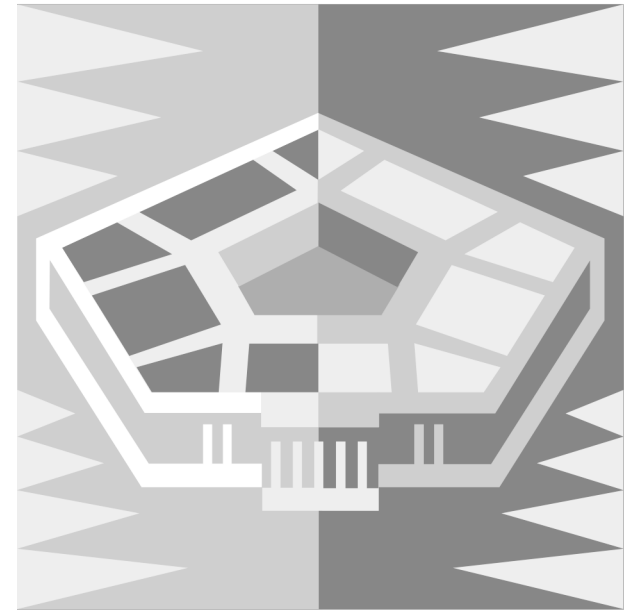
As the head of state, the presidency combines:

military, judicial, and diplomatic powers.

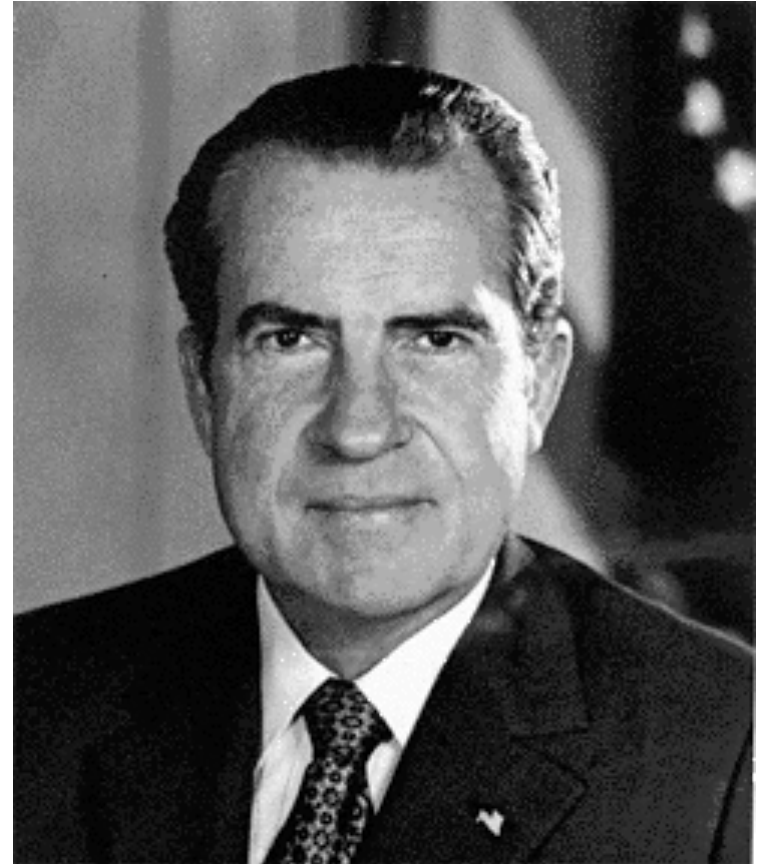
The Constitutional Powers of the Presidency

Article II, Section 2 makes the president “Commander in Chief of the Army and Navy of the United States.”

In addition, the president is the head of intelligence agencies like the CIA, the NSC, the NSA, and the FBI.



In an effort to curb the growth of presidential power, Congress passed the War Powers Resolution in 1973 over President Richard M. Nixon's veto.





