

Module 4: The Presidency

Topic 2 Content: Executive Checks on Power

Introduction



Demi Tracy: Welcome to WUSG News. This is my cohost, Glover Mint. I'm Demi Tracy. This episode will focus on the different checks on power the executive branch possesses. We are joined in the studio by the host of *Presidential Presence*, Preston Dent.

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Presidential Presence

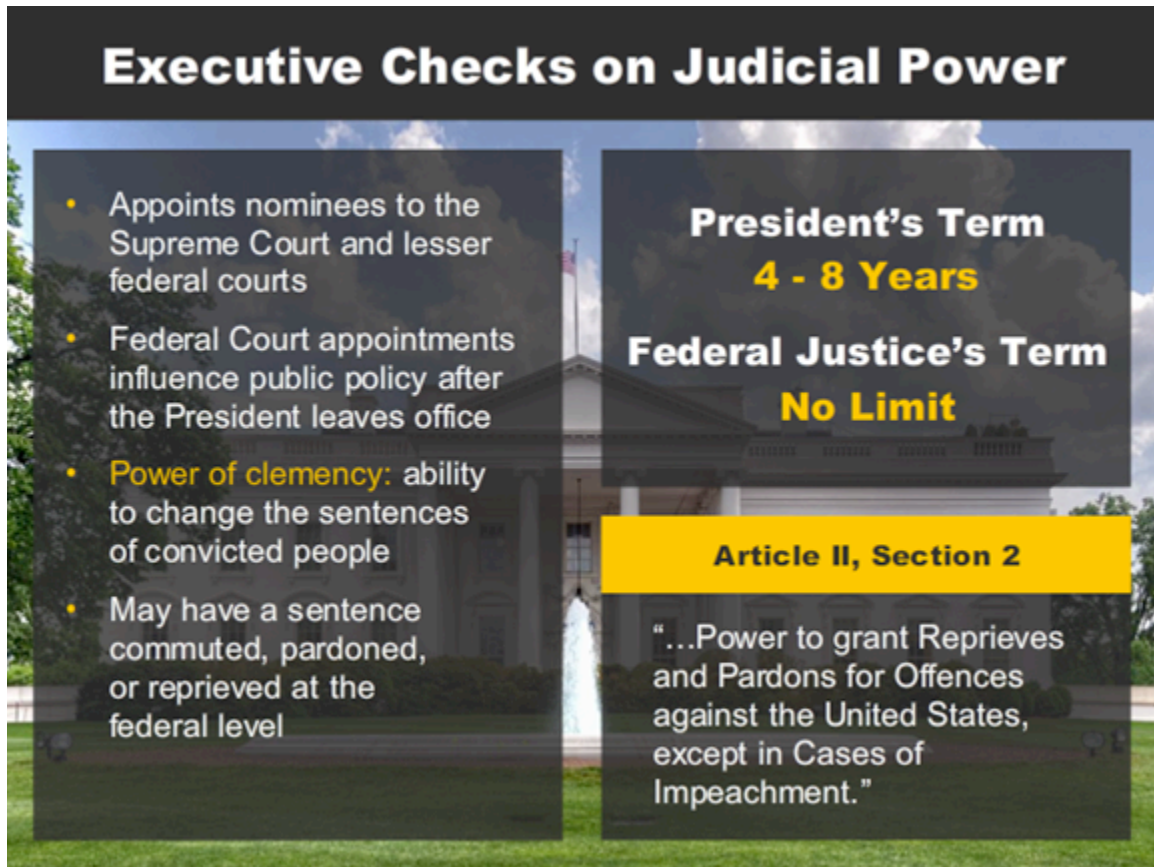


Preston Dent: To help ensure that the system of checks and balances in the Constitution was effective, the framers gave the President some judicial and legislative powers. These serve as checks on the powers of the other two branches and help maintain a balanced government.

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Executive Checks on Judicial Power



Executive Checks on Judicial Power

- Appoints nominees to the Supreme Court and lesser federal courts
- Federal Court appointments influence public policy after the President leaves office
- **Power of clemency:** ability to change the sentences of convicted people
- May have a sentence commuted, pardoned, or reprovied at the federal level

President's Term
4 - 8 Years

Federal Justice's Term
No Limit

Article II, Section 2

"...Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment."

Preston Dent: The President has the authority to appoint nominees to the Supreme Court and other lesser federal courts. The full effect of this power is not immediately apparent, but Supreme the federal justices serve their terms for life. This means that a President's appointments are able to remain in their position for years after the President's term is finished. If the President appoints a judge or Justice who shares the same political beliefs, which is generally the case, that person continues to influence public policy long after the President has left office.

In addition to the power to appoint Supreme Court Justices and federal judges, Article II of the Constitution states the President:

"...shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment."

This means presidents have the ability to change the sentences of convicted people. This is called the power of clemency, and grants the President the ability to have sentences commuted or reduced; pardoned, which releases the criminal; or reprovied, which postpones the carrying out of a sentence or the amount of time a person must be in jail. These grants of clemency may not ever be overturned by the courts, but the President has no authority over cases that occur at the state level or in cases of impeachment.

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Executive Checks on Legislative Power



Executive Checks on Legislative Power

- Announces goals during the State of the Union address
- Suggests legislation or works directly with Senators and Representatives
- Power to veto legislation
- **Veto:** prevent a passed bill from becoming a law
- Veto may only be overridden with two-thirds vote in both chambers of Congress
- The threat of vetoing legislation has power

Preston Dent: One of the President's roles is that of Chief Legislator. In this role, Presidents have the power to directly influence the agenda set by Congress. Through their State of the Union address, Presidents can announce their goals and objectives to Congress and the American public. Presidents can suggest legislation at any time and even work directly with individual Senators or Representatives while they draft new bills. In modern times, it is quite common for Presidents to work with lawmakers on developing public policy.

The President's main check on legislative power is the veto. After Congress passes a bill, a President has the option to sign the passed bill into law or veto it, preventing it from becoming a law. Congress does have the power to override the veto if two-thirds of the members of each chamber vote accordingly; however, overriding a veto is a difficult task because the number of votes required make bipartisan support a necessity. Interestingly, the power of veto is so detrimental to new legislation that even the threat of a veto holds power. If lawmakers believe that the President is going to veto a bill, they will alter portions of the bill in order to make it more appealing to the President.

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Ending of Episode



Demi Tracy: Remember, one of the main principles of the Constitution is the separation of the executive, legislative, and judicial powers. Another principle is the system of checks and balances that prevents one branch from gaining more power than others. Thanks for tuning in to today's episode.