

Chapter 14: The Presidency in Action

Section 3

Lecture Notes

AMERICAN GOVERNMENT

PEARSON

► Objectives

1. Explain how treaties are made and approved.
2. Explain why and how executive agreements are made.
3. Summarize how the power of recognition is used.
4. Describe the President's powers as commander in chief.

▶ Key Terms

- **treaty:** a formal agreement between two or more independent states
- **executive agreement:** a pact between the President and the head of a foreign state or their subordinates; it has the same standing as a treaty but does not require approval by Congress
- **recognition:** the act of acknowledging the legal existence of a country and its government
- ***persona non grata:*** an unwelcome person

► Introduction

- What tools are available to the President to implement foreign policy?
 - Making treaties and executive agreements with foreign countries
 - Recognizing foreign nations
 - Recalling American diplomats or expelling foreign diplomats from U.S. soil
 - Ordering the U.S. military to conduct operations on foreign soil without a formal declaration of war

▶ Chief Diplomat

- The Constitution does not formally give the status of chief diplomat to the President. But two presidential powers play a key role:
 - The President is the commander in chief of the nation's armed forces.
 - The President, usually acting through the secretary of state, negotiates treaties with foreign nations.



▶ Treaties

- Treaties have the same legal status as an act of Congress.
- Congress can repeal a treaty by passing a law that nullifies its provisions.
- An existing law can be repealed by the terms of a treaty.
- A treaty cannot conflict with any part of the Constitution.
- If a treaty and a federal law conflict, the most recently passed measure wins.

▶ Treaties and the Senate

- A two-thirds majority of the Senate must approve all treaties before they go into effect.
 - This gives the Senate an important role in shaping U.S. foreign policy.
 - A Senate minority can kill a treaty. In 1920 the Senate rejected the Treaty of Versailles.
 - Presidents John Tyler and William McKinley each overcame Senate rejections of treaties by getting joint resolutions passed to annex Texas and Hawaii, respectively.

▶ Executive Agreements

- Checkpoint: How do executive agreements differ from treaties?
 - Presidents can make executive agreements without Senate approval.
 - These agreements cannot overrule state or federal law.
 - Executive agreements do not become part of American law. Only those agreements made by the current President remain in force.

▶ Power of Recognition

- The President recognizes the legal status of other nations on behalf of the United States.
- Countries usually recognize each other by exchanging **diplomatic representatives.**



▶ Power of Recognition, cont.

- Out of political necessity, the United States recognizes some nations whose conduct it does not agree with.
- **Recognizing a new nation**, such as Panama or Israel, can help ensure its success.
- **Expelling foreign diplomats** or recalling U.S. diplomats from a foreign country is a strong expression of disapproval and sometimes a step toward war.

▶ Commander in Chief

- Presidents delegate many command decisions to military officers, but Presidents make the most critical decisions and have the authority to take command in the field.

▶ Commander in Chief, cont.

- It is difficult for Congress to challenge many presidential command decisions.
- President Theodore Roosevelt once sent the U.S. Navy halfway around the world without consulting Congress. Legislators had no choice but to approve funds to bring the Navy back.

▶ Making Undeclared War

- Only Congress can declare war; however, many U.S. presidents have sent armed forces into combat abroad without a declaration of war:
 - John Adams had the U.S. Navy fight French warships in 1798.
 - Ronald Reagan ordered the invasion of Grenada in 1983 to block a military coup.
 - George H.W. Bush ordered the ouster of Panamanian dictator Manuel Noriega in 1989.
 - Bill Clinton sent troops to the Balkans in the 1990s.
 - How might a President exercise the role of commander in chief?

▶ Congressional Resolutions

- Congress has not declared war since World War II.
- However, Congress has passed **eight joint resolutions** authorizing the President to use military force abroad, such as:
 - In 1955, Congress let President Dwight Eisenhower position the U.S. Navy to block Chinese aggression toward Taiwan.
 - The Iraq Resolution of 2002 authorized the use of force against Iraq.

▶ Power Over the Years

- At times Presidents have sought Congressional approval for the use of military force, while other times they have not.



▶ War Powers Resolution

- Checkpoint: Why did Congress enact the War Powers Act?
 - The results of the undeclared Vietnam War led Congress to pass the War Powers Resolution of 1973.
 - There is still a debate over whether this Resolution is constitutional or not.

▶ War Powers Act

- The War Powers Act states that the President can commit military forces to combat only
 - If Congress has declared war, **OR**
 - If Congress has authorized military action, **OR**
 - If an attack on the nation or its armed forces has taken place. In this case, Congress must be notified within 48 hours and can end the commitment of troops at any time.

► Review

- Now that you have learned about the tools available to the President to implement foreign policy, go back and answer the Chapter Essential Question.
 - How much power should the President have?