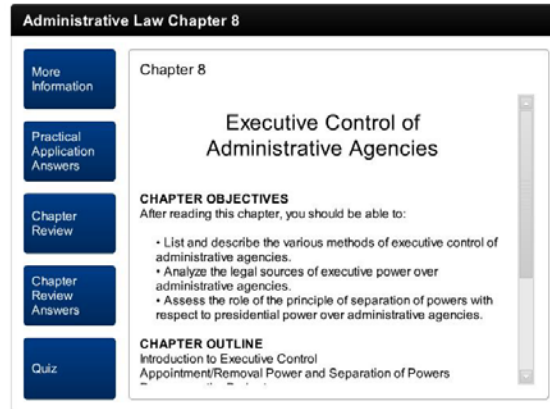


Administrative Law Chapter 8

Chapter 8



Administrative Law Chapter 8

Chapter 8

Executive Control of Administrative Agencies

CHAPTER OBJECTIVES
After reading this chapter, you should be able to:

- List and describe the various methods of executive control of administrative agencies.
- Analyze the legal sources of executive power over administrative agencies.
- Assess the role of the principle of separation of powers with respect to presidential power over administrative agencies.

CHAPTER OUTLINE
Introduction to Executive Control
Appointment/Removal Power and Separation of Powers

Step Text

Executive Control of Administrative Agencies

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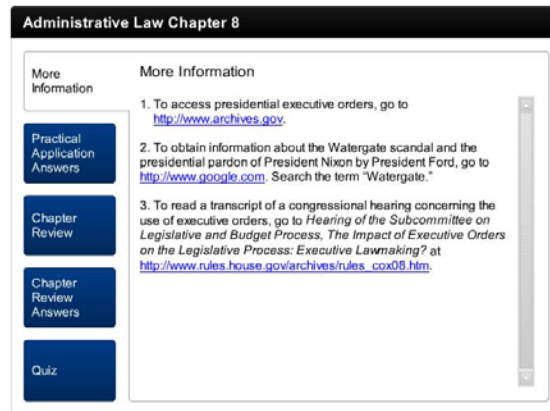
CHAPTER OUTLINE

Introduction to Executive Control
Appointment/Removal Power and Separation of Powers
Power over the Budget
Executive Orders
Control by Policy Setting
Power to Veto
Power over Litigation

Reorganization
Power to Pardon

More Information

5 seconds



Administrative Law Chapter 8

More Information

1. To access presidential executive orders, go to <http://www.archives.gov>.
2. To obtain information about the Watergate scandal and the presidential pardon of President Nixon by President Ford, go to <http://www.google.com>. Search the term "Watergate."
3. To read a transcript of a congressional hearing concerning the use of executive orders, go to *Hearing of the Subcommittee on Legislative and Budget Process, The Impact of Executive Orders on the Legislative Process: Executive Lawmaking?* at http://www.rules.house.gov/archives/rules_cox08.htm.

More Information

Practical Application Answers

Chapter Review

Chapter Review Answers

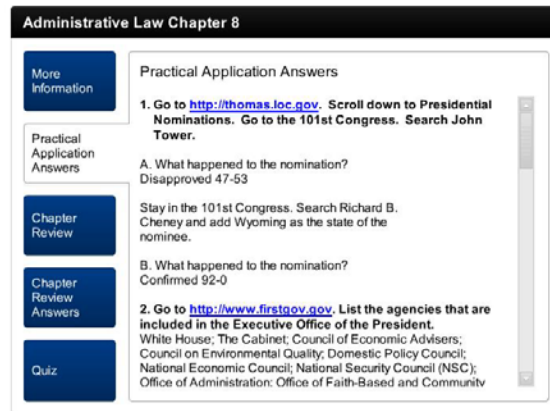
Quiz

Step Text

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Practical Application Answers

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The screenshot shows a web page titled "Administrative Law Chapter 8" with a sidebar on the left containing navigation links: "More Information", "Practical Application Answers", "Chapter Review", "Chapter Review Answers", and "Quiz". The main content area is titled "Practical Application Answers" and contains the following text:

1. Go to <http://thomas.loc.gov>. Scroll down to Presidential Nominations. Go to the 101st Congress. Search John Tower.

A. What happened to the nomination?
Disapproved 47-53

Stay in the 101st Congress. Search Richard B. Cheney and add Wyoming as the state of the nominee.

B. What happened to the nomination?
Confirmed 92-0

2. Go to <http://www.firstgov.gov>. List the agencies that are included in the Executive Office of the President.
White House; The Cabinet; Council of Economic Advisers; Council on Environmental Quality; Domestic Policy Council; National Economic Council; National Security Council (NSC); Office of Administration; Office of Faith-Based and Community

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3. Sometimes presidents direct the Secretary of Treasury through an executive order to freeze the assets of heads of countries who have been deposed and who have assets in the United States. Go to <http://www.archives.gov/federal-register>. State the head and name of the country affected by:

A. Executive Order 12,274
Estate of Muhammad Reza Pahlavi, the former Shah of Iran

B. Executive Order 12,588
Jean Claude Duvalier, former President for the Government of Haiti

4. Find the Executive Order that stated the following:

(g) Prohibition of Assassination. No employee of the United States Government shall engage in, or conspire to engage in, political assassination.

