

Constitutional Basis Of Presidential Power

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Q1) Discuss the constitutional basis of presidential power including the office's expressed and implied power.

Three types of powers make up the presidential powers: constitutional, inherent, and delegated powers. All those powers the constitution or law allows to be executed are constitutional powers. The powers which Congress grants are the delegated powers. As the constitution states, "shall take care that the laws be executed faithfully." Lastly, all those powers for which the president as the government's executive branch's chief specifically holds complete control and also the constitution does not explicitly state the inherent powers.

The two powers, constitutional and delegate, fall under the ambit of expressed powers since they are explicitly stated for the president to follow without any room for the interpretation of the law ("The Powers Of The Presidency | Boundless Political Science"). However, inherent law can be interpreted by the presidents. This capacity to interpret the law has provided great and to some extent different powers depending on the way of interpretation.

The following are some powers that can be categorized as expressed powers:

Executive powers: The executive powers of the president are expansive. He/she manages the federal government, primarily the national affairs. The executive orders, the rules and the regulations to be followed fall under the president's control, too. Similarly, the president appoints the executive departments' head and other important officials ("The Powers Of The Presidency | Boundless Political Science"). These powers may widen to greater extents in the case of a national emergency.

Legislative powers: The president has the power to veto any bill passed by Congress, thus, he/she has an important role in formulating public policy.

Military powers: The president is the commander-in-chief and can direct the troops and invest in strategic military planning; however, the president does not hold the power to declare war.

Diplomatic powers: The president has a major role in diplomatic affairs with other countries. The ambassadors and ministers posted in foreign countries, with the confirmation from the Senate, are

appointed by the president. These officials report to the secretary of the state who manages the communication between the governments.

Judicial powers: The president can nominate or appoint judges to the Supreme Court, subject to the affirmation from the Senate.

The following are some powers that can be categorized as inherent powers:

Emergency Powers: In cases of emergency such as wars, natural disasters or financial decline, the president can take measures that he would not be allowed to take had the situation been normal ("The Powers Of The Presidency | Boundless Political Science"). One of these emergency powers can be the suspension of certain rights or laws in order to maintain order in the state.

Executive Orders: These are the orders taken according to the legislative power and under certain circumstances such as over issues within the executive branch. These orders can be used to enforce the constitution, statutes, and laws and to establish new rules. It indicates how stringently or leniently the federal law is being enforced by the President.

In the case of inherent powers, there is always a chance of abuse of power because these orders, even though executed under certain circumstances, are at the president's discretion. These powers are derived from the reinterpretation of the Constitution which many modern presidencies have done. However, the president is subjected to the charges and impeachment if the House of Representatives thinks he has misused his powers. Despite the impeachment, these powers are pushing the United States to become a somewhat oppressive or authoritarian state that it was freed from earlier.

Q2) What sort of president did the "framers" want? How was the presidential selection supposed to produce this president? How was the selection process for a mixed, Republican government?

The main concern of the farmers in the United States was the formation of an executive branch, which they wanted to be quite strong and powerful. They wanted one person designated to handle the position of its head which would guarantee the branch's supremacy to them. Before the United States had a formal constitution, the government followed the Articles of Confederation, and this particular document was pursued for less than ten years. The structure it gave to the government lacked such an executive branch, so it was replaced with a constitution. In contrast, the kind of government created by the Constitution has a separate body, made up of people of power, which was given the name of the Executive body. The president was made the head of this Executive Body, which was exactly according to the demands and requirements of the farmers ('The Framers wanted a strong President, 2014').

The framers were very satisfied with this variation in the system because they were aware of the fact that due to the powers which the Constitution bestowed on the President, the President would be required to make sure that the laws, rules and regulations were implemented and executed appropriately. This task is pretty demanding and would require the president to be constantly engaged in service, as opposed to the previous system according to which the President was only supposed to meet once a year with Congress, or only when he was called for a meeting ('The Framers wanted a strong President, 2014').

There are various reasons as to why the framers wanted a presidential system and a strong executive body. First and foremost, since they were the framers and the authors of the Constitution they wanted the system drafted by them to work, for this purpose, they wanted a form of government that could not be challenged or questioned by anyone. They wanted it to be strong and for it to have not just power, but to have authority. For this particular purpose, they wanted a President to be given most of the powers and for him to be not answerable to anyone. These features are characteristic of the presidential system, and it is precisely for this reason that the framers preferred the presidential system over the parliamentary one. ('Why did the Framers set up a governmental system where the relationship between Congress and the president is "an invitation to struggle? 2018')

In a presidential system, the president's office is given the most power as opposed to any other office in any government institution. The President is head of an executive body, one of the three main government bodies. The three major bodies are the Judiciary, the Parliament and of course, the Executive. All three of these bodies are mutually exclusive and independent of one another. ('What is the Presidential System? 2016') The president is responsible for enforcing and interpreting the laws, the parliament is responsible for making them and the judiciary is, of course, responsible for judging the various cases it presents. Another key feature of the Presidential system is that the President/herself is directly chosen by the people. This makes the system appear to be more democratic and makes the masses feel that they have a greater say in the way that they want to be governed since they directly choose through their votes, the person in the government who holds the maximum power and authority. ('What is the Presidential System? 2016')

Q3) Describe any 3 perspective theories of presidential power: stewardship, prerogative and literalist. Discuss an example of each type of president.