Increased foreign policy power to make **executive agreements** and the presidential practice of engaging the U.S. military without formal congressional declarations of war are but two examples of expanding, some argue imperial, presidential powers.

Despite the War Powers Resolution, presidents have employed military power without Congress's approval.

President George H.W. Bush ordered the 1989 Panama invasion and President Clinton ordered the bombing in Yugoslavia, both without congressional authorization.

Even when presidents get congressional approval, they nevertheless assert that they do not need such authorization.

Article II, Section 2, provides the president the power to “grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.”

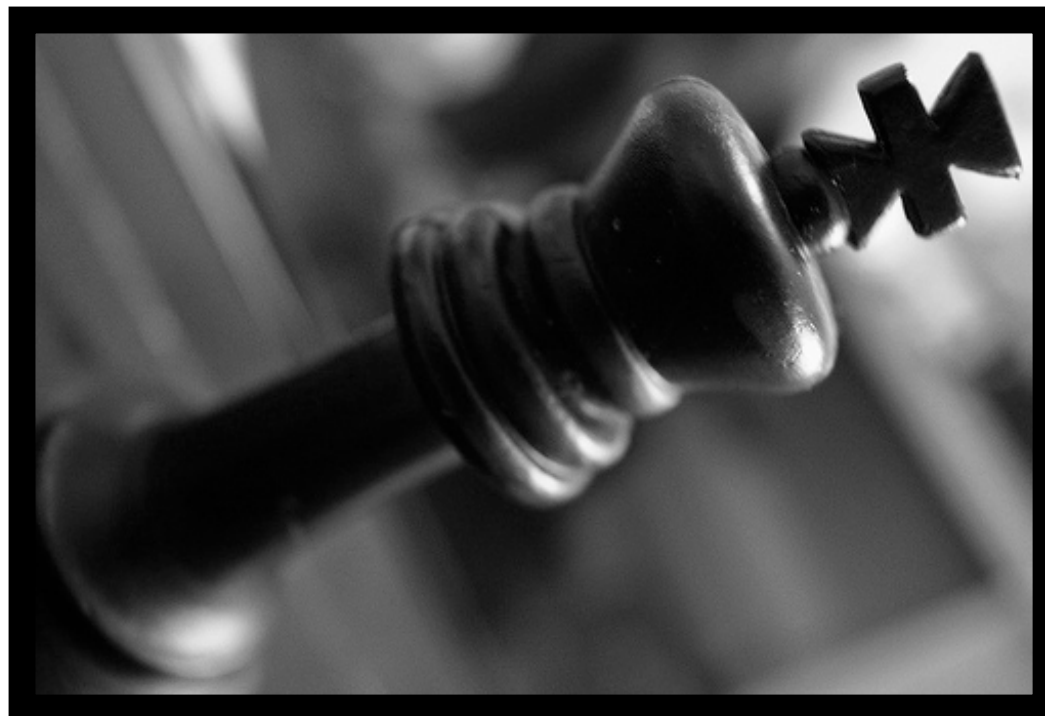
This “**kingly**” power repeatedly has been the subject of controversy.



Article II, Section 3, provides the president the power to “receive Ambassadors and other public Ministers.”

In practice, presidents have expanded this diplomatic power to include the ability to recognize certain world governments as legitimate.





The combination of presidents' military, judicial, and diplomatic powers and 20th century increases in each of these areas have led some to conclude that the contemporary presidency is an **imperial presidency**, in which the presidency has exceeded its constitutional power.

As head of government, the president combines **executive**, **military**, and **legislative** powers.

The president's **executive powers** are based on Article II, Section 3's provision that the president see that the laws are "faithfully executed" and on the Section 2 provision that he appoint executive officers and federal justices and judges.



Delegation:

Presidential **executive powers** have increased as Congress has created more executive departments and agencies and as the federal government does more in society.





