

# President of the united states as chief legislator



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## **Abstract**

The President of the United States has a very important job. The president has seven active roles which include Chief of State, Chief Executive, Chief Diplomat, Commandeering Chief, Chief of Party, Guardian of Economy, and Chief Legislator. Article II, section 3 of the United States Constitution grants the President of the United States the role of Chief Legislator (Stephenson, 2003). Only Congress has the actual power to make laws; however, the Constitution gives the president power to influence Congress in its lawmaking (Scholastic, 2019). However, this sometimes causes a lot of conflict between Congress and the president. Effective political communication between the president and Congress is essential since each play key roles in the legislative process (Hoffman & Howard, 2006). However, there has always been tension between Congress and the president when it comes to the legislative process. The purpose of this research paper is to look further into the roles of the President of the United States as Chief Legislator. This paper also researches why there is often conflict between Congress and the president while performing his role as Chief Legislator.

## Introduction

The President of the United States performs several duties when in offices. The Constitution talks about these duties; however, some have evolved throughout the years. One of those duties mentioned in the Constitution is the presidents acting role as Chief Legislator. Even though the president isn't a part of the legislative branch, the Constitution gives clear guidance to be involved in the legislative process (Collegeamericangovenment, n. d.). As

the Chief Legislator, the president has unique powers. Although Congress has the actual power to make the laws, the president has the power to accept or deny them. As the Chief Legislator, the president has the ability to influence Congress into accepting or vetoing a bill that the president does not agree with. Each of the three branches of the Federal Government (Legislative, Judiciary, Executive) are separate and distinct from each other; however, each branch has a certain power to prevent the other two branches from becoming too powerful (Stephenson, 2003). This system is called checks and balances. As a part of the checks and balances, the president may exert some influence over the legislature by acting as the Chief Legislator (Stephenson, 2003). Modern presidents play a major role in setting the legislative agenda, especially in an era when the House and Senate are narrowly divided along partisan lines (O'Connor & Sabato, 2018).

Every president has a legislative program and there are new laws that he wants Congress to pass (Johnstonschools.org, n. d.). Although the president does not simply propose legislation; however, the president is involved in seeing that it becomes law. Only members of Congress have the power to introduce bills for consideration, but practice Congress expects the executive branch to propose the legislation it would like to see enacted (Johnstonschool.org, n. d.). The president also carries out his duties as Chief Legislator in semi-private interactions with Congress, such as encouraging Congress to pass certain bills or take specific actions (Stephenson, 2003). The president can request, suggest even insist that Congress passes laws that he believes are needed, and even attempt to influence Congress through promises of patronage and favors (Oer2go.org, n. d.). Once

Congress passes a bill the president can either sign it, making it a law, veto it, send it back to congress with reasons for rejecting it, or let it become a law after 10 working days by not doing anything (CourseHero, 2019). A veto is the president's constitutional power to reject a bill passed by Congress the he does not agree with (Stephenson, 2003). Recent research by political scientist shows that presidents are much more likely win on bills central to their announced agendas than to secure passage of legislation proposed by other (O'Connor & Sebato, 2018).

Not every nation divides its legislators from other government officers, and in some cases legislators of the laws may also be an executor of those laws. The structure of the American government was established specifically to avoid this; as such, a confluence of power can often lead to corruption or at least a reduction of viewpoints and voices within the political process. Here in the United States, if a bill is signed into law by the president, then as Chief Legislator, he must ensure it is faithfully enforced (Stephenson, 2003). The White House staff keeps close contact with Congress, as the president meets with Congressional leaders to press for passage of new bills and calls individual Congress members for their vote. However, in the instances of a divided government, the president can appeal to the people for support. Because presidents generally experience declining support for policies they advocate throughout their terms, it is important for presidents to propose key plans early in their administrations (O'Connor & Sebato, 2018). As the informal leader of their party, presidents should build coalitions in Congress, where party loyalty is very important (O'Connor, & Sebato, 2018). This strategy works best when the president has helped to carry party members

into office as well as when the president's party has a majority in the legislature (O'Connor, & Sebato, 2018).

The president makes speeches to build support for this program and meets with key senators and representatives to try to persuade them to support the proposed laws (Johnstonschool. org, n. d.). There has always been conflict between the president and Congress when laws are trying to be passed. The president and Congress have often disagreed over what new laws Congress should adopt (Johnstonschool. org, n. d.). One reason for this is that presidents represent the entire United States of America, while the members of Congress represent only the people of their state or district (Johnstonschools. org, n. d.). When Congress and the president don't agree on certain bills that the president has on his agenda, the president will then go to the public, such as the State of the Union Address. However, going public on issues is not without its risks (US. sagepub, 2018). The State of the Union speech outlines the legislative agenda of the executive branch and addresses the overall state of the union. Political scientist Samuel Kernell argues that the strategy may alienate legislators who feel that the president is going over their heads, cutting them out of the process, and disregarding their constitutional role (US. sagepub, 2018). However, when presidents go public with their agenda, and go over Congress without working toward a common goal, this has a tendency to make enemies in Congress. Sometimes going public can also limit the presidents bargaining flexibility by putting the details of their proposals on display in advance of negotiations (US. sagepub, 2018).

President Obama continually experimented with different ways to reach his audiences as Chief Legislator. November 9, 2012 President Barack Obama spoke about the economy and the deficits, stating to Congress that he will veto any legislation extending tax cuts for families making more \$250 thousand or more (Pace, 2012). The president, speaking for the White House East Room, said he wasn't wedded to every detail of the plans he outlined during the election, adding " I'm open to compromise" although he offered no indication the he was will to back down (Pace, 2012). However, the Republicans stop their ground and House speaker John Boehner stated that he remains unwilling to raise tax rates to upper-income earners (Pace, 2012). It seems that this something that has been going on for years. Republicans state the raising taxes on the wealthy isn't right and that they should look elsewhere to make tax cuts. By raising taxes on wealthy Americans it could hurt the small businesses that are still struggling to recover from the recession (Pace, 2012). Boehner stated that cuts should be made to Medicare, Medicaid and food stamps, known as entitlement programs have to be part of the equation (Pace, 2012).

President Barack Obama oversaw the deepest legislative malaise in modern political history, according to Washington Times Legislative Index, which captures his struggles to find ways to work with Congress that ranged from lukewarm to openly hostile toward him (Dinan, 2017). Over the course of eight years, he has signed just 1, 227 bills into law-less, even then one-term President Carter and President George H. W. Bush, and while digging deeper into the numbers, Congress spent less time in session, handled fewer business on the chamber floors (Dinan, 2017). President Obama having

emerged from the legislature himself, having served first in the Illinois Statehouse and then in the U. S Senate, where he spent two years in a Republican-controlled Congress and two years in a Democrat run Congress (Dinan, 2017). President Obama was extremely passionate about passing bills on gun control, but could never make any headway despite all his efforts with Congress. Due to the fact the President Obama couldn't find any common ground with Congress he simply took things into his own hands. On gun control, he expanded the universe of people who faced background checks on gun purchases, while on global warming; he imposed a series of regulations meant to phase out much of the fossil-fuel based economy (Dinan, 2017). President Obama stated that we ran into a brick wall of opposition when it came to the Republicans when they took power in 2011, and so we didn't pass as much legislature as we would have like to have done, but the president did use his executive authority to advance our country's interests and to advance the agenda that he was seeking to implement (Dinan, 2017).

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