

To what extent are the President and his Cabinet checked by Congress and the Supreme Court?

“The President of America is not the Government of the US” – Bowles

The powers of the President are defined and limited by the Constitution. Checks and Balances are part of this Constitution, and they reinforce the aim that no one person or group can gain too much power.

The Government of the USA is divided into 3 main sections: The President with executive power, Congress (including HoR and Senate) and finally the Supreme Court with the Judicial function. Although each of these three branches work separately, they all have Checks and Balances against each other. In particular the President is checked by Congress and the Supreme Court in areas such as: Budgets and Judicial Review.

As well as the President, Congress plays an important role in the decision making.

E.g. if the President wanted to introduce a new law, the bill would have to be introduced by a member of congress and work its way through the legislative process. This allows congress to review and scrutinise proposals. However, the President may bypass congress by issuing Executive Orders (an EO means Congressional approval is not needed therefore the President can pass laws without worrying about the opposition or public debate.). An example of an EO was the introduction of the Patriot Act. Though, here again Congress's role comes into play; In 2005 Congress took the opportunity to exercise their checks against the President by rejecting George Bush's proposal to extend the Patriot act. However, it can then turn into a cycle as the President can bypass this by issuing further executive orders, but this has led to conflict between the Legislative and Executive branches.

Another key area in which the Presidential powers are checked by the Legislative branch of the Government would be if the President decided he wanted to appoint a new federal judge or official, he would nominate the chosen person and it would be then passed through Senate, but if the nominee doesn't 'tick all the boxes' Senate has the power to reject his decision.

The Supreme Court also plays an important role in limiting Presidential powers by Checking both the President and Congress. This branch works slightly differently in the way in which it checks these other areas of the Government. The Supreme Court's role comes into play after the bill has been proposed by the President and checked by Congress, It has the power to change Laws, declare them as Unconstitutional and also state that they are Not Applicable. if the Law put in place doesn't reach the standard's of the Supreme Court they can declare it as any of the above. Such checks have also been exercised; George Bush approved unauthorized spying on US citizens after 9/11, this was said by the Supreme Court against US constitution.

On the other side of this argument, as an example showed previously it's not only the President that checks are carried out on. The President also has the powers to check Congress. Most commonly used is the Veto; this is when the President rejects a bill and sends it back to Congress. Also exercised is the pocket Veto (when Congress is adjourned for a period of 10 days or over, the President can just simply refuse to sign it.)

Most famous for using the Veto to override decisions made is George W. Bush. During his 8 year long period in cabinet he Vetoed 12 bills and also produced 1 pocket Veto – 4 of which were again overridden by Congress, Congress has a limited power to override a Presidential Veto, if they wish to carry out this check on the President their branch of Government have to receive a 2/3 majority in the House – if not the Veto stays in place.

Taking all of my points into consideration I can conclude that the President of the US does have a great deal of power in his hands but every single decision he makes is checked vigorously checked by another branch of the Government thus putting very extreme limitations on his work as the President.