The president's role as commander in chief also applies to the domestic realm as presidents have the power to deploy national guard forces, particularly during times of emergency.

Legislative Powers

By giving “to the Congress Information of the State of the Union” and recommending “such Measures as he shall judge necessary and expedient,” the president plays an important role in shaping the legislative agenda of Congress.

And with the power of the veto, the president has an important role in denying congressional action or in bargaining with the legislative branch.

In recent years, presidents increasingly make policy through **executive orders** that often direct executive branch officials and agencies to implement policies in accordance with the president's policy preferences.



Executive Order:

“a rule or regulation by the president that has the effect and formal status of legislation”

Institutional Resources of Presidential Power

The institution of the presidency as well as the federal executive branch grew tremendously throughout the 20th century.

Through the **cabinet**, executive organizations like the **National Security Council**, and an expanding **White House staff**, presidents have increased their power.



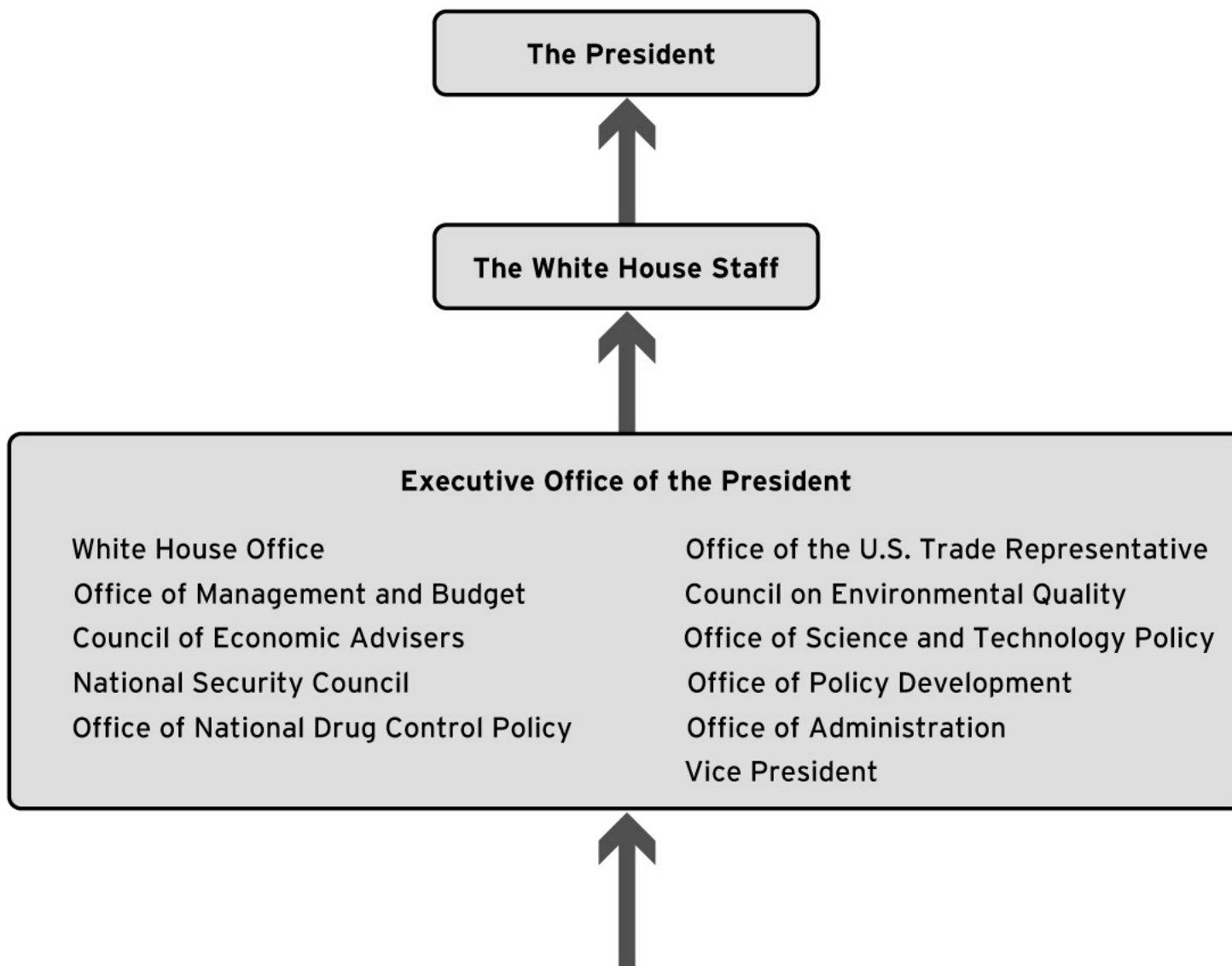


FIGURE 13.2 The Institutional Presidency (top)

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Institutional Changes Enhanced Presidential Power

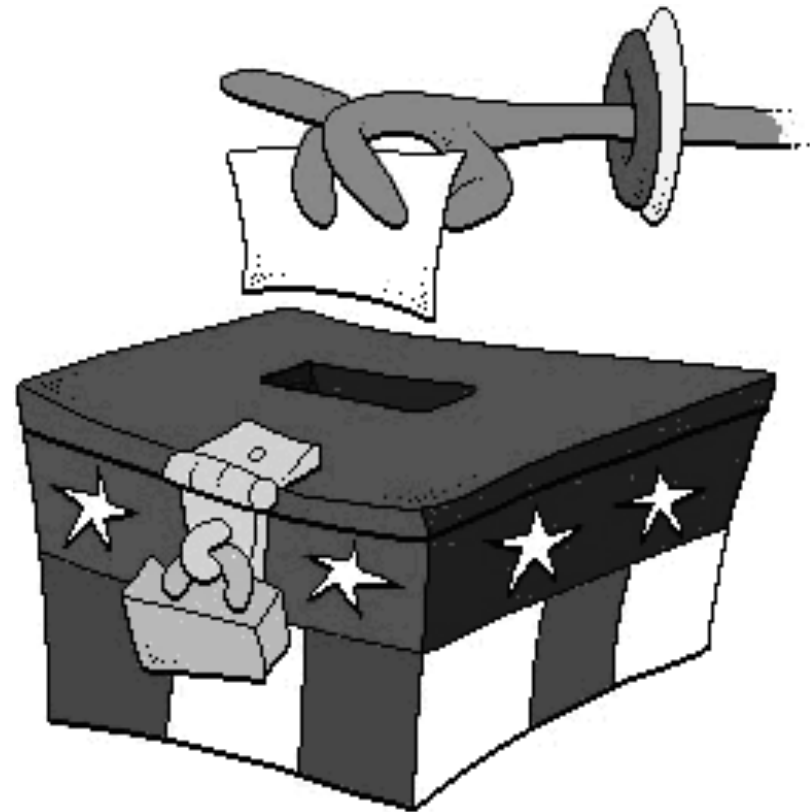
- Expanding executive branch
 - A growing executive administration empowers the President as the “Chief Executive.”
 - Presidents use appointment powers, executive reorganization, and executive orders to affect policy through executive action.

