Critical Analysis of Presidential Power

As with power comes great responsibilities. Although the president's power has changed throughout the years, the power of the office of the presidency today has increased to a great extent through different acts such as The Wars Powers Act, The International Emergency Economic Powers Act, as well as an abuse of executive orders. As powers get added on, the powers will stay and collect growing into something larger. The president has of been lately been pushing the limits of power to the extent. The president is given certain rights which was written in the original Constitution, but as of today, the powers have surpassed much of those rights. Although Congress has tried to limit the powers of the president powers through laws and Constitutional amendments, it has not been enough to control the president, who has gained much control beyond the expressed Constitution. Much of these new powers granted can lead to tyranny as the powers implemented can be used all for themselves and they would not have to check with other powers. Power is hard to remove once it is implemented into the system and creates a big problem in the future.

Presidential power has not always stayed the same throughout the years. The shift in power has changed between the executive branch and the legislative branch, giving more courses of action to one of the branches. In the United States' original Constitution, the power of the presidency was little to none. As time progressed, the power has made a shift towards the president allowing the president to do more with their power. The Constitution states that the president is commander in chief of the army and navy of the United States, has the power to grant pardons for offenses against the United States, to make treaties (with advice and consent of the Senate), appoint ambassadors and judges of the Supreme Court, and grant commissions to fill up vacancies during recess of the Senate. Comparing these initial powers to the present day, today we see a higher amount and more power than ever before seen.

The War Powers Act was an act that was implemented to check the president's power over the decision to send American troops to war. This act was implemented in 1973 and was implemented due to Congress overriding Nixon's veto. It was not until September 11, 2001, where Congress gave new powers to the president. George W. Bush was given powers that "authorized to use all necessary and appropriate force" to countries who aided in the terrorist attacks. This new power was meant to prevent any more future attacks, but with this, it created more power for the presidency. As with President Obama's war against Afghanistan, the same powers were used. It was argued that the authorization is given back in 2001 still applied to the United States military. President Trump also used these powers to strike Syria. Mitch McConnell, Senate Majority Leader, said "I think that this is not a situation that requires an AUMF, authorization for the use of military force… We passed one back in 2001 and 2002, I believe, and the previous president thought that it authorized what we were doing in that part of the world, and I expect this president thinks the same' (Carney). Congress has tried many attempts to repeal AUMF to reassert war power to Congress as of today. Repealing this authority will bring back the power of Article 1 to Congress.

The International Emergency Economic Powers Act (IEEPA) authorizes the president to sanction foreign companies and individuals. At first, IEEPA was to be applied to foreign countries and foreign governments but it has increased in power to individuals, political

organizations, suspected terrorist/ terrorist groups, and drug traffickers. In a case where the president declares that there is a threat, the president can take economic actions and penalties to people and countries with the use of IEEPA. All the president would have to do is sign an executive order and declare that there is a threat. President Trump signed an executive order to reimpose all of the Iran sanctions that were lifted by President Obama, “ to re-impose all sanctions lifted or waived in connection with the JCPOA as expeditiously as possible and in no case later than 180 days from May 8, 2018” (Trump). Trump also signed an executive order to impose a sanction against Turkey. These powers show that Donald Trump’s power has been on a rise and is gaining more power than he should have and has had these strong powers for some time now.

An executive order is a directive from the president that carries the same amount of power as federal law. Executive orders give the president powers to legislate, a power that was never meant to be for the president and exclusive to the legislature. It is not mentioned in the Constitution because the executive branch should not be the one making laws. In earlier years, these executive orders were hardly used by presidents compared to today. For example, President Jefferson only issued four of these orders throughout his eight-year presidency. Meanwhile, President Obama has issued 276 orders in his eight-year presidency, 690% more than Jefferson. As with President Trump, if his term continues to eight years, the estimated amount of orders will be 416 (Fournier).

The founding fathers have successfully prevented the rise of an elected king. Although there are certain powers given to a certain branch, whether it be something big or small, there is still a balance of power between the branches. There is a collection of checks and balances that allows each branch of government to amend or veto another branch so that one branch does not gain more control. All powers within the presidency are subject to legislative revision. The president does not hold all the absolute power as compared to a king. The president can choose whether or not to use their executive power to the fullest or to limit their power. The constitution itself does not give the president much power as compared to the legislative branch.

Although the presidency is seen as having much power, the amount of power is not subjected to that of a king. The powers of the president went to becoming small to becoming a great deal of influence currently. Some may say there is an uneven result of checks and balances, leading to unfairness in the three branches of government. This unevenness led to too much power in the executive branch. This has also led to it being far away from the original intent of the constitution. The president’s power has managed to change within time to fit with current events and evolution. For example, presidential power has been changed to fit in times of crisis to guarantee peace to the nation and to avoid chaos. For example, Franklin D. Roosevelt during the Great Depression gained power by issuing his New Deal program. His program gave him control of the economy. The War Powers Act has shown how a president can gain power over a tragic event to bring justice to the country. The International Emergency Economic Powers Act shows how a president uses loopholes to execute power. Lastly, executive order shows how a president gained a power that was once never meant to be for them. As of currently, the evolution of the powers of the president has changed beyond control to the point of where anti-federalist, those who opposed a change in the Constitution, fear.

Works Cited

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