

Module 4: The Presidency

Topic 2 Content: Growing Presidential Power

Introduction



Glover Mint: Some Americans perceive the President as having endless powers. While it is true the President possesses more power in the United States government than any other individual, this power is not limitless. Many citizens may have difficulty grasping the true extent of the President's power, but there is no doubt that throughout history some Presidents have redefined their role in the government. Preston Dent joins us to discuss how the Chief Executive's powers have grown throughout history.

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Presidential Presence



Preston Dent: You raise an interesting question, Glover. Why do some Americans believe that the President has more power than the other branches of government? As the Chief Executive, the President is asked to make many decisions. In order to follow through with these decisions, the President must have the power to enforce them. The amount of power the President utilizes to enforce these decisions depends entirely on the era and on the President in question. Today, we will examine aspects of presidential power that push the boundaries of the executive branch.

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Executive Agreements

The infographic is a vertical banner with a dark blue background and a yellow top bar. The top bar is split into two yellow sections: 'Presidential Treaties' on the left and 'Executive Agreements' on the right. A central vertical strip features the Great Seal of the United States, including the eagle with a shield, holding an olive branch and arrows, with a banner that says 'E PLURIBUS UNUM'. The background of the infographic has a faint, circular seal of the President of the United States.

Presidential Treaties	Executive Agreements
<ul style="list-style-type: none">• Negotiated by the President and his or her advisors• Require the approval of two-thirds of the Senate• Used to end wars, increase trade, solidify alliances, etc.• May be amended by the Senate	<ul style="list-style-type: none">• Deal with another nation that has no legislative involvement or oversight• Regarded as a binding treaty internationally• Used frequently after the end of World War II• May be instituted quickly• Louisiana Purchase• Mutual protection deal with the UK• NAFTA

Preston Dent: As the Chief Diplomat of the United States, the President and his or her appointed advisors represent America. When it comes to dealing with other nations, the President has the power to negotiate treaties, pending the approval of two-thirds of the Senate. These treaties may be used to end wars and other conflicts, but they may also be used to increase trade between nations or solidify alliances.

The Senate may have the final say regarding any potential treaty; it not only approves the treaty, but may vote to amend aspects of it, even after the treaty has been approved. However, the President also has the power of executive agreement. Executive agreements are deals made with other countries that do not involve the legislative branch. These are regarded as treaties on the international stage, but are not technically legal agreements in the U.S.

The executive branch of post-World War II American began to use executive agreements more frequently, due to how quickly they could be instituted. These agreements grant the executive branch almost complete control of all foreign policy. Some famous examples include the Louisiana Purchase, in which Thomas Jefferson agreed to buy the Louisiana territory from Napoleon; the mutual protection deal that was made with the United Kingdom at the onset of World War II; and the North American Free Trade Agreement, or NAFTA, which was an economic deal made with Mexico and Canada in 1994. All of these deals were struck through an executive agreement with no legislative oversight.

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Executive Orders



Preston Dent: One of the powers of the Chief Executive is the ability to issue executive orders. An executive order serves as formal instructions to members of the executive branch on how to enforce the laws of the land. Executive orders have the same force as a law, without having to be passed through legislative branch of government. The Constitution never declares that the President has the power to issue these executive orders, but there is a clause that says, “he shall take Care that the Laws be faithfully executed...” This has led to executive orders that address a variety of issues.

Many times these orders serve as a clarification or interpretation of an existing law’s application. An executive order may create regulations for the executive branch, as when President Clinton issued Executive Order 13163, decreeing that all executive agencies actively hire and make accommodations for Americans with disabilities. Sometimes these orders serve symbolic purposes, such as Executive Order 11129, which named the NASA launch facility located in Florida the John F. Kennedy Space Center, after the recently assassinated President. There are even occasions when an executive order simply grants employees a day off from work, as did Executive Order 13238, which closed all executive departments and agencies on December 24, 2001.

Some of these executive orders may sound mundane to you, but keep in mind that in the right hands, this power has the potential to drastically change current public policy. Equal employment opportunity, the desegregation of schools, and the Emancipation Proclamation were all executive orders, issued by Presidents Lyndon Johnson, Dwight D. Eisenhower, and Abraham Lincoln, respectively.