Development & Expansion of Presidential Power

- Washington, Adams, & Jefferson establishing president's authority
- Incremental expansion 1809-1933
 - Jacksonian democracy
 - Lincoln's questionable Civil War acts
- Growth of modern presidency
 - Progressivism, TR
 - FDR's New Deal and the personalization of the Presidency

Bases of Presidential Power

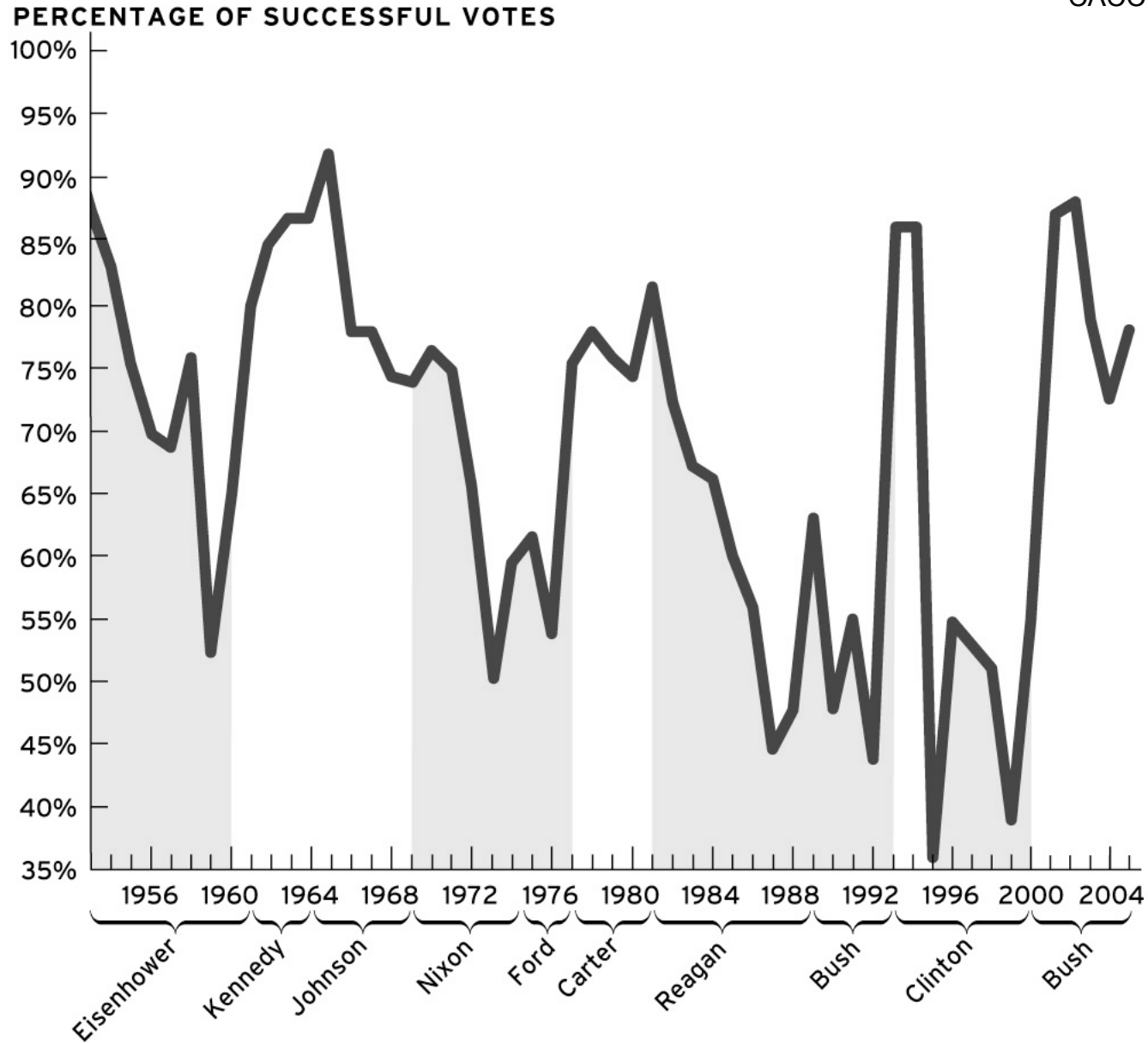
Even though the president is not directly elected by the people, the advent of popular campaigning, particularly through the mass media, has given presidents the ability to claim **mandates** for their policy agendas.



