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**The United States President's role
in conducting American Foreign Policy**

دور الرئيس الأمريكي

في توجيه السياسة الخارجية الأمريكية

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Abstract:

American president occupies a prominent political and constitutional position in the American political system, especially in directing foreign policy. Furthermore the constitution granted him with a set of important authorities, but at the same time he is restricted with the role of the rest of institutions in the American political system. This study attempts to identify the various powers available to the American president in directing his country's foreign policy, especially within the framework of the American constitution, as well as the most important institutional determinants that guide his foreign decisions between various formal and informal institutions.

Keywords: *American president – constitutional authorities –institutional limits - congress - foreign policy .*

الملخص باللغة العربية:

يحتل الرئيس في النظام السياسي الأمريكي مركزا سياسيا ودستوريا مرموقا، خصوصا فيما يتعلق بتوجيه السياسة الخارجية أين منحه الدستور مجموعة مهمة من الصلاحيات لكنه في نفس الوقت قيده بإجراءات أخرى متعلقة بباقي المؤسسات في النظام الأمريكي. تهدف هذه الدراسة إلى التعرف على مختلف الصلاحيات المتاحة للرئيس الأمريكي في توجيه سياسة بلاده الخارجية خصوصا في إطار الدستور الأمريكي المعمول به، وكذا أهم المحددات المؤسساتية التي توجه قراراته الخارجية بين مختلف المؤسسات الرسمية وغير الرسمية. ووجدنا في الأخير أنه رغم محاولة الدستور الأمريكي لموازنة الصلاحيات في السياسة الخارجية بين السلطة التنفيذية والسلطة التشريعية إلا أن الرئيس استطاع ان يتجاوز هذه الحدود خصوصا في حالات الحرب و الطوارئ.

الكلمات المفتاحية : الرئيس الأمريكي- الصلاحيات الدستورية- المحددات المؤسساتية- الكونغرس-السياسة الخارجية

1. INTRODUCTION

Presidential systems are one of the most political systems centered around the president and the executive authority in general, where the president is considered a prominent political corner in contrast to other political institutions such as parliament and the judicial branch. Foreign policy is considered among the areas of competence for the president in political systems, as so called the "reserved" field. The president is the first and last guide in his country's foreign policy: he draws its goals, defines its tools and decides its options. However, the applications of political systems in various countries have demonstrated important differences between them.

The American political system is considered as a presidential system where the president has an important role especially in conducting foreign policy; this study aim to analyses this role according to the American constitution and the political engineering of decision making at the United States political system. through answering the following question:

What are the major authorities of the American president in conducting American foreign policy?

In order to define the powers of the American president and his role in external decision-making, we will first address the constitutional authorities and the limits that constitution drawn to the president's foreign powers. Then to compare those authorities in reality (Practical field), at the end we will try to clarify the president's position in the

foreign policy-making process, especially with the varying influence of some formal and informal institutions in the American political system.

1. President's constitutional role:

The US Constitution of 1787 grants the President of the United States of America an important role in conducting foreign policy. Those roles can be traced through different articles; such as the second article of the constitution which is devoted to organize the executive branch. According to this article the executive branch shall be vested in a President and Vice President, hold Office together during the Term of four Years and elected by an electoral colleges. The 2nd article defined the president's roles in foreign affairs, especially the 2nd section as following: **"The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States... He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties... and he shall nominate, and .., shall appoint Ambassadors, other public Ministers and Consuls"**¹. And according to the 3rd section the president: **"shall receive Ambassadors and other public Ministers"**²

focusing on the content of the article, the US Constitution has reinforced the President with specific authorities, he designs and implements foreign policy as follows:

- The president is the commander-in-chief of the armed forces (army, navy, ...)

- Concluding treaties.
- Appoint ambassadors and diplomats and accept or reject ambassadors of other countries (implicitly).

move decided by the president -at least legally- in foreign affairs depends on the approval of members of Congress. with regard to The right to declare war, which is granted to the Congress alone.

The first observation that can be included here is the constitution's respect to separation of powers principle and the oversight between institutions at the same time, especially in war decision where any

In this context, the following table can clarify the president's constitutional powers and the most important restrictions imposed especially by Congress:

the president's constitutional authorities	articles from the constitution	authority restrictions
Command the armed forces and initiate war.	Article 02, section 02.	Only Congress may declare war and issue military credits in accordance with Article 1 paragraph 5 and Resolution of the War Authorities 1973.
Treaty signing	Article 02, section 02.	Two-thirds of the members of the Senate vote
Appoint ambassadors and others.	Article 02, section 02.	Senate approval.
Recognition of countries and reception of ambassadors.	Article 02, section 02.Implicitly.	Senate approval.

