

Powers and Functions of the US President

The US president is not only the head of the state but also the head of administration.

The constitution clearly lays down that all executive authority belongs to him.

The

constitution enumerates the powers of the president. In fact, they are much beyond

those contained in the constitution. Many factors are responsible for the growth of the presidential powers and today many view the extent of these powers as a dangerous

trend. In addition, lot of powers are enumerated in the constitution, the president has

acquired a list of authority by statues.

‘ Congress has lifted the president to a status again to that of constitutional dictator’ .

The decisions of the Supreme Court usages have also considerably strengthened the

position of presidency. The powers of the president may be studied under the following

heads:

Executive powers

The executive powers of the American president include the following:

(i) He is the chief executive and it is his duty to see that the laws and treaties are enforced throughout the country.

(ii) He has the power to make all important appointments but all such appointments

are to be approved by the senate. As a matter of usage, the senate does not interfere in the appointments of the secretaries, ambassadors and other diplomats.

Appointment of the judges of the Supreme Court is scrutinized thoroughly by the senate. In the appointment of federal officers in various states of the US, the convention ‘ senatorial courtesy’ has come into existence. The constitution says

that the federal are to be made by the president and approved by the senate. The president has the power to remove any person appointed by him. The senate has

no share in the removal of officers appointed with its own consent. Thus, the president has almost unrestricted power for removing the federal officers.

(iii) The president has control of foreign relations which he conducts with the assistance

of the secretary of state. He appoints all ambassadors, consultants and other diplomatic representatives in foreign countries, with the approval of the senate.

Besides he may send ' special' , ' secret' or ' personal' agents, without the senatorial

approval, who take orders directly from him. The president receives all foreign ambassadors and other diplomatic agents accredited to the United States. He can, if circumstances require, send them home and even break off relations with a certain country. He negotiates treaties with foreign powers. But such treaties must be rectified by a two-third majority of the senate. The senate can block a treaty that the president has negotiated but it cannot make treaty or force the president to make one. Though his treaty making power is subject to rectification

by the senate, he is free to enter into ' executive agreements' without the consent

of the senate.

(iv) He has the sole power to recognize or refuse to recognize new states. In fact, he

is the chief spokesman of the US in international affairs and is directly responsible

for the foreign policy of his country and its results.

(v) The president is the commander-in-chief of all the three forces. He is responsible

for the defence of the country. He appoints officers of the army, navy and air force with the consent of the senate and anybody' s approval during a war. He cannot, however, declare war. This power has been entrusted to the Congress but as the supreme commander of the defence war. He is the regulator of

foreign

relations and can handle the situation in such a way as to make war; the president

may also govern the conquered territory. He can appoint officers there, make laws and ordinances.

Legislative powers

The US Constitution is based on the theory of separation of powers. The executive and

legislative organs of the government are made independent of each other.

Hence, the

Congress legislates and the president executes.

But, in practice, the president has become a very important legislator. His

legislative powers are as follows:

(i) The president is required by the constitution to send messages to Congress giving

information regarding the state of the Union. It is a duty rather than the power of the president. The time, place and manner of sending the message to the Congress depends upon the discretion of the president. Formerly, the president used to deliver his messages personally to the Congress, the senate and the House of Representatives meeting in a joint session for the purpose. Later on, the

practice was given up and messages were sent to be read to the Congress on his behalf. A custom has been developed which requires that the president must send

a comprehensive message to the Congress at the beginning of every session.

This is a regular feature. Besides these regular messages, the president may send

many more special messages every year. Sometimes, these messages contain concrete proposals for legislation. Today, the 'message' is not merely an address

to the Congress; it is used as an address to the people of the country and to the world at large. In recent years, the drafts prepared by the president are introduced

by some members of the Congress belonging to the president's party, in their own

name. The messages exercise great influence on the legislation by the Congress,

particularly when a majority of the legislature is composed of the party to which the president belongs.

(ii) In the US, the president is not authorized to summon or prorogue the Congress or

to dissolve the House of Representatives. However, the president can call special

sessions of both Houses of the Congress, or any one of them, on extraordinary occasions. These extra sessions are convened, the agenda is also fixed by the president and the Congress does not transact any other business during that session

only of the senate. Thus, very often the president is introduced by some members

of the Congress belonging to the senate. This may be done to secure rectification

of an urgent treaty.

Again the president may insist upon disposal of certain business before adjournment

of a regular session of the Congress, by threatening to convene an extraordinary session soon after the regular session prorogues. Thus, normally the president has no power of convening the sessions of Congress, but to deal with extraordinary

situation, he has got this power also.

(iii) The president can also issue certain executive orders having the force of law. This is known as the ' ordinance power' of the president. Some of the ordinances

are issued in pursuance of authority conferred upon him by the Congress; others are issued to fill the details of laws passed by the Congress. The number of such executive orders is very large. As a result of this, the president has been able to increase his legislative influence tremendously.

(iv) In recent times, the presidents of America have used the device of taking the Congressional leaders into confidence by holding personal conferences with them.

By this the president is able to secure their support for legislative measures.

(v) If president's party is in majority in the Congress, then he does not face much

difficulty in getting certain laws of his choice passed.

(vi) President can appeal to people at large. It means the president can win public

opinion for his policies and measures. He tries to win public opinion through speeches on the radio, television, weekly press conferences that in practice the election of President is direct; therefore, it is easier for the president to gather opinion on his side. When Congress knows that the public is with the president, it has to pass the laws wanted by him.

(vii) We have seen the president's position in law making which is equally important

and his influence is exercised by him through his veto power. Veto power means the authority of the president to refuse his signature on a bill or resolution passed

by the Congress. All bills passed by the Congress are presented to the president for his assent. The president may refuse to sign a bill and send it back to the House in which it originated within ten days of the receipt of the bill. While returning a bill that the president has vetoed, he is required to assign reasons for his

disapproval the Congress can override a veto by passing the bill again. The only condition is that the bill must be passed by a two-third majority in each House of the Congress. So the veto of the president is only a suspensive one. But sometimes,

it becomes difficult to secure a two-third majority in each House. In that case, the

suspensive veto becomes an absolute one.

If a bill is sent to the president and he neither signs the bill nor returns it back to the Congress, the bill becomes the law within 10 days even without his signature.

The only condition is that the Congress must be in session. If the Congress adjourns in the meantime, the bill is automatically killed. This is called 'Pocket Veto' of the president.

This means that the president can simply ignore a bill (pocket a bill and forget about it),

if it is passed by the Congress on a date less than 10 days before it adjourns.

Many bills

passed towards the close of the session of the Congress are killed in this way.

The

pocket veto is absolute and cannot be overridden by the Congress. Thus, the president

can recommend persuading the Congress to pass legislation which he approves and can

prevent too hasty or inadvisable legislation by using the weapon of veto. But it has been

said ' he can persuade or guide, but rarely threaten' .