Political parties and interest groups are also important sources of political influence for the president.

Presidential support in Congress often depends on the number of his fellow partisans in the House and Senate.





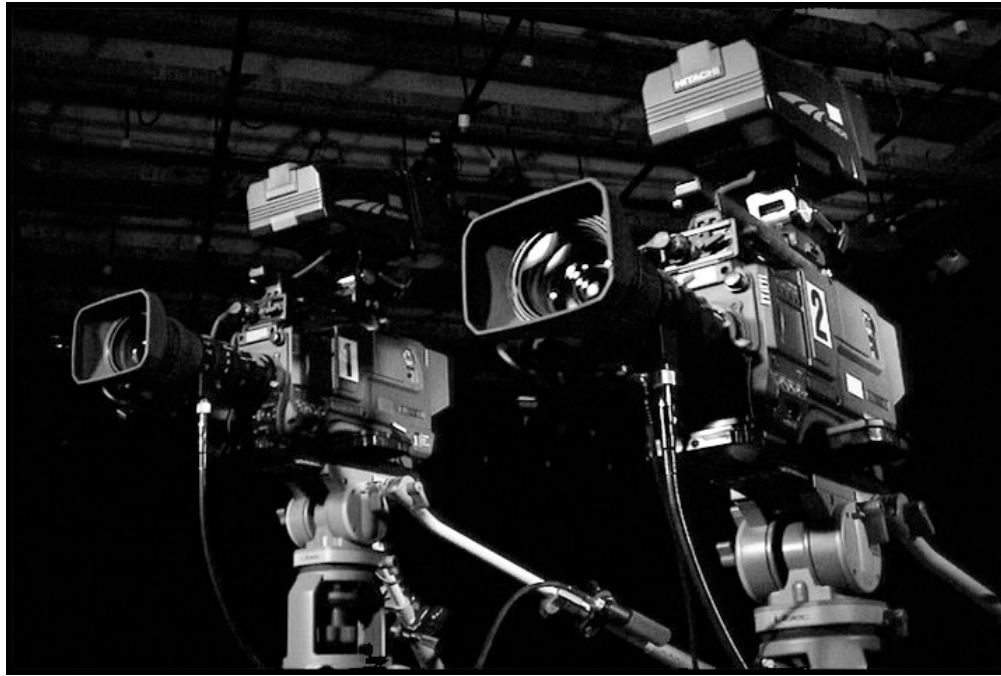
*Percentages based on votes on which presidents took a position.
 Source: *Congressional Quarterly Weekly Report*, January 9, 2006, p. 86.

FIGURE 13.3 The Presidential Batting Average: Presidential Success on Congressional Votes* (1953–2005)

