

Has presidential power become too strong? essay sample

[Law](#), [Constitution](#)



In today's world, our President needs to be strong and influential. Congress used to have the time to debate every issue. The President is the only one today who can act quickly on important issues. Our nation only has one President compared to the 435 representatives and 100 senators. The Constitution was written to divide all powers between the three branches of government. However, a system of checks and balances exists in order to make sure that no single branch of government becomes too powerful. Many feel the President has more power than the legislative and judicial branches. In recent years, many people think that the president has become too strong. Although expansion of the Constitution is necessary in some cases, I don't think it is ever appropriate for a president to overstep the boundaries as much as some of our presidents have. A common feeling is that the president has taken so much power from the other branches of government that this threatens our democratic system. I agree with this claim, and the following explains why.

One example of how the president's military has expanded throughout the years is the president's ability to potentially destroy cities on a whim. When George Washington was our president, he had the power to command a handful of cannons and was in charge of maybe a thousand soldiers. Now, if the president wanted to, he could use nuclear warheads and take out a major city if he deemed it necessary. The power of the president is felt not only in the United States, but all over the world. Foreign officials now visit our country and the president has the ability to fly to any location in the world within 24 hours. Our first president, Washington, would have had to sail for weeks or even months if he were to attempt a voyage to a foreign

nation. The American people expect the president to deal with a huge number of problems. If there is economic trouble, they expect the president to cure it. Modern presidents don't just try to administer the laws passed by Congress, nor do they merely "recommend measures" to Congress as required by the Constitution (Article II, Section 3).

Pressure is often put on the shoulders of Congress by presidential staff members to pass favored bills. In Washington's day, his duties were strictly outlined in Article II. Now it seems as if the president can just have his way with whatever topic he sees fit. Presidential powers have dramatically increased while congressional powers have decreased. In 2002, Congress authorized Bush to use military force in Iraq. In doing so, Congress allowed Bush to attack Iraq at his own discretion, determining when, how, and exactly where the attack would take place. An end to the war was sought when Democrats took charge of Congress in 2006. However, they soon found that this was easier said than done. They did not have the power to change Bush's war policies. The legislative branch has the privilege of declaring war, a power that hasn't been implemented by them since Japan attacked the United States at Pearl Harbor.

Congress soon learned that they did not have the power to interfere with the President's "war policies." Presidential power continued to increase in 1973 with the War Powers Act. This act allows the president more authority than was granted in the constitution: it allows him to deploy forces abroad without congressional authority for 60 days. In the Constitution, it states that before troops can be deployed, you must have congressional authorization. Another

example of a violation of the War Powers Act is a recent event. President Obama notified Congress that United States air strikes would take place in order to protect Libyan citizens from the rule of Gaddhafi. However, according to the War Powers Act, he had 60 days to obtain authorization from Congress or withdraw troops.

He failed to obtain authorization. In theory, Congress could end a war if they so desired. However, this is much easier in theory rather than practice. To pull the plug on a war, Congress could pull the funding on said war. Doing so would leave American troops on foreign soil without any sort of government funding. This would not sit well with the troops, government officials, military leaders, and basically anyone else living in the United States. Because of this, Congress has to continue funding a war whether or not they agree with it because that's the popular decision. Power has tipped so far into the hands of the president that it seems almost impossible to get it back. The War Powers Act itself shouldn't be considered constitutional, since the Constitution already grants the power to declare war to the legislative branch, not the executive. I believe that the only way that this could be deemed constitutional is if an amendment was added to the constitution. By doing so, powers would be granted to both the executive and legislative branches. Another two examples of the president taking advantage of executive powers are by using executive orders and executive privileges.

Executive Orders have two main functions: to modify how an executive branch department or agency does its job or to modify existing law, if such authority has been granted to the president by Congress. Executive Orders

are not mentioned by the Constitution, but they have been around a long, long time. George Washington issued several Presidential Proclamations. Executive Orders and Proclamations are not law, but they have the effect of statutes. A typical modern Proclamation might declare a day to be in someone's honor. Historically, they have had broader effect, such as the Emancipation Proclamation. A typical Executive Order might instruct the government to do no business with a country we are at war with. Executive Orders are subject to judicial review, and can be declared unconstitutional. Today, Executive Orders and Proclamations are sequentially numbered.

The average president issues 58 Executive Orders a year. All Executive Orders must be published in the Federal Register. Executive privilege is a right to withhold information from the legislative and judicial branches by the President or by one of the executive departments. There is question of whether the right exists at all, a question that has lingered since the very first President, George Washington, asserted executive privilege in his very first term. Most times, executive privilege is asserted for purported national security reasons. Washington, however, asserted the privilege when the House requested details of the Jay Treaty — his rationale was that the House has no role in treaty-making and hence no right to request the documents.

In modern times, Bill Clinton refused to simply comply with an order to appear before a grand jury, and instead negotiated terms under which he would appear. Richard Nixon's is the most infamous use of executive privilege, and while the Supreme Court, in *U. S. v Nixon*, recognized that there exists a need for some secrecy in the executive branch, but that the

secrecy cannot be absolute. The Court ordered Nixon to turn over tapes and documents that a special prosecutor had subpoenaed. An issue related to Nixon's misuse of executive privilege is Bush's use of wiretapping. In Bush's opinion, he was doing whatever was necessary to protect the citizens of the United States. However, invading the privacy of citizens is, in my opinion, a huge step over the line of executive privilege and misuse of power. Although it's easy to see how Bush may have wanted to do this as a way to find terrorists, it's also comparable to the Red Scare of the 1950's. If a president can get away with tapping phones and invading countries without permission, what else will one try to get away with? Another example of Bush using too much power has to do with habeas corpus. He tried to deny this constitutional right to people being held captive as enemy combatants.

Once again, it's easy to see where he was coming from, but the Constitution was being completely overlooked when it came to a lot of his policies.

Lincoln suspended the writ of habeas corpus during the Civil War when Maryland was threatening to secede from the Union, showing just one more instance of the executive branch's misuse of power. Some may say that the president has the right to make such discretionary decisions due to the Necessary and Proper Clause of the Constitution. This states that the president has the power to carry out laws that are deemed necessary for the better of the nation. In closing, it has become quite apparent that although it is necessary for the president to be a strong and influential, the growing trend has been to overstep boundaries and to disregard the other branches of government. Although the country is much different today than what it

was in 1787 when the Constitution was written, the same principles apply. The legislative and executive branches must cooperate and work cohesively with each other in order to efficiently run the country.

The system of checks and balances exists for a reason, and that is to ensure that no single branch becomes too powerful. As we can see, this has already happened. Until the power of the executive branch is checked, balance will not be restored. Two hundred years may have brought a lot of changes, but the principles and values that our founding fathers laid out for our nation should not be one of them.