

Presentation Pro

Magruder's American Government

CHAPTER 14 *The Presidency in Action*

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The Presidency in Action

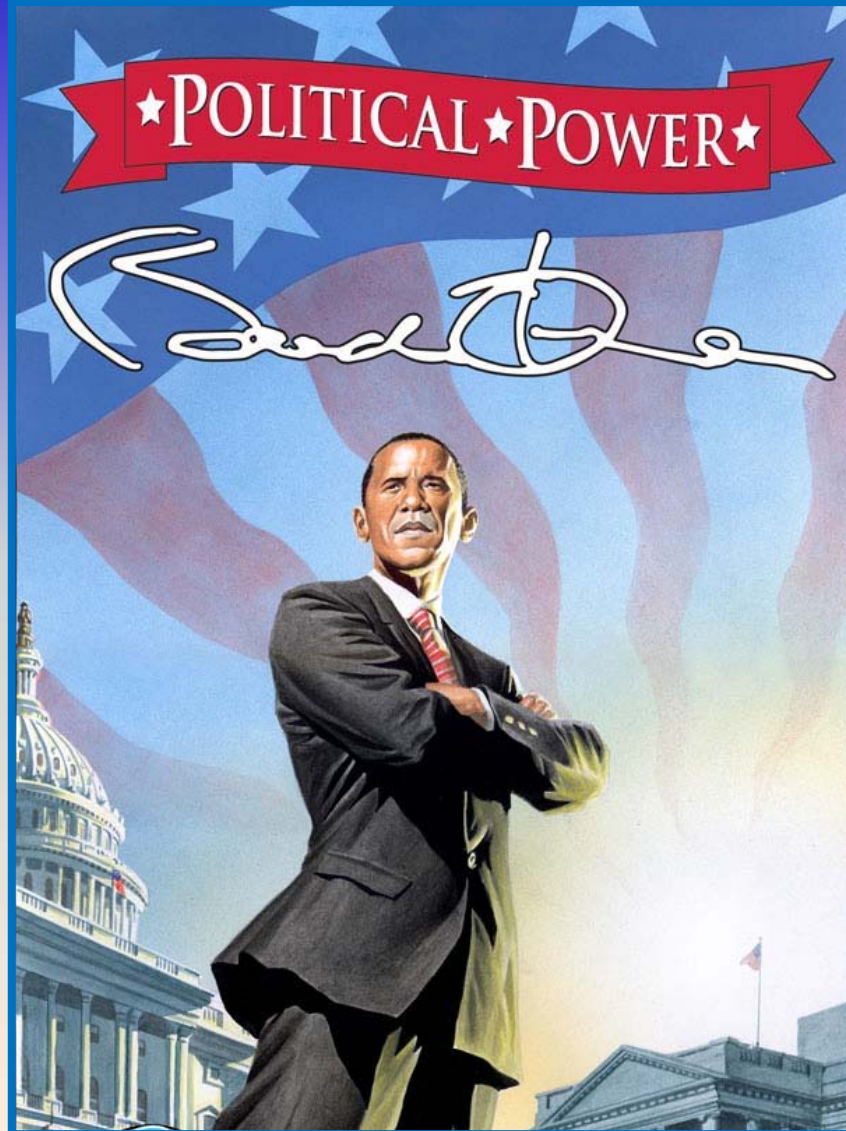
SECTION 1 The Growth of Presidential Power

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Section 1 Growth of Presidential Power



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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?



Section 1 Overview

- [Section 1 The Growth of Presidential Power](#)
- Article II of the Constitution created the presidency and gives the President certain expressed powers.
- Yet Article II is remarkably brief, leaving Americans to debate whether the Framers intended the presidency to be relatively strong or weak.
- Since the nation's founding, the power of the presidency has grown significantly.
- The power a President exercises depends on his views about the office and how he interprets Article II

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.