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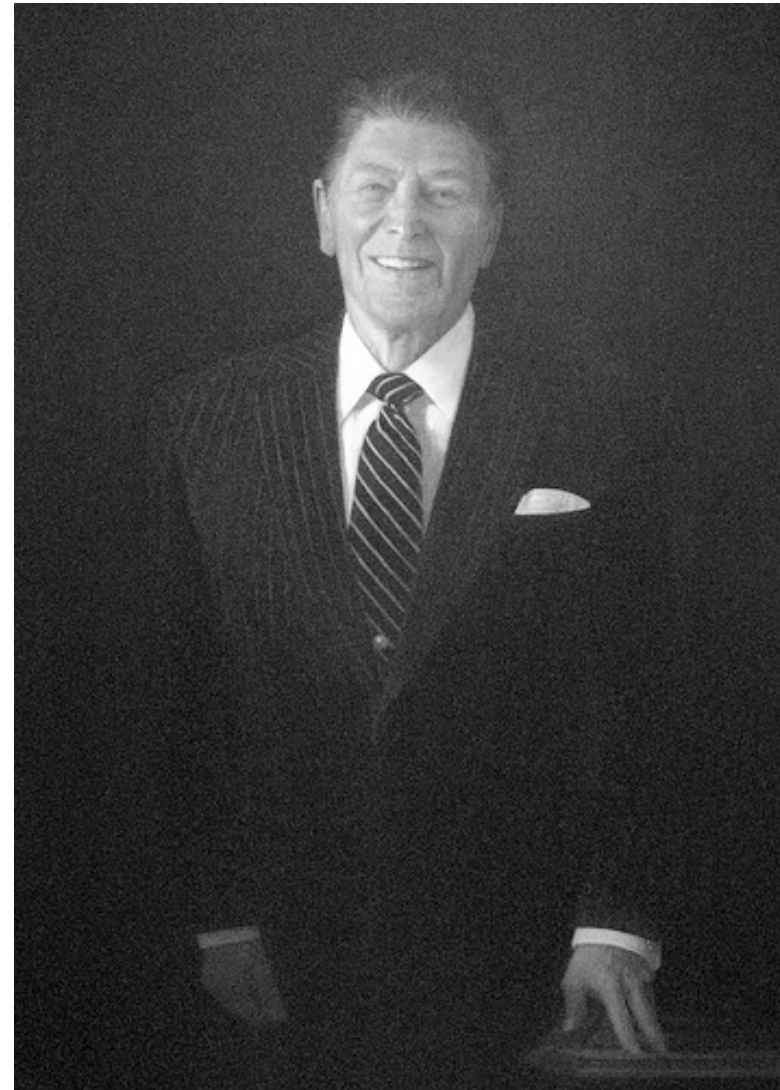
Presidents use their connections to important interest groups and social movements like organized labor, or the Christian Right, and the NRA to support their programs and initiatives.

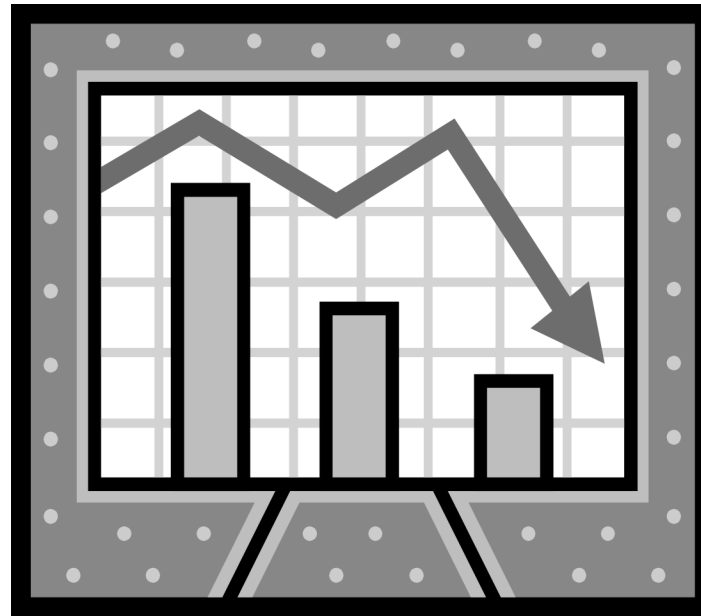


Throughout the 20th century, presidents have used the “bully pulpit” of the mass media to build popular support for their legislative programs.

Franklin Roosevelt used fireside chat radio appeals during the era of the New Deal and World War II.

Ronald Reagan's communication skills, honed as a Hollywood actor, solidified his political strength through effective use of television to lead the nation and to pressure other political elites.





Contemporary presidents also pay close attention to public opinion, particularly their overall job approval numbers.

These approval numbers serve as an important source of influence over other political actors.

