

## PRESIDENTIAL POWERS

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

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

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

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