

### President's Enumerated Powers

These enumerated powers are laid out in Article II. It makes the president the commander in chief of the armed forces with the advice and consent of the Senate, he has the power to make treaties and appoint ambassadors and consuls, Supreme Court justices, and all other officers of the U.S. The president also has the ability to negotiate treaties, receive foreign ambassadors, nominate top federal officials, veto bills, faithfully administer the laws, pardon certain persons convicted of federal crimes, and address Congress and the nation..

### President's Legislative Role

Presidents now use their State of the Union message to announce presidential programs. Presidents now submit extensive legislative packages and work for their enactment in Congress. Article I, Section 7 gives the president a role in enacting law. Congressional legislation becomes law only on presidential approval or following a presidential veto with 2/3 vote of Congress. As president have become more and more involved in the legislative process, the veto has been a formidable weapon.

### Chief Executive

The president's role as chief executive illustrates the claims of implied power. The disputes over executive privilege and presidential immunity illustrate the limitation on implied powers. Although not expressly mentioned in the Constitution, a privilege is recognized against disclosure of presidential communications made in the exercise of executive power. This privilege derives from the doctrine of separation of powers. Where the presidential communications relate to military, diplomatic, or sensitive national security secrets, the claim is supported by the courts. {U.S. v. Nixon}. Other presidential communications may not be privileged..

### President's Executive Powers

Article II confers the whole executive power to the President. The president is given broad authority to delegate and to appoint members of the executive branch. Article II, Section 2 specifies that the President shall nominate and appoint "with the advice and consent of the Senate" all Ambassadors, other public ministers and consuls, judges of the SC, and all other officers of the U.S." Congress may also vest to the President the appointment of inferior officers. But what distinguishes principal and inferior is not clear..

### Domestic and Foreign Spheres

Article II, Section 1 vests executive power in the President. Much of the president's power, in both the domestic and foreign spheres, is implied. The SC has adhered to an overarching limitation on presidential power: The president may not make laws, he may only carry them out. The best known case evidencing this limitation is *Youngstown Sheet & Tube Co. v. Sawyer*.



### Buckley v. Valeo

Congress attempted to vest in the president pro tempore of the Senate and the Speaker of the House, the power to appoint a majority of the voting members of the Federal Elections Commission. The Court found this plan unconstitutional.

### Nixon v. Fitzgerald

The President has absolute immunity from civil liability for his official acts. This immunity does not extend to cabinet officers or other presidential aides.

### Congressional Appointments

Congress cannot make the appointment itself but can give the appointment to the President, the judiciary, and the heads of departments. While Congress may designate who will appoint inferior officers, it cannot put the power in its own hands. The most Congress may do is prescribe the procedures by which the executive or judiciary branch shall make appointments.

### Morrison v. Olson

The Court held that an independent counsel with the power to investigate and prosecute violations of federal law free from the executive branch control, was an inferior officer.

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