

# Write Powers & Position of American President?

⇒ Introduction:-

The president of America wields the largest amount of authority ever wielded by anyone in a democracy. Lord Bryce regards, "American ~~presid~~ presidency is the greatest office in the world." Haslin declares "he's foremost ruler in the world". He enjoys real & effective powers as contrasted with powers of King/Queen of British or President of India.

⇒ Following are factors responsible for enhancement of powers of American President.

(a) In the first place original constitution confers certain powers and privileges.

(b) In second place Supreme Court enhanced his authority in all those cases in which constitution was silent.

As for example, constitution clearly prescribed methods of appointments to various federal offices but was silent about their removal. So the power of removal of all federal officials was then vested in President by decision of supreme court. Similarly

Constitution authorized Congress to declare war, but power to terminate was not clearly vested in any part of federal government. By verdict of Supreme court, this power also vested in president.

(c) A substantial part of presidential powers has been derived from statutes of congress assigning certain powers and responsibilities to him either directly or indirectly through implications.

(d) The powers of president have also been increased through the conventions and usages. For example convention of Senatorial Courtesy with respect to appointments has virtually been placed in the hands of President unfettered power regarding all appointments.

(d) Lastly, the powers of president increases enormously during emergencies. For example the president had almost dictatorial power during 2<sup>nd</sup> world war & post-war period.

So President of America now enjoys extensive executive, legislative financial & judicial powers discussed below:

### (1) Executive powers

(a) **Chief Administrator:** The president is the head of the state / national Administration. All executive action of Republic has taken on his name. He is responsible for enforcement of federal laws and treaties with foreign states throughout the country. He sees to the implementation of decisions of courts and enforces constitution & laws of country. For performance of these functions he sends directions to the head of various departments. The president appoints ministers and they remain in office so long as he is pleased with their work. Cabinet has been described as his family and he can override their decisions whenever he likes.

(b) **Commander-in-Chief:** The president is the supreme commander of Armed forces of U.S.A. He is responsible for the defence of the country. He appoints the military officers with the consent & advice of senate and can remove them at will. Although the power to declare war is vested in congress but President has power to make war unavoidable and necessary by his conduct in administration. For example; President Truman took Police action in Korea without authorization by congress. During war President's military powers increase enormously.

(c) **Dictator of Foreign Relation:** The President represents the USA in foreign relations. He formulates the foreign policy of United States. He appoints all diplomatic representatives of USA with the consent of Senate. He receives the foreign diplomats accredited. He can negotiate treaties and agreements with foreign states in his discretion. But all treaties must be ratified by 2/3 majority of senate.

(d) **Appointments:** The president makes a large number of appointments in federal services. The power of making appointments is the most important and effective power in the hands of the President. It enables President to command allegiance of huge number of federal officers and secure their support for implementation of his policy.

There are two categories of federal services i.e Superior services and Inferior services. The president with the consent of senate appoint superior services and President alone, according to civil services rules appoints members of inferior services.

All of above are executive powers, below we discussed legislative powers of President.

(2) Legislative Powers: Consistent with the theory of Separation of Powers, constitution confers upon the President a limited legislative authority. The president doesn't possess the authority to summon, prorogue and dissolve the congress. He cannot initiate any Bill directly in congress. He is not the leader of majority <sup>party</sup> of congress. He has no direct control over legislature. Congress is real law making body. Congress may make laws even against the wishes of President and he must execute them. But the position however is not so desperate as it appears to be. During the course of time, President has acquired a vital share in legislation. He has virtually become the "chief legislator" in practice. Some of his legislative powers are as follows:-

(a) Veto Power: All of bills passed by congress must be referred to President for his final approval. The president can deal with them in 3 different ways:-

(i) He may give his assent to Bill referred to him and the Bill become an Act.

(ii) He may reserve the Bill with him in which it becomes the law at the expiry of ten days without his signature provided the congress is still in session. The Bill in such a case is killed if Congress adjourns before the expiry of ten days. This is known as Pocket Veto.

(iii) He may reject the Bill and return it back to the House. In such case congress may re-pass it by its 2/3 majority in each house, then it'll be obligatory for President to pass the Bill.

The facts given above clearly mention the effective powers of President in law making. He enjoys the absolute veto during last ten days of congress.

**(b) Messages:** The president may send messages proposing some legislative measures. As the messages come from the highest functionary of state, so congress can't easily ignore them. President messages stir the nation and it is one of greatest public document which is widely read and discussed. In fact many laws owe their origin to Presidential messages. The famous Munro Doctrine enunciated by President Munro was transmitted to congress through a message.

**(c) Special Sessions:** The president has right to convene special sessions of the congress. All important laws were passed in 1913 in special sessions convened according to wishes of president Wilson.

(d) **Patronage:** President has extensive patronage in his hands. He makes number of appointments in federal services. Senators and representatives always want to win the President's favours in order to secure jobs for their supporters and friends.

(e) **Appeal to public opinion:** The president is not only the head of the republic but also the leader of the nation. The office carries an inherent respect. The nation listens to him with attention. Whenever he finds congress is pitched against him he can make direct appeal to public, and may create public opinion against his opponents in the congress.

(f) **Delegated Legislation:** He can legislate on his own authority. He has the power to make rules and regulations in the form of executive orders. The rules and regulations he made have the force of law. This is known as delegated legislature.

③ **Financial Powers:** Although the control over federal power has been vested in congress, yet in actual practice, President directs and controls the finances. It is under direct supervision of president that budget is prepared. It is placed before Congress which can amend it in any way. But in general practice it shows that budget passed as it is. President is the general manager of financial affairs of governments.

#### ④ Judicial Powers:

Like all other chief executive heads, US President enjoys the power to grant pardon, reprieve or amnesty to all offenders convicted for the breach of laws except those impeached by the senate. He can not pardon & reprieve for punishment under Senate. He has the right to appoint supreme court judges to with the consent of Senate. Thus he enjoy some judicial patronage.

A perusal of power of US President proves beyond a shadow of doubt that he is the most powerful head of state. His powers are both real and effective unlike those of his prototype. Sir Henry Maine's remark that "American President rules but doesn't reign" "The fathers of American constitution took all the powers of British King & Queen and gave them to President only restraining them where they seemed to be excessive."

American President is the most powerful head of the state. The constitution didn't make him so much powerful but later on through Congressional legislation, Judicial decisions and development of conventions and usages, he assumed plentitude of powers.