

Magruder's American Government

CHAPTER 14

The Presidency in Action

The Presidency in Action

SECTION 1 The Growth of Presidential Power

SECTION 2 The President's Executive Powers

SECTION 3 Diplomatic and Military Powers

SECTION 4 Legislative and Judicial Powers

The Growth of Presidential Power

- Why is Article II of the Constitution controversial?
- How has presidential power grown over time?
- How have Presidents' own views affected the power of the office?



Article II

Article II, the Constitution's **Executive Article**, begins this way:

“The executive power shall be vested in a President of the United States of America.”

With these few words, the Framers established the presidency.



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Why Presidential Power Has Grown

- Over the course of American history, the champions of a stronger presidency have almost always prevailed.
- The nation's increasingly complex social and economic life has also influenced the growth of presidential power.
- By passing laws and expanding the role of the Federal Government, Congress has increased presidential power as well.
- The ability to use the **mass media**, as every President since Franklin D. Roosevelt has, aids in gathering and holding public attention.



The Presidential View

The nature of the presidency depends on how each President views the office and exercises its powers.

Two Views:

- Some Presidents, such as Teddy Roosevelt, have taken a broad view of the powers they inherited.
- Other Presidents, like William Howard Taft, have felt that they cannot exercise any power not specifically granted to them.



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Section 1 Review

1. The Executive Article of the Constitution is

- (a) Article I.
- (b) Article II.
- (c) Article IV.
- (d) Article V.

2. The two views of presidential power are mostly centered on

- (a) the extent of powers the President may act with.
- (b) the President's relationship to the electorate.
- (c) constitutional amendments curtailing presidential power.
- (d) none of the above.

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The President's Executive Powers

- Where does the President get the power to execute federal laws?
- What is *ordinance power*, and where does it come from?
- How does the appointing power work?
- How has the debate over the removal power evolved?

Executing the Law

- As chief executive, the President executes (enforces, administers, carries out) the provisions of 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."



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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.
- The power to issue these orders, the **ordinance power**, arises from two sources: the Constitution and acts of Congress.
- Although not specifically mentioned in the Constitution, the ordinance power is clearly intended.
- The size of government has caused Congress to delegate more and more discretion to the President and presidential subordinates.



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The Appointment Power

- With Senate consent, the President names most of the top-ranking officers of the Federal Government, including:
 - (1) ambassadors and other diplomats;
 - (2) Cabinet members and their top aides;
 - (3) the heads of such independent agencies as the EPA and NASA;
 - (4) all federal judges, attorneys, and U.S. marshals;
 - (5) all officers in the armed forces.



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The Removal Power

The Historical Debate

- Debate ensued in the First Congress as to whether the President could remove appointees without the consent of the Senate.
- The view that the President may remove the officials he appoints without Senate consent has prevailed over time.
- In general, the President may remove any appointees except federal judges.



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Section 2 Review

1. The President is commanded to execute the provisions of federal law by
 - (a) acts of Congress.
 - (b) the oath of office and another constitutional provision.
 - (c) the Supreme Court.
 - (d) the electoral college.

2. Which of the following government officials is not appointed by the President?
 - (a) Supreme Court justices
 - (b) Cabinet members and their top aides
 - (c) Speaker of the House
 - (d) ambassadors and other diplomats

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Diplomatic and Military Powers

- How are treaties made and approved?
- Why and how are executive agreements made?
- What purpose does the power of recognition have?
- What powers does the President have in the role of commander in chief?

The Power to Make Treaties

- A **treaty** is a formal agreement between two or more sovereign states.
- The President, usually through the secretary of state, negotiates these international agreements.
- All treaties must pass approval by a two thirds of the members present vote in the Senate.



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Executive Agreements

- An executive agreement is a pact between the President and the head of a foreign state, or a subordinate.
- Unlike treaties, executive agreements do not require Senate consent.



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The Power of Recognition

The power of **recognition** is exercised when the President, acting for the United States, acknowledges the legal existence of another sovereign state.

- The President may show American displeasure with the conduct of another country by asking for the recall of that nation's ambassador or other diplomatic representatives in this country.
- The official is declared to be ***persona non grata***, or an unwelcome person.



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Commander in Chief

The Constitution makes the President the commander in chief of the nation's armed forces.

Making Undeclared War

- Many Presidents have used the armed forces abroad without a declaration of war.

Wartime Powers

- The President's powers as commander in chief are far greater during a war than they are in normal times.

The War Powers Resolution

- The War Powers Resolution of 1973 limits the President's war-making powers.



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Section 3 Review

1. A treaty is

- (a) the power to build a navy and other armed forces.
- (b) a formal agreement between two or more sovereign states.
- (c) recognition of a foreign government by the President.
- (d) a condemnation of a foreign government by the American people.

2. When acting as head of the nation's armed forces, the President is filling the role of

- (a) commander in chief.
- (b) chief legislator.
- (c) head elector.
- (d) president *pro tempore*.

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Legislative and Judicial Powers

- How are the President's legislative powers an important part of the system of checks and balances?
- What are the President's major 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*.

The Veto Power

- All legislation passed by Congress is sent to the President for approval.
- If the President disapproves of a bill, he can veto it. That veto can only be overturned by a two-thirds vote of both houses of Congress.



The Line-Item Veto and Other Legislative Powers

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.

Other Legislative Powers

- According to Article II, Section 3 of the Constitution, only the President can call a Congress into special session.



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Judicial Powers

- The Constitution gives 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
- A **reprieve** is the postponement of the execution of a sentence.
- A **pardon** is legal forgiveness for a crime.
- These powers of **clemency** (mercy or leniency) may be used only in cases of federal crimes.

Section 4 Review

1. A presidential veto of legislation can only be overturned by a
 - (a) two-thirds vote in both houses of Congress.
 - (b) two-thirds vote in the Senate.
 - (c) two-thirds vote in the House.
 - (d) three-fifths vote in both houses of Congress.

2. Reprieves and pardons are both examples of the President's
 - (a) appointment power.
 - (b) wartime powers.
 - (c) ordinance power.
 - (d) clemency power.

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