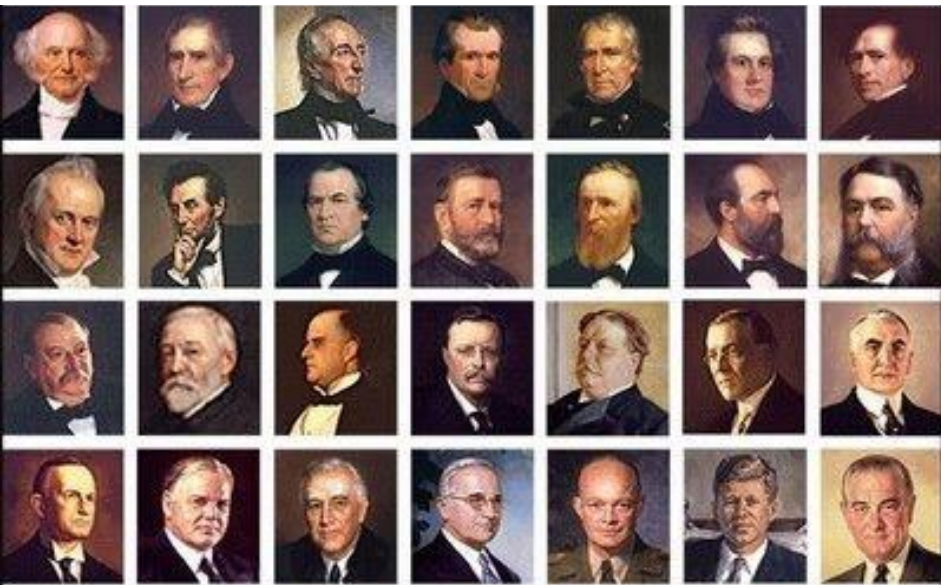


Presidential Power



01 General Presidential Power

02 Breakdown of executive orders

03 Examples

04 Questions

What powers does the President have?



Formal (Explicitly Stated)

- Commander in chief of the military
- Power to sign or veto laws
- Appoint federal judges, ambassadors, cabinet members
- Make treaties with senate approval
- Grant pardons
- Call special sessions of congress

Informal (Tradition or necessity)

- Executive orders
- Executive agreements
- Signing statements
- Use of media
- Party leadership and agenda setting

What are executive orders?



Executive order

- Presidential instructions that do not need congressional approval
 - Can be overturned by the following ways
 - By courts if ruled unconstitutional
 - By future presidents
 - By Congress with a law overriding the order (very difficult)
 - Considered informal power as it is not explicitly stated as a presidential power
- U.S. Constitution Article II Section 1 & 3
- “The executive power shall be vested in a President of the United States States of America”
 - “[The President] shall take care that the Laws be faithfully executed”

Examples of Executive Action

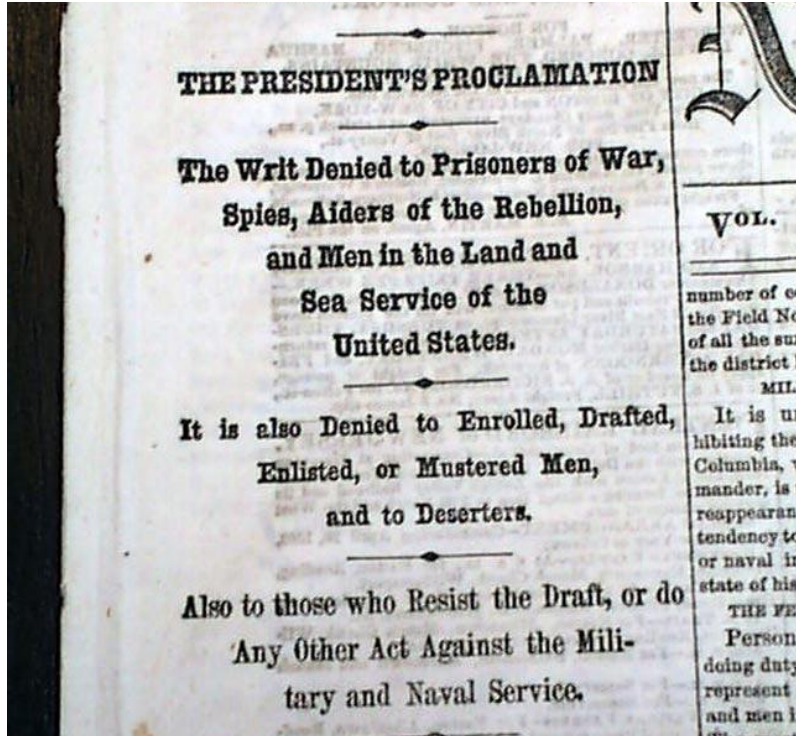
Ex 1	Lincoln Suspending Habeas Corpus
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Ex 2	FDR Executive Order 9066
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Ex 3	Obama Executive Order 13672
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Ex 4	Trump Department of Education
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Lincoln Suspending Habeas Corpus (1861)



