

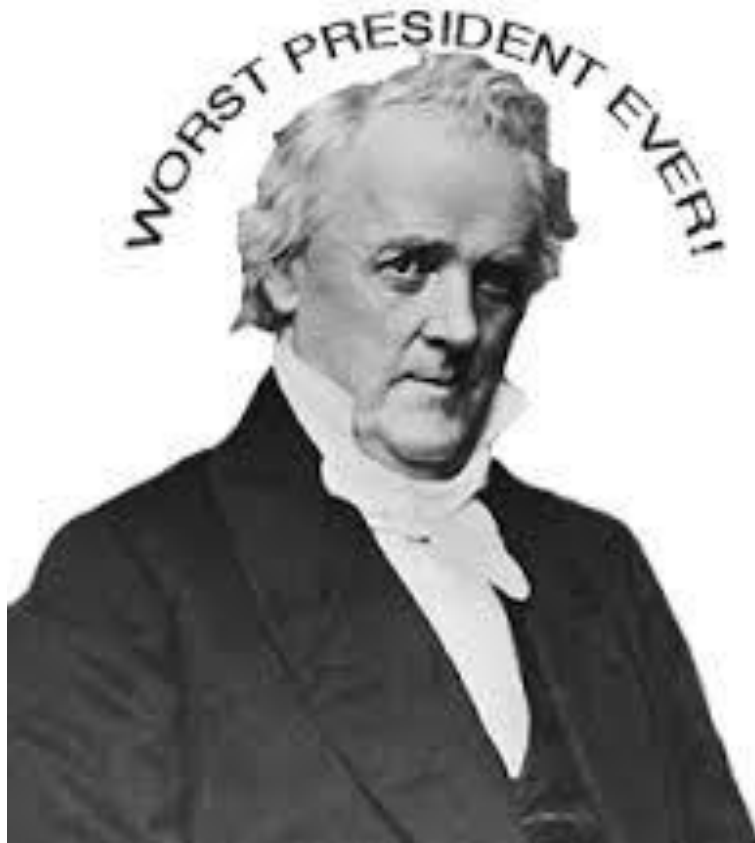
The Powers of the President

Chapter 14 Section 2 and 3

Constitutional (and Other) Powers

- Found (for the most part) in Article II.
- Inauguration (20th Amendment)
- What does the President promise to do in the Oath of Office?
- **Brief Overview of Powers**
 - Overseeing the various parts of the executive branch
 - Enforcing laws
 - Issuing executive ordinances
 - Appointing and removing officials
 - Making treaties and executive agreements
 - Commanding the military

The 'man' makes the Presidency



Growth of Presidential Power

Why has it grown???

- Because it can.
- In times of national crisis, we want a strong leader who can act quickly.
- As government has grown, the executive has grown.
- The more laws Congress passes, the more there is to implement.

Power to Execute the Law

- The President's power to execute the law covers all federal laws
 - Example: Social Security, gun control, affirmative action, immigration, minimum wages, terrorism, environmental protections, taxes, etc...



“The execution of the laws is more important than the making of them.” -- Thomas Jefferson, 1789

The Ordinance & Appointment Powers

Ordinance Power

- The power to issue **executive orders**:
 - A directive, rule or regulation issued by the President that has the force of law
 - Also when the President tells a Federal agency to execute a law in a specific way.
- Implied in the Constitution (how else are you going to execute the laws?)
- OK'd by Congress every time they pass a law (someone's got to enforce it and work out the details)

The Ordinance & Appointment Powers

Appointment & Removal Powers

- WITH Senate “advice & consent” (confirmation hearing & a vote), the President can appoint high-ranking officials:
 - Ambassadors
 - Cabinet members & their top aides
 - Heads of independent agencies (EPA or NASA)
 - Federal judges, US Marshals
 - All officers in the armed forces
- The President has the right (except for federal judges) to remove any official from their position (without Senate consent, but we’ve fought about that.)

"All the News That's Fit to Print"

The New York Times

LATE CITY EDITION

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NIXON DISCHARGES COX FOR DEFIANCE; ABOLISHES WATERGATE TASK FORCE; RICHARDSON AND RUCKELSHAUS OUT

Kissinger Meets Brezhnev on Mideast Cease-Fire Plan



Richard Nixon (left) and Henry Kissinger (right) in the White House.

