

PRESIDENTIAL POWERS

I. Formal Powers – Constitutional or enumerated powers of the presidency found primarily in Article II of the Constitution

Chief Executive	<ul style="list-style-type: none"> • “Faithfully execute” the laws • Require the opinion of heads of executive departments • Grant pardons for federal offenses except for cases of impeachment • Nominate judges of the Supreme Court and all other officers of the U.S. with consent of the Senate • Fill vacancies that may happen during recess of the Senate
Commander-in-Chief	<ul style="list-style-type: none"> • Commander in Chief of the Army & Navy • Commander in Chief of the state militias (now the National Guard) • Commission all officers
Foreign Affairs	<ul style="list-style-type: none"> • Appoint ambassadors, ministers and consuls • Make treaties subject to Senate confirmation • Receive ambassadors
Chief Legislator	<ul style="list-style-type: none"> • Give State of the Union address to Congress • Recommend “measures” to the Congress • Upon “extraordinary occasions” convene both houses of Congress • Veto Message within 10 days of passing the House of origin; Congress can override veto with 2/3 vote both houses • <i>Pocket Veto</i>-President does not sign within 10 days <p><u>Veto Politics</u></p> <ul style="list-style-type: none"> • Congressional override is difficult (only 7.1%) • Threat of veto can cause Congress to make changes in legislation

II. Informal Powers – Those powers not explicitly written in the Constitution (similar to “necessary and proper” powers of Congress).

Executive Orders	<ul style="list-style-type: none"> • Orders issued by the President that carry the force of law • Examples <ol style="list-style-type: none"> 1) Clinton’s “Don’t ask don’t tell” gays in the military policy 2) FDR internment of Japanese Americans 3) GWB trying suspected terrorists in military tribunals
Executive Agreements	<ul style="list-style-type: none"> • International agreements, usually related to trade, made by a president that has the force of a treaty; does NOT need Senate approval • Examples <ol style="list-style-type: none"> 1) Jefferson’s purchase of Louisiana in 1803 2) GWB announced cuts in the nuclear arsenal, but not in a treaty; usually trade agreements between US and other nations
Executive Privilege	<ul style="list-style-type: none"> • Claim by a president that he has the right to decide that the national interest will be better served if certain information is withheld from the public, including the Courts and Congress • US v. Nixon (1974) - presidents do NOT have unqualified executive privilege (Nixon Watergate tapes)