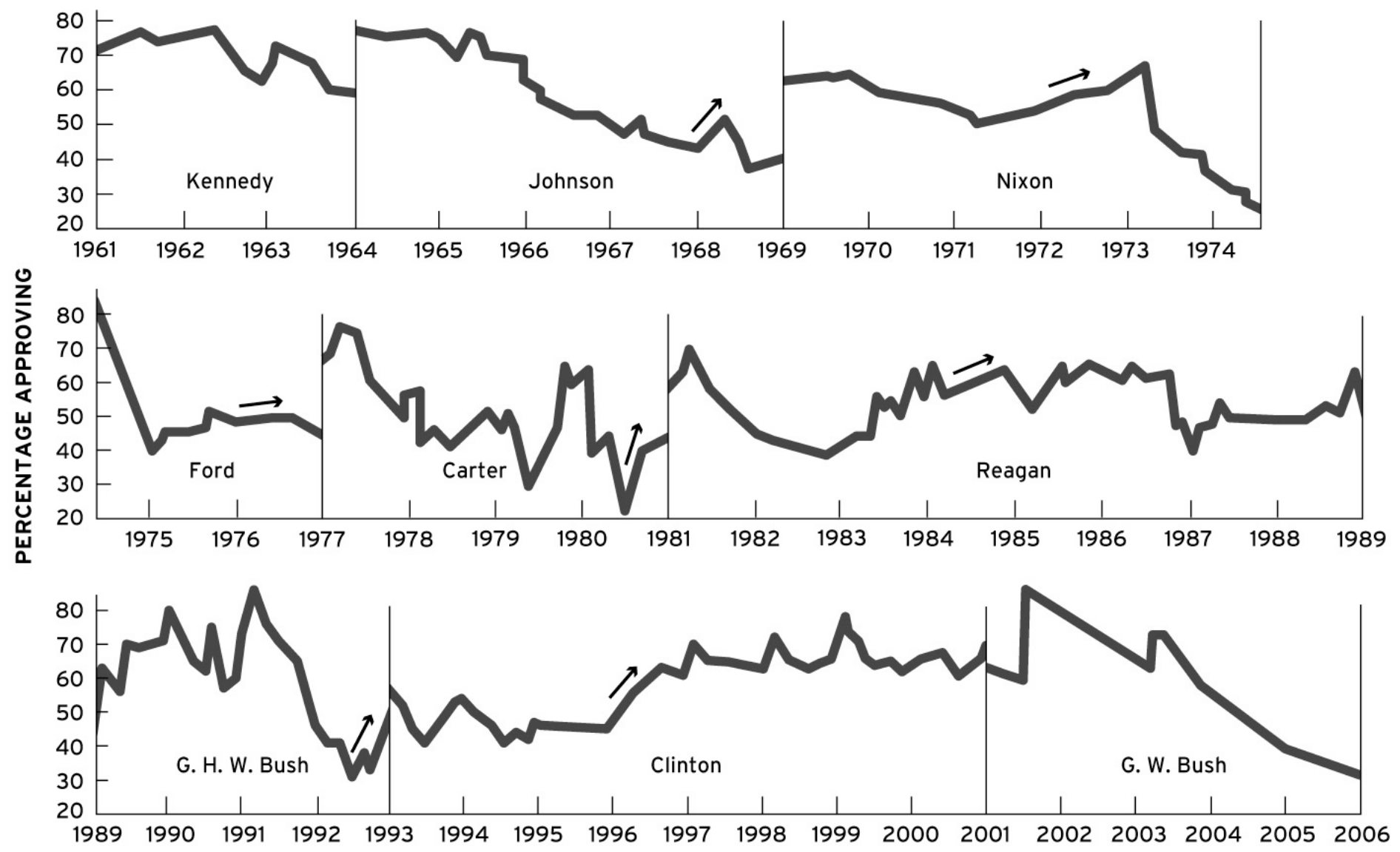


FIGURE 13.4 Presidential Performance Ratings from Kennedy to Bush

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Presidents' reliance on media and public opinion politics is part of an overall strategy known as **going public** and has led critics to charge that the modern presidency governs too little due to a **permanent campaign**.