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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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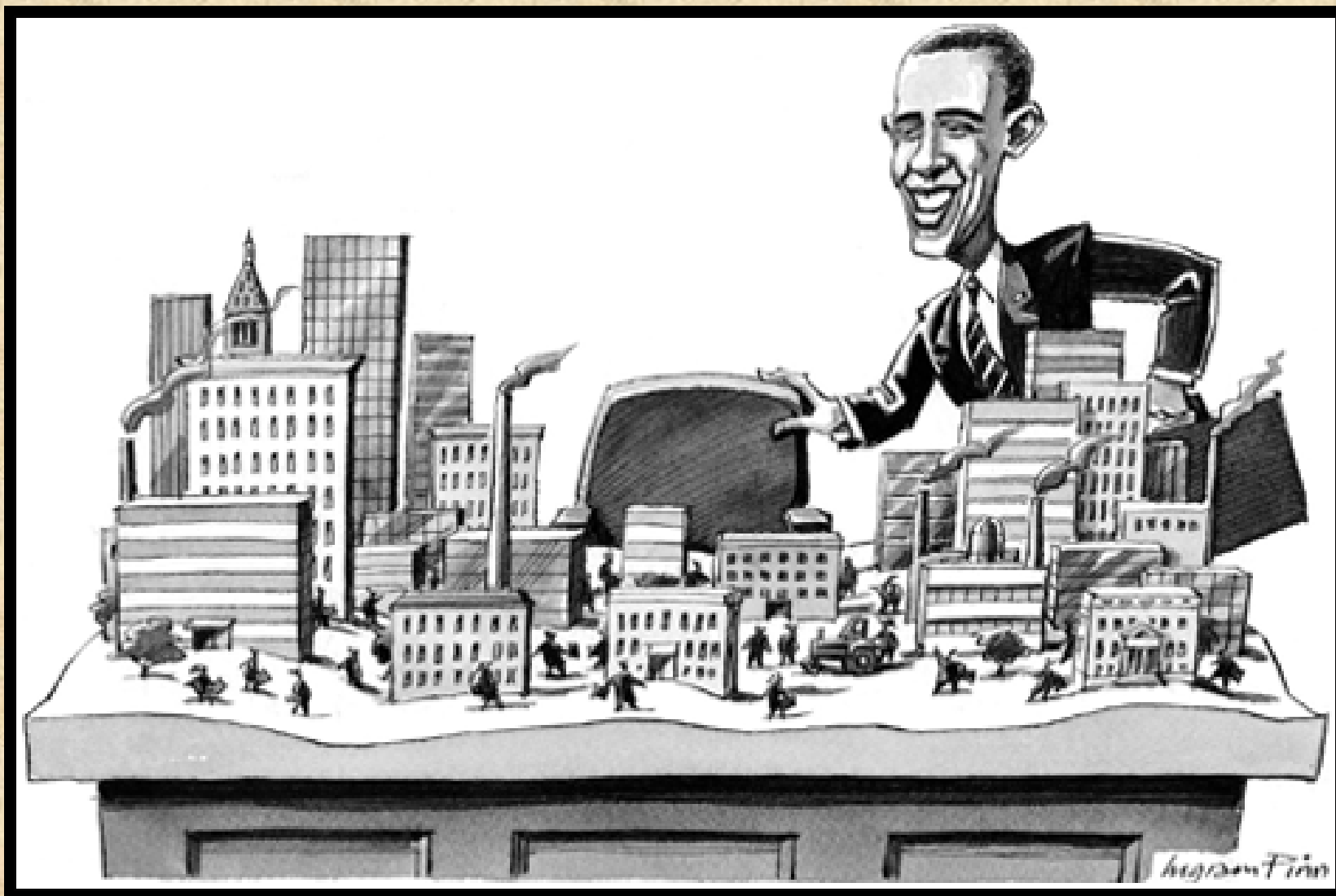
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Section 2 Executive Power



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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?



Section 2 Overview

- [Section 2 The President's Executive Powers](#)
- Article II gives the President the power and responsibility to “execute the laws.”
- This executive power gives the President a great deal of flexibility in deciding how laws are carried out.
- Among the President's key powers are those to appoint and remove top federal officials

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 3 Diplomatic and Military Power



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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?



Section 3 Overview

- [Section 3 Diplomatic and Military Powers](#)
- The President shares treaty-making and other powers with Congress.
- Certain diplomatic powers may be carried out without the approval of Congress; increasingly, Presidents have made use of these powers.
- As commander in chief of the armed forces, the President possesses almost unlimited military power