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Military Deployment

Military Deployment	War Powers Resolution
<ul style="list-style-type: none">• Many Presidents have deployed the military without a formal declaration of war.• The President has deployed the armed forces over 200 times.• Some conflicts were limited military engagements with authorization from Congress.• The Korean War and the Vietnam War were never formally declared.	<ul style="list-style-type: none">• The Vietnam War saw the executive branch abuse its power to deploy the military.• Congress passed the War Powers Resolution in 1973, after overriding President Nixon's veto.• It limited the President's ability to deploy troops to 60 days, or 90 days if extra time is needed for a safe return.

Preston Dent: The Constitution clearly states that Congress has the power to declare war. Despite this, many Presidents have claimed the power to deploy the military without a formal declaration of war.

There are actually only five instances in history when Congress issued this official declaration: the War of 1812, the Mexican-American War, the Spanish-American War, World War I, and World War II. In contrast, the President has deployed the armed forces more than 200 times. Some of these were limited military engagements that were authorized by Congress, like the Iraq War and the War in Afghanistan; but others were essentially undeclared wars. Even large scale conflicts, like the Korean War and the Vietnam War, never received a formal declaration of war.

After the Vietnam War, Congress saw how the executive branch had abused its power and attempted to restrict the President's ability to deploy military forces. They passed the War Powers Resolution in 1973, which President Nixon vetoed, but which was then overridden by Congress. This act limits the President's ability to send troops into action to 60 days, or 90 if extra time is needed for a safe return. The President is also required to report the deployment to Congress within 48 hours.

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George Washington

- Executive power has expanded over time.
- The Cabinet began as 3 advisors assisting President Washington.
- The current Cabinet consists of 15 individuals that are in charge of large departments.
- The executive departments preside over additional agencies.
- Some departments employ hundreds of thousands of people.


Preston Dent: One of the reasons people believe that the power and influence of the executive branch has grown over time, is that it has. The Cabinet, for example, began as three advisors assisting George Washington and has grown to include fifteen individuals. These Cabinet members chair large departments, which often preside over additional dependent agencies and employ hundreds of thousands of people.

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Growing Presidential Power II

Growing Presidential Power



Franklin Roosevelt

- During most of the 1800s, the power of the President was second to the power of Congress.
- Andrew Jackson was the first to use the power of veto extensively.
- Jackson set a new precedent, making it easier for future presidents to use the power of veto.
- Washington set the precedent of a two-term Presidency.
- Franklin Roosevelt was elected to the Presidency four times.
- Congress passed the 22nd Amendment to restrict the President to two terms in office.

Preston Dent: Throughout most the Nineteenth Century, the power of the Presidency was second to that of Congress. These Presidents possessed the same executive powers as others, but chose not to use them. President Andrew Jackson, for example, frequently used his presidential power of veto, which was rarely used prior to his administration. Many called him a tyrant, as he broke the precedent set by his predecessors, but he also made it easier for his successors to use this power. After the end of his second term as President, George Washington declined to run again. This created a tradition of Presidents stepping down after two terms. There was never a law against a third term. It was only a precedent set by Washington, and lasted until Franklin Roosevelt was successfully elected to the Presidency four times. Congress thought that a 16-year Presidency was a threat to democracy and passed the Twenty-second Amendment, which restricted the President to two terms in office.

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Growing Presidential Power III