REPORTER IN HOUSE

Reporting Nixon Is Openly Discussed by Leadership

WATERGATE TASK FORCE

House Panel Reportedly Will Recommend Discharge of Cox



John N. Mitchell, former White House aide.



Henry Kissinger (right) and another man.

WIRE TAKEN OVER

Lines of Protesters Are Shifted Back to Justice Dept.

WATERGATE TASK FORCE

House Panel Reportedly Will Recommend Discharge of Cox

11,000 MORE Israel Reports Enlarging Of Foothold on West Bank

U.S. Reports Qaddafi Is Personal Agent of Soviet Leader

Ervin of First Renouance, Richardson Out

Then Accepts Topes Plan (NY Times)



JULY YATES

TRUMP FROM TRUMP ACTING ATTORNEY GENERAL JULY YATES

STEPHEN MILLER SENIOR POLICY ADVISOR TO PRESIDENT TRUMP

Foreign Relations Powers

- The power to make **treaties**
 - A formal agreement between the governments of two countries
 - MUST be approved by $\frac{2}{3}$ of the Senate
- The power to enter **Executive Agreements**
 - A pact between the President and the head of a foreign state.
 - Unlike treaties, these DO NOT require 2/3 Senate approval (so much quicker, easier than a treaty)
 - They may still need Congressional approval.
 - Very common: More than 18,500 executive agreements have been signed since 1789.



More on Foreign Relations Powers

- The **National Security Council (NSC)** advises the President on national security and foreign policy matters
 - Domestic Affairs Military Affairs Foreign Relations
- National Security Advisor is the President's top aide for this
 - NSC is made up of key officials: VP, Sec of State, Sec of Defense, CIA Director, Chair of Joint Chiefs of Staff



Legislative Powers


- Congress sends bills to the President for signature before they become law.
- President can do four things:
 1. Sign it
 2. Veto it
 3. Hold it for 10 days while Congress is IN session... becomes law
 4. Pocket Veto (hold for 10 days and Congress goes OUT of session)... dies
- Presidents would like to have a **“Line Item Veto”**
 - They could veto just parts of a law and sign the rest
 - 44 governors (plus DC) have this power!
 - Supreme Court found this to be unconstitutional because it gives the President power to “rewrite laws”



Judicial Powers

- The Constitution give the President the power to “Grant Reprieves and pardons for Offenses against the United States, except in Cases of Impeachment.”

-- Article II, Section 2, Clause 1

Reprieve	Pardon	Clemency
Postponement of the execution of a sentence	Legal forgiveness of a crime (for an individual)	<i>General name for this power – “mercy”</i>
Commutation (Commute)	Amnesty	Examples
Reduce the length of a sentence (cut it short)	A blanket pardon offered to a group	



**FORD OFFERS AMNESTY PROGRAM
REQUIRING 2 YEARS PUBLIC WORK:**

Pardon is an "executive forgiveness of crime"; commutation is an "executive lowering of the penalty."

War Powers

- **The President shares War Powers with Congress....but the President has most of the power.**
 1. Is Commander-in-Chief
 2. Has the final authority over/responsibility for all military matters
 3. Can make undeclared war !
- Remember that Congress officially declares war.

War Powers Act (1973) (Congress fights back)

1. Must notify Congress within 48 hours after sending in American forces
 2. Combat must end within 60 days, unless Congress agrees for longer
 3. Congress may end the combat commitment at any time.
- More on War Powers next class – it's important.

Odds and Ends

Executive Privilege

- The constitutional principle that permits the president and high-level Executive Branch Officers to withhold information from Congress, the Courts, and ultimately the public.
- This presidential power is controversial because it is nowhere mentioned in the US Constitution!

Lame-Duck President

- Review – What is a lame-duck president?
- Hint: Pres. Obama was one from Nov 9th to Jan 20th 11:59 am.

Executive Office of the President

- The Executive Office of the President is an umbrella agency composed of several sub-agencies staffed by the President's closest advisors and assistants.
- This includes the White House, Office of the Vice President, Council of Economic Advisors, Council on Environmental Quality, National Security Council, Office of Administration, Office of Management and Budget, Office of National Drug Control Policy, Office of Science and Technology Policy, and Office of the United States Trade Representatives.