Table n01: The limits of the president's constitutional authorities in foreign policy.

Source: max skidmore, Marshall carter Wanke; **American Government a Brief Introduction**, p.135.

Although the Congress has the power to declare war according to the constitution, in addition to the **War Powers Resolution of 1973**, signed after the Vietnam War, which requires the president to consult Congress before sending troops abroad; in order to inform the congress of the reasons of that decision, 48 hours after the actual dispatch and to perform by returning those forces after 60 days if Congress insists³.

the same law requires the president to provide Congress with a report explaining⁴:

- Reasons for participating in the war
- The legal aspect of how to engage these forces
- The goal of the troop participation and the length required by this war

More than that, if the points are not clear, the president have to end the participation of the armed forces within a period of two months, with the possibility of an extension

for an additional month in order to finalize the arrangements necessary to return to the homeland, except in the event of a continuing authorization from Congress⁵.

But in contrary many presidents have ignored this step and declared war without informing the Congress. More than that; in the history of the United States the Congress has not declared a state of war except in five of the 130 wars that only presidents have passed. In addition, since the end of the Second World War, no institution has stood in the way of the president's decision to declare war, especially since most of their decisions were taken in cases in which the American public was filled with a feeling of fear for his security due to the external or real threats posed to him⁶.

This means that the US President has the authority to send American forces to any region in the world, as well as command military operations, and has exceptional powers during the war that may reach the point of issuing the order using nuclear weapons when necessary⁷.

In general, the second article of the American Constitution, which was devoted to clarify the authorities of the executive branch, did not elaborate the powers of the American President showing in the basic limits for his powers, this compared to the first article of the Constitution, which was largely detailed in the organization of the legislature (Congress), this makes the head of the executive branch appears as occupying a secondary position compared to the vast powers for the Congress.

3. President's operational role:

With regard to the American political system, the powers of the American president are broader and far from what is stipulated in the constitution. David Nichols believes that the president's powers do expanded beyond what he called "**the constitutional restriction**" as a political

necessity in foreign policy. This fact is because -according to him- relates to other states that are not subject to the same constitutional restrictions, and it is also related to US issues as a nation⁸.

Perhaps the main question that arises here, is about the reasons and conditions that led to the expansion of these powers, and the most important factors and circumstances that led to this fact:

The first point lies in the briefness and even ambiguity of the second article of the constitution, which is related - as mentioned above- in relation to the executive authorities of the president, this ambiguity allows the president to prevaricate in interpreting legal texts according to the requirements of the practical conditions he faces. Richard Neustadt says in this context: "**The president's powers depend on his ability to persuade. that power depend on the ability to bargain and persuade others, convince them that the president wants their interest...Those persuasive capabilities depend the skills to exploit his influence and reputation and prestige.... The ambiguity of the Constitution allows the president if the mighty justify broad powers**"⁹

Secondly; the increased integration of the United States of America in world politics during the twentieth century and so on, since the United States of America departed from the policy of isolation and its involvement in the Second World War, it relied on a foreign policy more integrated with the international environment.

After the Second World War United States of America entered the cold war -the ideological struggle with the Soviet Union- according to the "**Toynbee**" approach

challenge and response and other approaches that emphasize on the role of external threats that unites the nation, American decision makers direct foreign policy toward combating the Islamic green danger according to "**Graham Fuller**" as a new enemy, Terrorism, authoritarian regimes and other risks, where the president became the leader of the state in time of the crisis.

In addition, We can mention her the role of president's personalities who ruled the United States of America, especially after World War II, "**M. Skidmore**" believes that most of the presidents who contested this position - the presidency - since the 1940s had a strong personalities, they had Clear tendencies to expand the presidency¹⁰. At this context, the president's personality became a relevant factor in conducting foreign policy. "**Max Skidmore**" and his colleagues saw in this context that: "**Much depends always on the president's personal ability to persuade others and to stay above the top of the situation, and to make good use of his position and political authority without inflicting his powers so he transcends It has limits on the possibility of others and avoiding confrontation.**"¹¹ "

The third reason concern the growth of the so-called executive bureaucracy in members and authority, while the president as the head of this bureaucracy gives him powers that may override those of Congress¹². In 1947, Congress passed the National Security Act, which required the creation of the Department of Defense, the Central Intelligence Agency, and the Central Intelligence Council (CIA). These institutions had a major influence on US foreign policy since the last half-century¹³. Those circumstances lead to the expansion

of The bureaucratic of the president in making foreign policy, especially after the establishment of the National Security Council and the role of the national security advisor which is appointed by the president alone, Considering the large role he played in conducting foreign policy with the president. This advisor became a principle executive secretary that outline the foreign policy beyond the role of the minister of foreign affairs and defense, who run under the control of Congress¹⁴.

