

The united states president: limits and powers essays example

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In the debates of the Framers of the Constitution, the delegates did not pay significant amounts of attention to the powers that were to be vested in the Executive branch of government. Compared to the heated debates over the powers that were to be given to Congress, the mandates of the President were resolved rather swiftly and bereft of any significant debate. This situation can be attributed to the fears of some of the delegates at offending the presiding officer of the Convention, George Washington, who was widely believed to assume the position of President. Nevertheless, the position of President is regarded as a new political and legal entity at the time; a political power whose mandate emanates from the assent of the people rather than by succession or by violence or force (University of Missouri-Kansas City School of Law 1).

Under the United States Constitution, Article II, there are powers given to the President. The “substantive powers” of the President include the “veto powers” of the President, also listed in Article 1 section 7. Though the term “veto” is not displayed in the Constitution, the President has the authority to mandate the establishment of a two thirds majority from Congress-the House of Representatives and the Senate-in order for Congress to override the veto given by the President to a certain legislative proposal. In effect, the Office of the President can muster an additional 72 votes in the House of Representatives and an additional 16 votes from the Senate; in order for Congress to override the presidential veto, Congress must muster more than the votes that the President has in Congress.

Another power of the President is listed in Article II, section 1. This is the President’s executive power. However, the Constitution does not provide an

accurate definition on what constitutes the President's executive power.

However, one can use the principle of executive power as it is understood in the corporate world; under this principle, it is " authority necessary to execute policy or instruction from those who are established to formulate policy" (Lillebo 1).

In order to facilitate the execution and formulation of government policy, the President has the power to nominate individuals to head the various agencies of government. The President will traditionally nominate Cabinet officials and the secretaries for these agencies at the beginning of the President's term or when there are vacancies in the agencies. Moreover, the President is also mandated to nominate candidates for positions for the Federal Circuit Court as well as the justices of the United States Supreme Court and the Chief Justice.

However, all of the nominees must go through the Senate for the body to confirm, or agree, to the nominees of the President. It is only then that the nominees can assume their positions. In times of exigency, the President can supersede the powers of Congress of legislating and enact laws via executive orders with limitless authority. To cite examples, Abraham Lincoln issued an executive order to fight the Civil War, Franklin Roosevelt affirmed the use of " internment camps" in the Second World War, and Woodrow Wilson issued executive orders to help the United States fight in the First World War (Cornell University Law School 1).

However, the Supreme Court has at one time ruled that the President's authority is not limited to the powers given in Article II (University of Missouri-Kansas City School of Law 1). In the Steel Seizure Case, where the

President must be allowed to have powers apart from Congress, this also shows an event where the power of the President is limited. The President is not empowered to enhance or build upon laws without the express authorization of the United States Congress.

The Constitution, though vesting the President with wide ranging and effectual powers to carry out the mandate of the government and administer the bureaucratic machinery, has placed strong restraints on the power of the President in the exercise of these powers. The Framers, acknowledging the possibility that these vast powers can be subject to abuse and can herald a return to the despotic “ royal prerogative” system of the monarchical system, eliminated some of the powers of the President and gave them exclusively for the exercise and execution of Congress.

For example, the President, in waging the “ War on Terror” can, if there is no law to the contrary, order the various law enforcement and national security agencies-the Department of Justice, the Federal Bureau of Investigation and the United States Attorney’s Office-to direct its activities at terrorists and terror suspects or drug control or gun control measures. Should Congress enact a law that will direct the same agencies to direct its efforts at “ white collar crime” or racketeering crimes, the government is restrained to follow the President and must follow the direction of Congress, countermanding the orders of the President to the Executive Branch. The President, on the other hand, cannot supersede the direction given by Congress. Here lies the limitation; though the President can direct the government to focus on a set of crimes, if Congress enacts to a law to countervail the policy of the President, the President cannot force government employees to act in a

manner that is in conflict with the policy direction given by Congress (Reinstein 319).

Works Cited

Cornell University Law School. "Executive Powers: an overview".

Lillebo, H. Paul. "The American President: an administrator, not a ruler".

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Reinstein, Robert J. "The limits of executive power". American University Law Review 59. 2 (2006)