

Constitutional Law: Principles and Practice

Federal Executive Power

Chapter 5

Constitutional Law: Principles and Practice

Express vs. Inherent Powers

- The president has:
 - Considerable inherent power in international dealings
 - Little inherent power in domestic matters
- Distinction is based on historical reasons

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The President as Commander in Chief

- Military action in the absence of congressional declaration of war
 - War Powers Resolution
- Limits of power as commander in chief
 - Right to declare martial law
 - Right to suspend writ of habeas corpus
 - Right to require military trials

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The President and the War on Terror

- Authorization to use military force
- Important Supreme Court cases:
 - *Hamdi v. Rumsfeld*
 - *Rasul v. Rumsfeld*
 - *Hamdan v. Rumsfeld*
 - *Bomediene v. Bush*

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Treaties and Executive Agreements

- The president has the power to negotiate and enter into treaties with foreign nations.
 - Treaties cover a broad range of subjects.
- Presidents can negotiate and enter into executive agreements with foreign nations.
 - Executive agreements do not need Senate approval.

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Appointment Power

- The Constitution and federal law allows the president to appoint:
 - Supreme Court judges
 - Federal district court justices
 - All courts of appeals justices
- Appointment process:
 - Individual is named by the president.
 - Individual is approved by the Senate.

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Power to Pardon

- The power of the president to pardon extends only to federal crimes.
- Included in the power to pardon:
 - Commuting a sentence
 - Granting amnesty to a group of people