As a result to those circumstances; the president became the Axis of the American political system especially in foreign policy. Furthermore concerning the war decision which is constitutionally a congressional decision, however the American history shows that the congress only decided five wars of the United States¹⁵. Actually besides the war powers law of 1973 the US president manage to rape the law -takled above- throw many gaps in the law itself such as¹⁶:

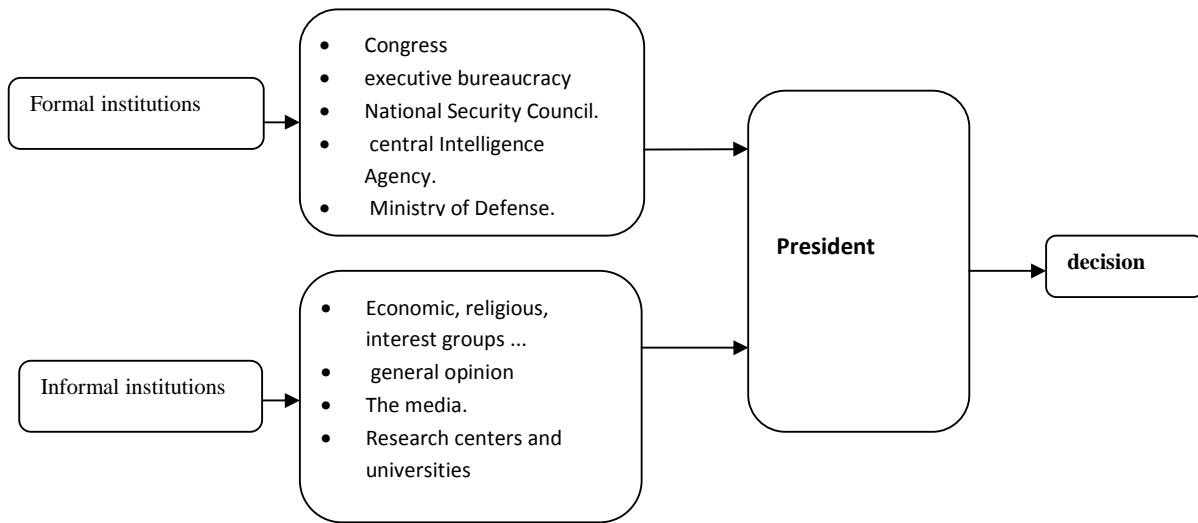
- The 60-day period is sufficient to carry out a highly effective military strike, especially under technological advances of the US armed forces.
- The president's authority to use new weapons is unlimited espetically with nuclear weapons.
- The President has many technical capabilities to persuade Congress of any military decision he intends to make, using of media and public opinion, or the religious arguments ...

This means that the US President has the authority to send American forces to any region in the world, as well as command military operations, and has exceptional

powers during the war that may reach the point of issuing an order to use nuclear weapons when necessary¹⁷. Eventually those gaps enabled the American presidents to take a military strikes, such as the decision made by of former US President George W. Bush to attack Iraq and Afghanistan in the context of the war on terrorism.

4. Institutions vs president in conducting foreign policy:

Talking about the president's authorities expansion in the foreign does not mean that the American president has an absolute power in the American political system. As a democratic system the American regime is constituted of a number of institutions that differ in functions; concerning foreign policy there are many formal and informal institutions that influence decision-making in foreign policy which could be summarized in the following format :



Format n01: The institutions involved in external decision-making

In order to go deeper into the role of different institutions, it is necessary to detail each institution authorities in decision making and their relationship with president as following:

1) **The President and Congress:**

The president is the more influential power in the American system compared to Congress, since he is the only person in the government who is elected directly by the entire population. however, the Congress has according to constitution, different

authorities that may influence the president's decisions. Through the first article of the constitution section eight the congress has the following powers (those which concern foreign policy)¹⁸:

- To borrow Money on the credit of the United States;
- To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;
- To declare War.

- To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

Those constitutional authorities gave the US Congress a great capability to influence foreign affairs, which may be concerned the largest compared to the role of the legislature in other countries¹⁹. This influence can effective for three reasons:

- 1) That the powers and powers of Congress in foreign affairs are protected by the Constitution.
- 2) Constitutionally agreement powers of the Senate on international treaties, appoint ambassadors and recognize countries, send military forces abroad ...
- 3) Ratification and approval of the budget is the most important means of pressure that Congress may exert on the President, especially if it comes to funding military campaigns abroad, in addition to what Congress enacted in the War Powers.