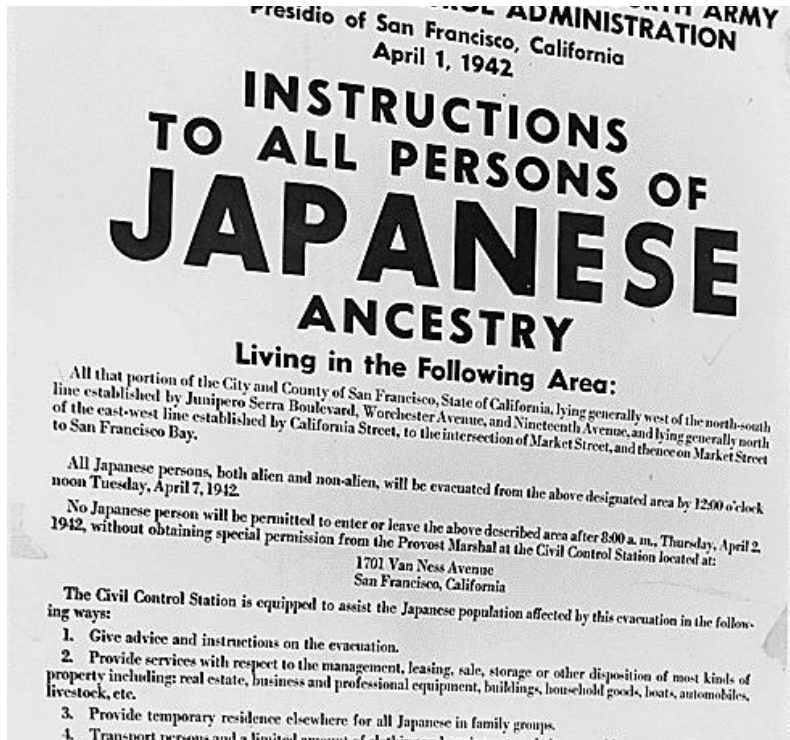
Context

- Habeas Corpus: Right of a person to challenge their detention or imprisonment in court
- During Civil War, Lincoln allowed the arrest of suspected Confederates without trial
- Although not specially executive order, it is seen as one of the first big presidential “stretches of power”

Question

Was Lincoln protecting the Union, or violating civil liberties with taking away the right to a fair and speedy trial? (6th Amendment)

FDR Executive Order 9066 (1942)



Context

- After bombing of Pearl Harbor, FDR ordered all Japanese Americans into internment camps across the country
- Later viewed as a violation of constitutional rights but was upheld at the time (*Korematsu v U.S.*)

Question

Should fear during wartime justify extreme executive actions?

Obama Executive Order 13672 (2014)



Context

- Expanded protections for LGBTQ+ individuals in federal employment and contracting
- Supporters viewed as major step forward while critics argued that it forced to choose between their personal beliefs and doing business with government
- Seen as religious freedom v civil rights
- Overturned by Executive order 14151 in January 2025

Question

Should the president be allowed to create major anti discriminatory rules through executive order if Congress won't act on it?

Trump Department of education Executive Order (2025)



Context

- March 20th, 2025, trump signed this executive order instructing Education Secretary Linda McMahon to begin dismantling the U.S. Department of Education
- Cannot occur completely yet as dismantling a federal department requires congressional approval
- Supporters view as an empowerment to state and local communities without federal overreach while critics say it will cause an increase in educational disparities, affecting low income students that rely on federal support

Question

Should the president have the authority to unilaterally dismantle a federal department, or should such actions require Congressional approval?

Questions

- | | |
|----|--|
| 01 | Which powers does the Constitution give the President directly? |
| 02 | What is an Executive Order and how is it different from a law passed by Congress? |
| 03 | Give one example of how an Executive Order can be overturned |
| 04 | Pick one of the examples we talked about today. Do you think the President acted within their power or went too far? |