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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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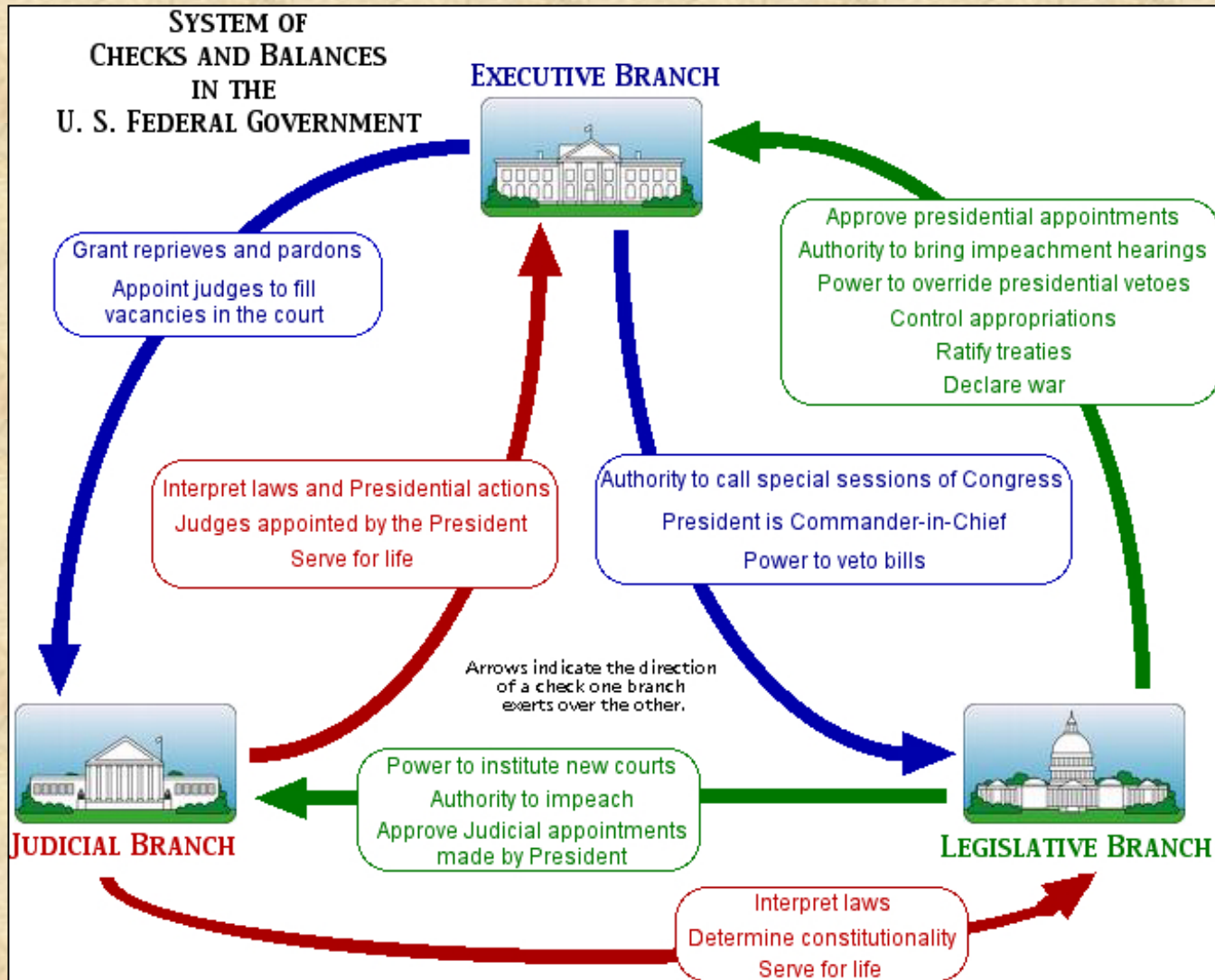
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Section 4 Legislative and Judicial Power



Section 4 Overview

- [Section 4 Legislative and Judicial Powers](#)
- The Constitution gives the President important legislative and judicial powers as part of the system of checks and balances in the Federal Government.
- The President's key legislative powers are to submit legislation for Congress to consider and to reject legislation that he opposes.
- The Constitution gives the President several powers of clemency—powers with which he can show mercy to those convicted of federal crimes.

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?



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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.



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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.



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Review

Section 1 Vocabulary

- **Executive Article**

Article II of the Constitution. Establishes the presidency and gives the executive power of the Federal Government to the President

- **Mass media**

Those means of communication that reach large audiences, especially television, radio, printed publications, and the Internet

- **Imperial presidency**

Term used to describe a President as an “emperor” who **acts without consulting Congress** or acts in secrecy to evade or deceive Congress; often used in reference to Richard Nixon and the Obama presidency

Section 2 Vocabulary

- **Oath of office**

Oath taken by the President on the day he takes office, pledging to “faithfully execute” the office and “preserve, protect, and defend” the Constitution.

- **Executive order**

Directive, rule, or regulation issued by a chief executive or subordinates, based upon constitutional or statutory authority and having the force of law

- **Ordinance power**

Power of the President to issue executive orders; originates from the Constitution and acts of Congress

Section 3 Vocabulary

- **Treaty**

A formal agreement between two or more sovereign states

- **Executive agreement**

A pact made by the President directly with the head of a foreign state; a binding international agreement with the force of law but which (unlike a treaty) does not require Senate consent.

- **Recognition**

The exclusive power of a President to recognize (establish formal diplomatic relations with) foreign states

- **Persona non grata**

An unwelcome person; used to describe recalled diplomatic officials

Section 4 Vocabulary

- **Line-item veto**

A President's cancellation of specific dollar amounts (line items) from a congressional spending bill; instituted by a 1996 congressional act, but struck down by a 1998 Supreme Court decision

- **Reprieve**

An official postponement of the execution of a sentence; see pardon

- **Pardon**

Release from the punishment or legal consequences of a crime, by the President (in a federal case) or a governor (in a State case).

Section 4 Vocabulary continued

- **Clemency**

Mercy or leniency granted to an offender by a chief executive; see pardon and reprieve

- **Commutation**

The power to reduce (commute) the length of a sentence or fine for a crime.

- **Amnesty**

A blanket pardon offered to a group of law violators

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