Magruder’s American Government

CHAPTER 14
The Presidency in Action
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SECTION 1  The Growth of Presidential Power

SECTION 2  The President’s Executive Powers

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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.
The Presidential View

• The power of the presidency has grown over time.

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

Two Views:

• Some Presidents have taken a broad view of the powers they inherited.

• Other Presidents have felt that they cannot exercise any power not specifically granted to them.
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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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.

Ordinance Power

• The President has the power to issue **executive orders** which has the effect of law.

• The power to issue orders is called the **ordinance 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 independent agencies such as the CIA and NASA;
  
  (4) all federal judges, attorneys, and U.S. marshals;
  
  (5) all officers in the armed forces.

**The Removal Power**

• In general, the President may remove any appointees except federal judges.
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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The Power to Make Treaties

• A **treaty** is a formal agreement between two or more sovereign states.

• The President usually negotiates these international agreements.

• All treaties must pass approval by a **two-thirds** of the members present vote in the Senate.
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.
The power of **recognition** is exercised when the President acknowledges the legal existence of another sovereign state.

- The President may show American displeasure by asking for the recall of other nation’s ambassador or diplomats in this country.

- The official is declared to be **persona non grata**, or an unwelcome person.
Commander in Chief

The President is 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.
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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Recommending Legislation

• The Constitution states the President shall report to Congress on the “state of the Union” and recommend necessary legislation.

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.
• A veto can be overturned by a two-thirds vote of both houses of Congress.
The Line-Item Veto Power

The Line Item Veto

• In 1996, Congress passed the Line Item Veto Act which would have allowed the President to reject specific dollar amounts in spending bills enacted by Congress.

• It was struck down by the Supreme Court in 1998 because it violated the constitutional principle of Separation of Powers.

Other Legislative Powers

• Only the President can call a Congress into special session.
Clemency Powers

The power to show mercy or leniency for federal crimes

• **Reprieve** - postponement of the execution of a sentence.

• **Pardon** - legal forgiveness for a crime.

• **Amnesty** - a blanket pardon for a group of people.

• **Commutation** – the power to reduce the length of a sentence or fine.
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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