Growing Presidential Power



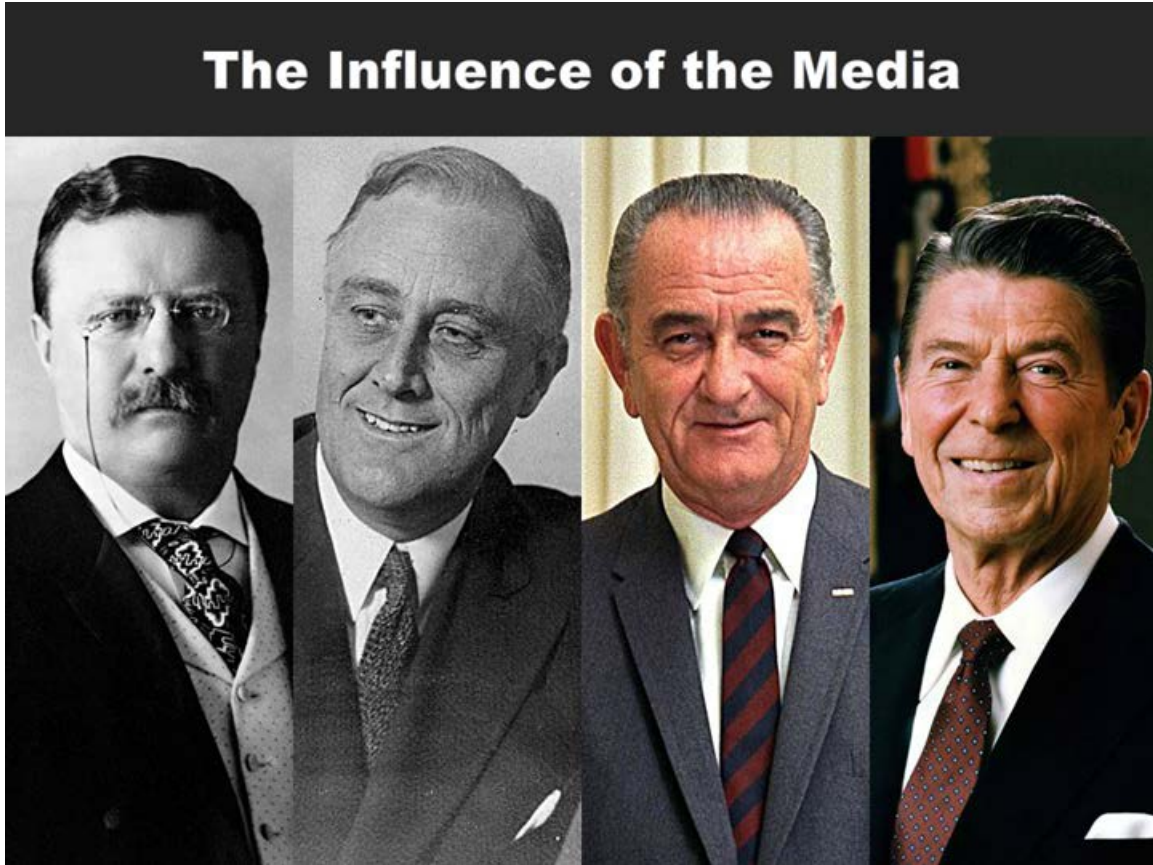
- Signing statements are a modern example of the executive branch testing the limits of its power.
- Signing statements are written pronouncements that are issued when a bill is signed into law.
- Typically, a signing statement makes note of the importance of a piece of legislation.
- Signing statements are controversial when Presidents cite provisions of a law they plan to modify or ignore.
- Many feel this is beyond the power of the President.

Preston Dent: The push-and-pull of power has continued until the present day. A modern example of the executive branch testing the limits of their power is the use of signing statements. Signing statements are written pronouncements that are issued when a bill is signed into law. Typically they only comment on the legislation, making note of how important it is, or commending those who wrote it. These statements have become more controversial in cases where Presidents have cited provisions which they believed to be unconstitutional and which they planned to modify or ignore completely. Many feel, understandably, that this is beyond the power of the President.

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The Influence of the Media



Preston Dent: Mass media has also played a role in changing the influence of the President. With mass media, it is much easier to focus on a single person, the President, than all of the members of Congress. Similarly, the media tends to focus on the constant debates in Congress, while the President is able to make decisions quickly and therefore appears to be more responsive to the American people.

Powerful and effective presidents, such as Theodore Roosevelt, Franklin Roosevelt, Lyndon Johnson, and Ronald Reagan, have used this media attention to their advantage. They increasingly drew the public's attention and favor to the Presidency and away from Congress. Powerful presidents like these have exercised their powers effectively in times of economic, social, and military crises, to increase the influence of their office.

As Presidents increasingly meet the needs of the public, Americans begin to expect even more from the President. It is clear that the executive branch of our national government is the most influential of the three. Theodore Roosevelt's evaluation of his own presidency perfectly exemplifies this growth of presidential power:

"...I did not usurp power, but I did greatly broaden the use of executive power. In other words, I acted for the public welfare unless prevented by direct constitutional or legislative prohibition."

Theodore Roosevelt: An Autobiography, 1913

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Ending of Episode



Glover Mint: The President has extensive government power and over time, the strength of the executive branch has grown; but the President's powers are not limitless. Americans want a President who will represent their interests, keep them safe, and solve any issues that may arise. These are huge expectations, but the job comes with enough power and influence for a President to be effective. On the other hand, in the minds of many Americans is the deeply rooted idea that government power, including that of the President, must be restricted. We will see you next time on WUSG News.