Executive Order 12333-United States Intelligence Activities - Dec. 4, 1981

5. Justice Jackson in the Steel Seizure case provided the framework to analyze exertions of presidential power. Refer to the discussion of this case in the text and then place the following presidential actions into one of the three categories:

A. The President authorizes the Secretary of Defense to deliver fighter jets to the government of Brazil to suppress a revolution. Congress had passed a statute that reads in part “the United States shall not directly or indirectly give military aid to the government of Brazil.”

Category Three because the president is acting in direct contradiction to an act of Congress, so he is at his lowest ebb of power.

B. Congress passes a statute that authorizes the president to sell out-of-date aircraft carriers to Switzerland. The President then directs the Secretary of the Treasury to make the necessary arrangements.

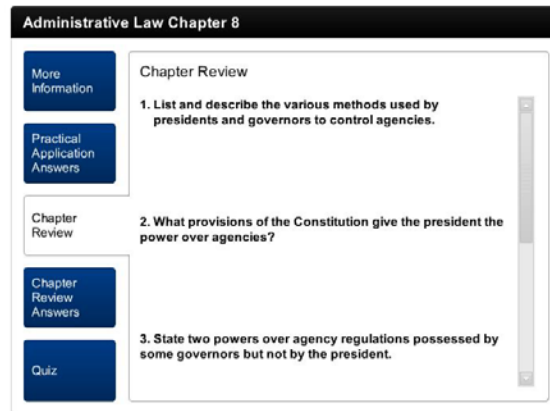
Category One because the president is acting based on a Congressional grant of power plus his own power as commander in chief, so he is at the highest amount of power.

C. The president orders the Secretary of Defense to send two U.S. aircraft carriers to the coast of Australia.

Category Two because the Congress has not spoken on the issue while the president is relying on his inherent Article II authority.

Chapter Review

5 seconds



Administrative Law Chapter 8

Chapter Review

1. List and describe the various methods used by presidents and governors to control agencies.
2. What provisions of the Constitution give the president the power over agencies?
3. State two powers over agency regulations possessed by some governors but not by the president.

Step Text

- 1. List and describe the various methods used by presidents and governors to control agencies.**

- 2. What provisions of the Constitution give the president the power over agencies?**

- 3. State two powers over agency regulations possessed by some governors but not by the president.**

- 4. Why was the line item veto declared unconstitutional by the Supreme Court?**

5. What are executive orders, and why are they important to the president's power over administrative agencies?

Chapter Review Answers

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Administrative Law Chapter 8

Chapter Review Answers

1. List and describe the various methods used by presidents and governors to control agencies.

- power to appoint the heads of agencies
- power to execute the laws
- power to issue executive orders
- power to veto legislative bills
- power to grant pardons
- power delegated to the executive from the legislature
- power to direct litigation

2. What provisions of the Constitution give the president the power over agencies?

- Article II, Section 1, invests the president with executive power.
- Article II, Section 2, provides that the president is the commander in chief of the armed forces.
- Article II Section 2, gives the president the appointment power.

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- Article II, Section 1, invests the president with executive power.
- Article II, Section 2, provides that the president is the commander in chief of the armed forces.
- Article II Section 2, gives the president the appointment power.
- Article II, Section 3, obligates the president to take care that the laws be faithfully executed.
- Article II, Section 2, authorizes the president to require the opinions in writing of the heads of the executive departments.

3. State two powers over agency regulations possessed by some governors but not by the president.

Power to rescind regulations issued by agencies Line item veto

4. Why was the line item veto declared unconstitutional by the Supreme Court?

The line item veto allowed the president to line out parts of spending bills while approving the rest of the bill. This violated Article I, Section 7 of the Constitution, which requires the president to veto or approve a bill in its entirety.

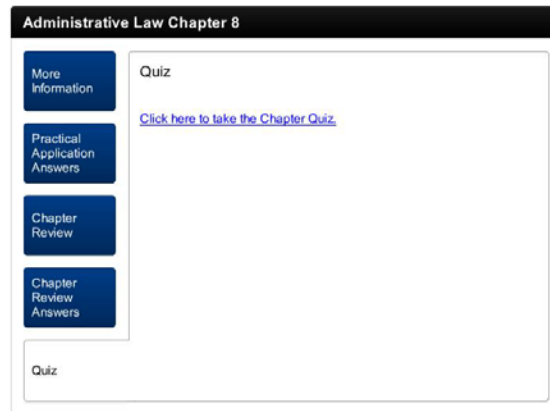
5. What are executive orders, and why are they important to the president's power over administrative agencies?

An executive order is a directive issued by the president to administrative agencies.

They are important because executive orders allow the president to exert control over administrative agencies so that the agencies will implement the policies set by the administration.

Quiz

5 seconds



The screenshot shows a user interface for 'Administrative Law Chapter 8'. On the left side, there is a vertical list of four blue buttons: 'More Information', 'Practical Application Answers', 'Chapter Review', and 'Chapter Review Answers'. The main content area on the right is titled 'Quiz' and contains a single blue hyperlink: 'Click here to take the Chapter Quiz.'. Below the main content area, there is a small box labeled 'Quiz'.

Step Text

[Click here to take the Chapter Quiz.](#)