4.7: Checks on Presidential Power

AP U. S. Government
Formal Checks
Found in U. S. Constitution
Presidential or Executive Power

- Appoint Cabinet Officers, Federal Judges, and Ambassadors
  - But, had to be approved by the Senate
- Can Make Treaties with Foreign Governments
  - But, Senate has to Approve Them
- Commander in Chief of the Armed Forces
  - But, Congress has Sole Authority to Declare War
Congressional Checks on the President (Article I)

- Make laws (ex: War Powers Resolution)
- Override presidential vetoes
- Power to declare war
- Power of the purse (taxes and funding)
- Regulation of the land and naval forces
Checks on the President

• **Commander in Chief**
  - Congress declares war
  - Congress controls budget
  - War Powers Act (1973)
    - 48 hour alert to Congress
    - Troops stay for 60 days pending Congressional approval
    - With no approval, troops must be withdrawn
Checks on the President

• Chief Executive
  • Senate must approve presidential appointments
  • Civil Service protection for most appointees
  • Congress controls the budget
Checks on the President

• Chief Diplomat
  • Senate confirmation of ambassadors
  • Senate confirmation of treaties

• Chief Legislator
  • President does not have seat in Congress
  • Congress can override veto
**Congressional Checks (cont.)**

- Impeachment Power (House)
- Impeachment Trial (Senate)
Removal of a President

• Removal is the ultimate check on the president.

• The House conducts the investigation and drafts Articles of Impeachment for 'treason, bribery, or high crimes and misdemeanors.'

• The Senate tries the case with the Chief Justice of the Supreme Court presiding.

• If 2/3rds of the Senate votes for the Articles, the president is removed from office.

• Only two presidents have been impeached: Andrew Johnson and William Jefferson Clinton. Neither were removed from office.
Limits on Presidential Power (Article II)

- President elected indirectly by the people through the Electoral College
- Selection of president (House) in case of no majority of electoral vote
- President must deliver State of the Union address
- Senate approves treaties and ambassadors
Limits on Presidential Power
(Article II)

• Senate approves department appointments
• “Advice and consent” of federal judge appointments (Senate)

Secretary of State Condoleezza Rice testifies at her Senate Foreign Relations Committee confirmation hearing, January, 2005.

Nominee for Chief Justice, John Roberts is sworn in at his Senate Judiciary committee confirmation hearing, September, 2005.
Judicial Checks on the President

- Judicial review
  (*Marbury v. Madison*)

- Chief Justice presides over presidential impeachment trial
  (Article I)
Checks on the President

- Party Chief
- term limit and “lame duck” status
- loose organization of American parties makes it difficult to “lead”
Informal Checks
In a televised address in March, 1968, President Johnson announced he would not seek the Democratic nomination for president due to sagging public support for his administration and the war in Vietnam.

Though he enjoyed record public support during the Persian Gulf War, President George H. W. Bush saw his numbers dip dramatically in the polls and he lost his re-election bid to democrat Bill Clinton in 1992.
The President and the Press

• Presidents and media are often adversaries due to different goals
• Many people in the White House deal with the media, but the press secretary is the main contact person
• Media are often more interested in the person, not the policies
• News coverage has become more negative
Partisan Politics

Howard Dean, Chairman of the Democratic National Committee and vigorous critic of the Bush administration, May, 2005

Speaker of the House Newt Gingrich (R) battles President Bill Clinton (D) over the national budget resulting in the shutdown of the federal government in 1995
Congressional Investigations

Oliver North testifies before Congress at the Iran-Contra hearings during the Reagan administration (1987)

Senate Banking Committee begins its investigative hearings on the Whitewater scandal during the Clinton administration (1994)

Former FEMA director Michael Brown testifies before the House Select Committee on Hurricane Katrina, Sept., 2002
The National Organization of Women, Cindy Sheehan, and others protest the war in Iraq, April, 2006

The National Right to Life Committee and other pro-life interest groups spoke out against President Clinton’s veto of the ban on partial birth abortion, 1996