The Executive Branch

The President

The Executive Office of the White House

The Cabinet and Exec. Agencies
Powers of the President

“The Buck Stops Here”

- Chief Executive
- Head of State/Chief Diplomat
- Head of Party
- Chief Legislator
- Commander-in-Chief
- Chief Judge???
Chief Executive

“he shall take care that the laws are faithfully executed”

• Heads the Federal Bureaucracy which enacts laws passed by Congress.
• Power to Appointment.
• Executive Orders/Administrative Rules.
Head of State

“he shall have the power to make treaties … and appoint ambassadors”

• Ceremonial/Symbolic Leader of the Country
  – Speaks to the Nation. (in times of crisis or celebration)
  – Speaks for the Nation.

• Represents the U.S. Abroad
  – May negotiate and sign treaties.
  – Appoint and receive Ambassadors.
  – May form executive agreements.
  – Presidential Summits: Chief Diplomat.
Head of Party
(No mention in the Constitution.)

- Sets tone and direction for his party.
- Campaigns for party members.

Does position compromise role as Head of State?
Chief Legislator

“He shall from time to time recommend (to Congress) measures for their Consideration”

• Setting the Agenda
  – “The Bully Pulpit” - TR
  – State of the Union - Wilson
  – The First Hundred Days (FDR)
    • Fireside Chats (now weekly radio address)

• Managing the Economy
  – 1946 Full Employment Act

• Dealing with Congress
  – The Veto (court overturns line item veto)
    • Over ride: 2/3 both houses
  – Signing Statements
Chief Legislator

“He shall from time to time recommend (to Congress) measures for their Consideration”

Signing Statement on Prisoner Treatment Bill

The Executive Branch shall construe -- the act -- in a manner consistent with the constitutional authority of the President-- as commander in Chief--- which will assist in achieving the shared object of the Congress and the President -- of protecting the American people.
Chief Judge/Jury

- Pardons
- Commutations
- Amnesty
- Power to Appoint Justices
Commander-in-Chief

“The president shall be the commander in chief.”

“The Buck Stops Here.”

(And no more so than in foreign policy.)

– Establishing Military Strategy
– Invoking Emergency Domestic Powers
  – Emergency Military Actions
– Deciding on Whether to go to War???
Commander-in-Chief

“The president shall be the commander in chief”

• Establishing Military Strategy:
  – FDR: Europe First / Normandy during WWII
  – Truman: decision to drop the bomb
  – Truman: decision not to hit China during Korean War
  – Nixon: invasion of Cambodia / Xmas bombings
  – H.W. Bush: not to go to Baghdad
  – George W. Bush: troop size, disarmament of Iraqi Army, patrols of Baghdad (the surge”)
    • “Don’t try to micromanage the war.” (Bush to Congress)
Commander-in-Chief

• Invoking Emergency Domestic Powers:
  *No specific Constitutional provision.*

  – Lincoln: censoring of the mail, denial of habeas corpus
  – FDR: internment of Japanese Americans
  – Nixon: electronic surveillance
    ----->FISA (Foreign Inte. Surveillance Act)
  – Bush: domestic surveillance, detaining of enemy combatants without charge or trial, use of “aggressive” interrogation tactics.
Commander-in-Chief

“The president shall be the commander in chief”

Emergency Military Actions:
- FDR: “War” of the Atlantic
- Kennedy: Bay of Pigs / Blockade of Cuba
- Carter: Iran Hostage Rescue Mission
- Reagan: Troops to Beirut
- H.W. Bush: Invasion of Panama
- Clinton: Bombings in Afghanistan and Sudan
  - Response to attacks on U.S. embassies in Africa
Commander-in-Chief

“The president shall be the commander in chief”

• Deciding on War?
  – The Constitution declares that the President is the “Commander in Chief” but …..
  – The Constitution gives only Congress the power to “declare war”.
  – Undeclared “wars”
    • The Korean War
    • The Vietnam War
    • The Gulf War (Operation Desert Storm)
    • Kosovo Intervention
    • Invasion of Afghanistan
    • The Iraq War
Commander-in-Chief

“The president shall be the commander in chief”

• Why doesn’t Congress Declare War Anymore?
  – It is an outdated notion.
  – It seems overly aggressive and misrepresents aims.
  – It is not appropriate for non-state actors, who would we declare war on?
  – Granting authorization to a military action serves the same purpose?

• Has Congress been shucking its war making responsibility? And does it matter?
  – This would force more serious debate.
  – This would require greater national consensus and lessen the likelihood of stumbling into a prolonged confrontation.
  – This would serve as a check on presidential action.
Commander-in-Chief

“The president shall be the commander in chief”

• How Can Congress Stop a War?
    • Requires Congressional authorization for combat.
      – Could Congress rescind its resolution?
    • Congress may demand withdrawal of troops after 60 days.
      • Constitutionality questioned.
  – Cut off funding. (Power of the Purse).
    • Set guidelines (“micro management”?).
  – Apply political pressure.