As a fundraiser, the congress can authorized the president to send the U.S troupes to battle abroad such as in 2001, when Congress authorized President George W. Bush to use military force against those responsible for the 9/11 attacks; and, in 2002, it approved U.S. military action against Iraq. However, in recent years, legal experts from both parties have said the president should have obtained additional authorities to use military force in Libya, Iraq, and Syria²⁰.

the Congress can also compel the President to withdraw American forces if he refuses to fund them, for example, the Congressional

law in 1993 that prohibits the funding of American forces in Somalia after March 31, 1994, unless the President makes a request approved by Both houses of Congress; more recent examples of congressional funding limitations aimed at preventing or reducing U.S. military deployments overseas relate to Somalia and to Rwanda during 90th. Lawmakers may also stipulate how that money is to be spent. More recently, Congress repeatedly barred the Obama administration from using funds to transfer detainees out of the military prison at Guantanamo Bay²¹.

Also the congress have the right to discuss and decide in many foreign policy issues; for example the 114th Congress (2015–2017) passed laws on topics ranging from electronic surveillance to North Korea sanctions to border security to wildlife trafficking. In one noteworthy instance, lawmakers overrode President Barack Obama's veto to enact a law allowing victims of international terrorist attacks to sue foreign governments²². So we can resume here that Congress has a constitutional right to be an authoritative voice in declaring and prescribing the foreign policy of the United States,

2) President and interest groups:

An interest groups are the organization whose members share common concerns, and try to influence government policies, those groups are among the most influential parts in American decision-making internally or externally.

Interest groups could be economic (economic institutions), cultural, military, religious groups... may affect in one way or another the U.S foreign decision since this influence represent one of the most

important characteristics of political democracy through pluralism.

The American system is more characterized by its vitality and the diversity of interest groups that reflect the pluralism of American society, ethnically, geographically, and religiously²³. Those groups derive their strength from three primary sources "**Financial, Numerical and Knowledge Force**" according to Max Skidmore²⁴. It has significant financial capabilities as well as the power of knowledge through the media and research centers, which enables those groups to achieve a strong impact on decision-making within the United States.

In their relationship with the president and foreign policy; the interest groups has two basic ways to influence:

the first is a direct way: we mean the way these groups influence the president directly as a decision-maker in foreign affairs, this would be possible through the **Federal Campaigns Financing Act of 1947** which allows the presidential candidate to benefit from funds of different sources through political action committees during the preliminary and final stages of the elections²⁵.

This option enabled the interests groups to influence the president before and after his election, for example the AIPAK(**American Israel Public Affairs Committee**) which brands itself as "America's Pro-Israel Lobby" can be considered as the most influential interest group during election campaigns, Dr. Fawaz Gerges believe that a few presidential contenders can bear isolation from AIPAK ..., not only for electoral support but for financial support as well²⁶.

As a second indirect way: the interest

groups could affect members of Congress, whether during or after the elections. The Federal Campaigns Financing Act mentioned above allows the Congressional candidate to benefit from public money (individuals or groups) with fewer restrictions regarding those imposed on the presidential candidate²⁷.

The influence of interest groups on Congress is greater than any other official institution, whether by financing election campaigns or creating their representatives in Congress, which is the case of the Military Industrial Complex (a partnership between owners of productive military industries, government and representatives of states that benefit economically from military spending²⁸).

5. CONCLUSION

To sum up, the president's foreign policy powers are constitutionally defined in a way that makes the president a core of the foreign policy process, but at the same time they are constitutionally limited by Congress's oversight and the requirement for his approval of many foreign affairs. The President's Power include those powers explicitly granted by Article II of the United States Constitution this article which was so ambiguous comparing with the 1st article concerning legislative power.

The U.S. Constitution parcels out foreign relations powers to both the executive and legislative branches. It grants some powers, like command of the military, exclusively to the president, the regulation of foreign commerce, to Congress, while still others it divides among the two or simply does not assign. The Constitution also makes two of the president's foreign affairs powers—making treaties and appointing diplomats—

dependent on Senate approval. However in the practice many Foreign policy experts believes that presidents have accumulated power at the expense of Congress in recent years as part of a pattern in which, during times of war or national emergency, the executive branch tends to eclipse the legislature.

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²² ibid.

²³ Ibid.p :198.

²⁴ Max skidmore, ibid,p : 208.

²⁵ Manar Al-Shorbagi, ibid, pp. 205-206.

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