

Public policy and the presidency essay sample

[Law](#), [Criminal Justice](#)



The powers of the presidency have changed since the office was established with the writing of the United States Constitution. Some of these changes have involved the ways in which the president uses the influence of the executive branch on judicial nominations, the way in which the role of the commander-in-chief is used, and the manner in which the president is involved in the war powers since 1973.

Part of public policy is influenced by who is sitting on the benches of the federal courts and the Supreme Court. Part of the role of the president is to appoint people to these powerful positions, under advisement and the consent of the Senate. The candidates of judges for open positions are usually of the same ideological mind as the sitting president. Since the judges usually serve terms on the bench that last far longer than the president serves in office, the reach of the president's influence can last far longer than the president's term and many of the policies that the sitting president might enact while serving in office .

Although the Supreme Court is the most revered appointment of all justices, and is a highlight of presidential appointments, in fact, the Supreme Court does hear only about 75 cases a year. The federal court system, which also has justices appointed by the president, and confirmed by the Senate, hears more than 60, 000 cases annually. With so many more cases being heard in the federal court system, a president's appointment to the federal level may perhaps shape the president's public policy on an even greater scope than an appointment to the Supreme Court. Additionally, with a lifetime tenure appointment, the influence on public policy that each one of these appointments made has considerable effect on the future public policy of the

country. There are 179 federal appeals court judges in the United States and 578 judges at the federal trial level. Each one of these appointments can create policy influences for decades to come.

Although judges are supposed to impartial, there are several studies that have demonstrated that their party affiliation is significant. The party to which they are aligned also corresponds to their legal conclusions on important and critical legal issues. This does impact their judicial philosophies and also is a part of their interpretations of the constitution which is significant in that it can result in vastly different decisions in the judicial process.

For instance, in *Septimus v. University of Houston*, Septimus, who was serving as the assistant general counsel of the University of Texas, applied for the available position of Associate general counsel, the next level position. Her supervisor refused to consider her for the promotion and belittled her, prompting her to file a grievance. The supervisor drafted a confidential memo outlining plans to retaliate against her, which he later carried out against Septimus. Eventually, Septimus resigned and sued her former employer. The federal jury found that she was forced out of her position and awarded her \$400, 000 in damages. The 5th Circuit Court of Appeals reversed the decision based on what was called a “shifting of the legal standard.” This shift is in conjunction with presidential public policy and a newly appointed judge on the bench of the appellate court. The retired judge was from the opposite party of the president, making the replacement judge more valuable in the policy and philosophy of the presidential appointment process .

Part of the influences of judicial appointments and other public policy initiatives that are used by the president and the changing role of the office are because of the ever growing importance and expanding influence of the electronic mass media. The president is not just a powerful political figure and leader, but also has become a popular American personality. In order to influence public policy, a president can choose to go directly to the public with direct appeals by way of television and the internet. By doing so, party leaders are circumvented, as are other government officials and members of Congress. The president's message does not get changed or challenged in any way. There is no censoring and at times, no scripting. The appeals often appear to be more heartfelt and personable, connecting more with the average American citizen.

There are conflicting issues with being a president that is a regular person when trying to reach the general public to push through an agenda of public policy issues. In doing so, a president also needs to rise above the image of the common person and command respect as a part of the international arena. The general public also expects the president to have public policy initiatives which are new, visionary, and are distinguishing features amongst other leaders. These policies are often what made a unique campaign platform, promises that one made to the public, and what people expect to be delivered in order to fulfill promises that were made during the campaign. These public policy initiatives need to be attempted to be delivered in an environment that is political; full of challenges within the institution, including, but not limited to, opposing parties and special interest groups; and also be able to work with Congress throughout the process .

As Commander-in-Chief of the armed forces, the president is the head of all five branches of the nation's armed forces: the Army, Navy, Coast Guard, Marines, and Air Force. The president is also responsible for commissioning all officers that serve in the armed forces and also makes the appointments of the military leaders that hold the highest ranks, such as the Joint Chiefs of Staff. Even though it is Congress that possess the power the actually "Declare War" on others, presidents have "made war" by surpassing Congress, most recently during the engagement of conflict with Vietnam. War was never officially declared, making it technically a conflict rather than a war .

After hundreds of thousands of lives were lost in the conflict in Vietnam, since Congress never officially declared War, Congress wanted to ensure that presidential public policy and presidential agenda was never so long-lasting and so confrontational and causing such great divide again in the nation that there was the War Powers Resolution of 1973 placing restrictions on future powers of presidents in situations of "making war" and "Declaring War." It had been determined by Congress that President Johnson and President Nixon used their presidential office to advance their own public policy agendas and initiatives at the expense and lives of far too many other people. Many young men were drafted to Vietnam against their will and died serving their country at the will of the presidents and their policies. This was deemed by many members of not only Congress, but Americans as well, as an abuse of power that needed to be addressed in a manner to never be able to again occur. With the War Powers Resolution of 1973, the restrictions on future actions included that the president needed to consult with

Congress in every instance when it was possible to do so and the conflict needed to end within a 60 day time period or withdraw within that time period or have Congress make a declaration of war within those 60 days .

The Constitution does not specify all powers of the president. Over the years, the presidents have molded the office to form it to be what it is today. Creations such as television and the internet have been some of the factors of change. Other factors have included events such as world wars, a great depression, a cold war, and countless other events. Since the Constitution is a living document, created to be flexible and able to be changed as necessary, it has survived throughout changes in times. There have had to be, at times, limitations placed on powers at times, such as the War Powers Resolution of 1973. Other powers, such as presidents being able to speak directly to the nation, could not have been conceived in the 1780s, but have proven to be effective. Through all of the different presidents, each has affected public policy in different ways, some more than others, some more effectively than others, but each with a unique style.

References

- Annenberg Foundation. (2013). The Modern Presidency: Tools of Power. Retrieved from Democract in America: [http://www. learner.org/courses/democracyinamerica/dia_7/dia_7_topic. html#previewingactivity](http://www.learner.org/courses/democracyinamerica/dia_7/dia_7_topic.html#previewingactivity)
- n. a. (2013, June 2). American Government and Politics Online. Retrieved from This Nation. com: <http://www. thisnation. com/textbook/executive-power. html>
- Wohl, A. (2008). Why Those " Other" Federal Courts Are So Important In This

Election. Retrieved from The American Prospect: <http://prospect.org/article/why-those-other-federal-courts-are-so-important-election>