The perspective theories of presidential power are discussed below:

Stewardship: The stewardship theory of Presidential power states is based on Theodore Roosevelt's idea that the president can do anything in the nation's interest unless the Constitution forbids it. The

notion is that since the president is responsible for the people, he/she can exercise whatever is necessary to maintain the nation's well-being. ("The Stewardship Theory – Presidential Power") This theory contends the assertiveness and centrality of the presidency because it is one of the most significant offices in the federal government.

President Roosevelt justified many of his actions under the stewardship theory of the presidency. For example, the order to continue the war with the Philippines by placing ruthless people in line to fight. It caused heavy casualties; however, Roosevelt thought that this was imperative for the welfare of his nation. Similarly, the addition of a corollary to the Monroe Doctrine when Roosevelt thought that Latin America's independence was vulnerable to European attack.

Prerogative: The prerogative presidential view states that the president be given the power to exercise power in the interest of the nation without any prescription of law. This theory is based on the idea that law cannot provide a remedy for every unforeseen situation and if such a situation occurs, then the person with the execution power be given complete freedom to act on behalf of his people for their well-being. An example of enforcement of this particular type of presidential power is when Abraham Lincoln's "Emancipation Proclamation" where all the slaves were ordered to be set free from subjection ("Prerogative, Executive Power And The Rule Of Law"). Despite the violation of the law, Lincoln took the property of the slave owners, the slaves without any legal authorization. Similarly, during the Civil War, Abraham Lincoln asserted the Commander-in-Chief Clause and Take-Care Clause to create unlimited war power for the president.

Another example is President George W. Bush, who changed the intent of the laws given by Congress by reinterpreting them. Bush spied on the citizens of America without any warrant by bypassing the Foreign Surveillance Act.

Literalist: This theory, put forward by William Howard Taft, refers to the view that the president's powers are confined to powers specified by the law. The foundation of this theory stems from the idea that no power exists if there is no constitution or law regarding it. Moreover, it is unsafe to allow limitless power to the president despite the fact that the people choose the president. Execution of immeasurable powers can cause infringement of private rights. This restrictive view was observed during the presidency of Taft. He never vetoed any legislature passed by Congress unless it was clearly against the Constitution of the United States of America.

Most presidents have employed the prerogative and stewardship perspective of the presidency because it gives their time in the office a unique essence distinct from that president's perspective. As mentioned above, the presidents are not given all the power, even in the case of an emergency or reinterpretation of the law. They can be impeached by the people of the United States of America, Supreme Court or Congress if they are found to be doing something unacceptable. Thus, a regulation mechanism ingrained in the government system is always operational, safeguarding the well-being of the citizens of the states.

Q4) Discuss the study of “Presidential character” or psychology in explaining presidential behaviour. Evaluate where President Trump fits in this analysis of presidential character

According to a recent survey conducted in America, the general public chooses who to vote for based on the candidate's personality, moral values, and behaviour. About 27% of the voters agreed to do this. However, historical evidence of the Presidents of the United States proves that those candidates who do have the aforementioned characteristics are not really fit to act as Presidents. According to Steven J Rubenzer who has a PhD in psychology and happens to be a clinical psychologist in Houston, a person's tendency to tell the truth can actually adversely affect his/her chances of becoming a president. ('A Presidential Personality, 2004')

What is required for a president to be successful is intelligence and a cunning nature. President Abraham Lincoln provides us with a perfect example here. Despite the fact that he is known to have an honest, trustworthy and truthful character, there is historical evidence of him being extremely flexible when it came to making important decisions. He, for example, very skillfully changed his positions and stances regarding various important issues to please a particular group of targeted people. To please the farmers, for example, he made his stance about slavery very lenient. It was done to keep them pacified in an attempt to keep the entire country held together and strengthened. ('A Presidential Personality, 2004')

According to Rubenzer, the best presidents in the history of the United States have been those who were the most intelligent, smart, goal-oriented, and far-sighted. They were determined and motivated to achieve their goals so much that they were easily able to very smartly mould and bend their truths. They could say the exact same things in multiple ways to make it appeal to different sectors and segments of the public, which is not an easy job.

Recently, a psychologist named Signer interviewed President Donald Trump to analyze his personality and character. When he asked the president what he saw when he looked at himself in the mirror, and the president seemed confused, he rephrased his question. He asked him, “Do you consider yourself ideal company?” To this, Mr. Trump responded by saying that he considers “total piece of ass” good company.

This sentence in itself alone manages to draw a pretty good and accurate company of the President. He is a very self-centred, narcissistic, radical and extremely confident person. Out of all the negative things about his personality, perhaps his confidence got him where he stands today. ('The Mind of Donald Trump, 2006') Moreover, there is one thing that Trump needs to be appreciated for: his intelligence. He happens to be a very smart person who is always aware that he is being watched; thus, he always seems to be acting. He paints a picture of himself in front of the world: someone with

great power and the ability to do absolutely anything that he wants, from which no one can stop him. That in some sense is true, but humility does not seem to be in his dictionary. He always seems to know what he is doing and somehow manages to get things done his way. ('The Mind of Donald Trump, 2006') It is hard to figure out what goes on in his mind and how he manages to make important decisions because clearly, his vision is blinded by his biases and prejudices, racism and misogyny and thus drawing a psychological sketch of the workings of his brain is not an easy task.

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