

Main Idea

The powers of the presidency, outlined in Article II of the Constitution, are vast and have grown throughout the history of the United States. They are, however, checked by the other branches of government.

Reading Focus

1. What are the executive powers of the president?
2. What are the diplomatic and military powers of the president?
3. How does the president exercise legislative and judicial powers?
4. What are some of the informal powers of the president?
5. How are the president's powers checked by the other branches?
6. In what ways has presidential power changed over the years?

Key Terms

executive orders
 executive privilege
 diplomatic recognition
 reprieve
 pardon
 amnesty
 commute

Executive Powers (p. 170)

As chief executive the president has three main powers. These are: appointment and removal of key executive branch officials, issuing executive orders, and maintaining executive privilege.

Appointment and Removal Powers

The Constitution gives the president power to appoint people to fill the top posts in the executive branch. About one-third of presidential appointments must be approved by the Senate. A president can remove any appointee, with the exception of federal judges, from a position at any time.

Executive Orders As chief executive, presidents also have the power to issue, or make, **executive orders**—a formal rule or regulation instructing executive branch officials on how to carry out their jobs. Executive orders have the force of law. Presidents also occasionally issue signing

statements, which declare how a president intends to enforce a law.

Executive Privilege The final power that presidents claim as chief executive is the right of **executive privilege**. This power allows a president to refuse to release information to Congress or a court. They use this power to shield information in the interest of national security. They also say that by guaranteeing confidentiality, they can get better feedback from their advisers. In most cases, the courts have agreed with the concept.

Reading Check Identifying the Main Idea What are the president's executive powers?

Diplomatic and Military Powers

(pp. 172–173)

The president is foreign policy leader, chief of state, and the commander in chief of the

United States. These roles give the president wide diplomatic and military powers.

Diplomatic Powers The president has the power to negotiate treaties with foreign governments. Two-thirds of the Senate must approve any treaty. Even after a treaty is approved, Congress can still pass laws that change or override parts of it.

Presidents can also make executive agreements—agreements between a president and the head of a foreign government. Executive agreements have the force of law and do not require Senate approval.

The president also has the power to formally recognize the legitimacy of a foreign government. This power is known as **diplomatic recognition**.

Military Powers The Constitution gives Congress the power to declare war. However, throughout U.S. history presidents have claimed their power as commander in chief to take military action without a formal declaration of war from Congress.

After the Vietnam War, Congress passed the War Powers Resolution in 1973. This law requires the president to consult with Congress before and during any possible armed conflict involving U.S. military forces and to meet certain requirements regarding the use of troops. Presidents have questioned the law's constitutionality.

Reading Check Sequencing Under the War Powers Resolution, what must a president do?

Legislative and Judicial Powers (pp. 173–175)

The Constitution calls for a separation of powers among the branches. To make this separation effective, the president has some powers in both the legislative and judicial branches of government.

Legislative Powers The president proposes legislation to Congress during the State of the Union address and the federal budget proposal, or at any time he or she chooses. The president also has the veto power. A veto can be overridden if two-thirds of the members of each house of Congress vote to do so, though this is hard to achieve. The president does not have line-item veto power—the power to cancel certain parts of a bill—because it was declared unconstitutional by the Supreme Court in 1998.

Judicial Powers Presidents nominate people who become federal judges and justices. The Senate must approve and confirm the nominees. Presidents also have the power to change the sentences of people convicted of crimes through their powers of clemency, or mercy.

The Constitution gives the president the power to grant reprieves and pardons. A **reprieve** postpones the carrying out of a sentence, or the length of time a person is put in jail. A **pardon** releases a convicted criminal from having to fulfill a sentence. The president can also offer **amnesty**, which grants a group of offenders a general pardon for offenses committed. Included in the power to pardon is the power to **commute**, or reduce, a person's sentence. A president can issue reprieves, pardons, or commutations for federal offenses only. Clemency is not allowed in cases of impeachment.

Reading Check Contrasting What is the difference between a reprieve and a pardon?

Informal Powers (p. 175)

The informal powers of the presidency are not specifically stated in the Constitution. They include the president's access to the media—presidents can present their case to

the public on television and radio at any time.

Another source of informal power comes from the president's position as party leader. Fellow party members are expected to follow the president's lead on policy. In return, the president offers support to fellow party members at election time.

Reading Check Identifying the Main

Idea What is meant by the term *informal powers*?

Checks on the President's Powers (pp. 175–176)

The Constitution places checks on the president and the executive branch. Though the presidency has changed over the years, these checks remain powerful.

Formal Checks Presidential actions are subject to judicial review and can be declared unconstitutional. Presidential power can also be checked by the Senate's power to approve and confirm presidential nominees and the ability of Congress to override a presidential veto.

Informal Checks The media is the primary source of informal checks on presidential power. The media can keep the American public informed about potential abuses of power. Public approval is another check. Successful presidents have strong public support.

Reading Check Identifying

Supporting Details What are some of the informal checks on a president's power?

Changes in Presidential Power (pp. 176–178)

The power and influence of the presidency has grown significantly over the years. This is due to the growth of government, as well as to the growth of the nation as a world power.

The First 100 Years Most early presidents shared the views of the Framers that much of the federal government's power should belong to Congress. Presidents John Adams and Thomas Jefferson never issued a single veto, for example. Jefferson did, however, stretch the boundaries of presidential power with the purchase of Louisiana from France in 1803.

Andrew Jackson believed he could veto acts of Congress simply because he disagreed with them. Most presidents since Jackson have taken a similar position.

Presidential Power Expands The Civil War marked a turning point in presidential power. President Abraham Lincoln believed that the war endangered the Constitution, which he was sworn to protect. He therefore took any steps necessary to preserve the nation.

Lincoln's actions were a model for President Theodore Roosevelt, who believed the president should pressure Congress to pass certain legislation. He convinced Congress to give the executive branch stronger powers to control the rise of big business.

The Great Depression gave President Franklin Roosevelt the opportunity to expand presidential power even further. His New Deal programs aimed at the economic crisis expanded the role of government in people's lives. People now looked to the government, and the executive branch, to solve social problems.

Many people have expressed concern at the increased power of the president and about the size of government. This concern is not without reason. Government today is much more powerful than it was at the time of the nation's founding. Much of that power is concentrated in the executive branch.

Presidential Power and the Media

One of the ways that presidents show their

power is through the media. Presidents in earlier U.S. history used print media, while today's presidents use television and the Internet. Presidents carefully control how their message is presented and hire experts to help them create their presentations. Still, the power of the media can work against

presidents, who can be damaged by negative coverage.

Reading Check Summarizing How have the president's powers changed over time?

SECTION 2 ASSESSMENT

1. **Define** What are **executive orders** and **executive privilege**?
2. **Define** What is an executive agreement?
3. **Define** What is the meaning of the terms **reprieve**, **pardon**, and **commute**?
4. **Describe** What is the role of the media as a source of a president's informal powers?
5. **Identify** What are some formal checks on the president's power?