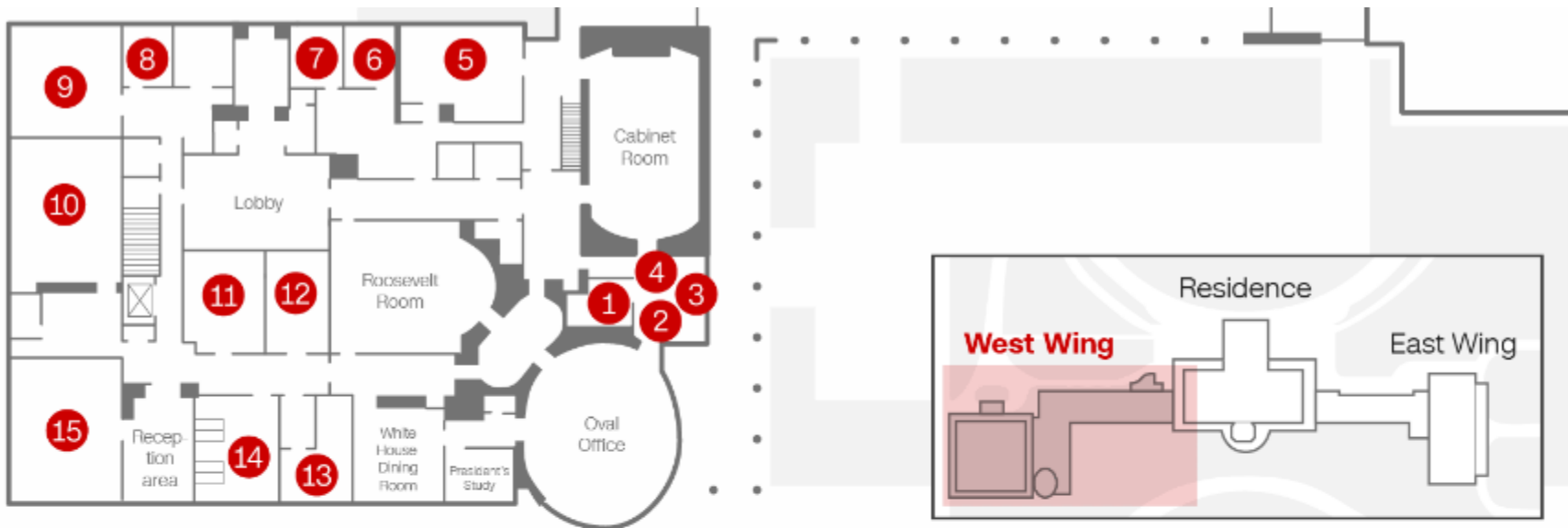
The White House

- This is where most of the President's key personal and political aids work.
- They work in the West Wing of the White House.
- Over 500 people now serve in The White House
- The White House Chief of Staff directs all of the operations within the White House and is considered among the most influential presidential aides.

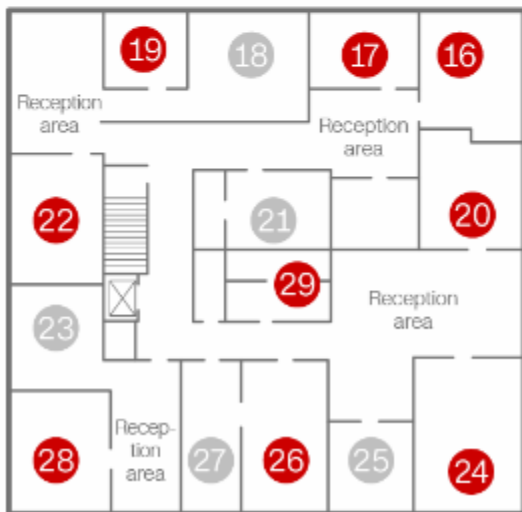
Reince Priebus
since January 20, 2017



West Wing of The White House



Second floor



- 1** Hope Hicks, Director of Strategic Communications; **2** Madeleine Westerhout, Executive Assistant to the President; **3** Keith Schiller, Director of Oval Office Operations; **4** John McEntee, Personal Aide to the President; **5** Sean Spicer, Press Secretary; **6** Sarah Huckabee Sanders, Principal Deputy Press Secretary; **7** Jessica Ditto, Deputy Communications Director; **8** K.T. McFarland, Deputy National Security Adviser; **9** Michael Flynn, National Security Adviser; **10** Mike Pence, Vice President; **11** Katie Walsh, Deputy Chief of Staff; **12** Joe Hagin, Deputy Chief of Staff, Operations; **13** Jared Kushner, Senior Adviser; **14** Stephen Bannon, Chief Strategist; **15** Reince Priebus, Chief of Staff; **16** Stephen Miller, Senior Policy Adviser; **17** Paul Winfree, Deputy Director of Domestic Policy; **18** TBD; **19** Rick Dearborn, Deputy Chief of Staff, Legislative and Intergovernmental Affairs; **20** Gary Cohn, Director of National Economic Council; **21** TBD; **22** Marc Short, Director of Legislative Affairs; **23** TBD; **24** Peter Navarro, Director National Trade Council; **25** TBD; **26** Kellyanne Conway, Counselor to the President; **27** TBD; **28** Donald McGhan, Counsel to the President; **29** Bill McGinley, Cabinet Secretary.

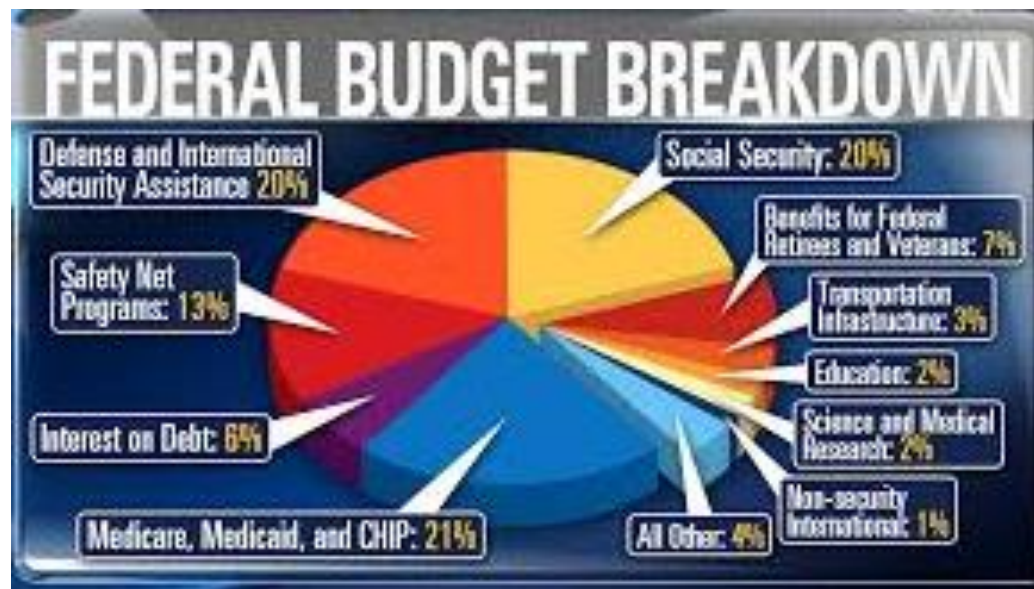
National Security Council

- They meet with the President to advise him in all domestic, foreign, and military matters that relate to the nation's security.
- The President chairs the Council. Its other members include the Vice President and the Secretaries of State, Treasury, and Defense. The Director of National Intelligence and the chairman of the Joint Chiefs of Staff also regularly attend the meetings.



Office of Management and Budget

- It is the largest and, after the White House, the most influential unit in the Executive Office.
- The OMB is headed by a Director who is appointed by the President and confirmed by the Senate.
- The OMB's major task is the preparation of the federal budget, which the President must submit to Congress every year.



More on the War Powers Act

- https://www.youtube.com/watch?v=W_fDwad7eVk
- [Hip Hughes on the War Powers Act](#)
- Remember the basics:
 - Can the President commit US troops without Congressional approval?
 - Why else might a President not seek Congressional approval?
 - When and why did Congress pass the War Powers Act?
 - What limits does the War Powers Act place on the President's ability to engage in combat?
 - Within 48 hours – must notify Congress
 - Within 60 days, must get Congressional approval (Declaration of War or more likely, a Joint Resolution authorizing the action)
 - If Congress does not approve, then operations must end within 30 days

Good Review:

- [Crash Course 2](#)