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**PLSC 283: American Foreign Policy and Process Final Exam**

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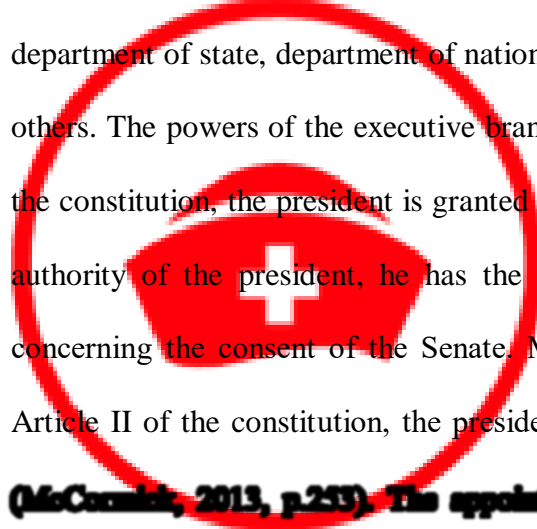
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### Question 1

In the foreign policy making process, the Executive Branch is one of the U.S. government's institutions granted authority by the U.S. Constitution to create American foreign policy. What powers is it mandated by the Constitution that provide the justification for its participation in foreign policy making, and what do each of those powers pragmatically mean? What is the theory of the unitary executive? Is this theory of the unitary executive a sound explanation or a greater exaggeration of the reasons McCormick gives for the historical trend of presidents accruing foreign policy making power in Chapter 7, The President and the Making of Foreign Policy?

The Executive Branch of the U.S government is headed by the president who is the commander in chief of the armed forces with different roles and powers by the constitution.

Additionally, the executive branch consists of several executive departments, which include the department of state, department of national intelligence, and the department of defense, amongst others. The powers of the executive branch are provided in the U.S constitution. In Article II of the constitution, the president is granted the power to implement foreign policies. With the legal authority of the president, he has the power to appoint Senate members and make treaties concerning the consent of the Senate. McCormick states that "The Presidential powers under Article II of the constitution, the president is granted the plenary power to be chief executive" (McCormick, 2013, p.233). The appointed ambassadors have the power to represent the U.S government in making deals with foreign bodies. The power to make treaties includes engaging in negotiations with other nations. One of the most significant roles of the executive branch is shaping America's foreign policy. The executive branch does this by executing, enforcing, and administering laws passed by the Congress. The provisions outlined in the constitution grant powers to the executive branch in the formulation of foreign policy. In the recent past, the

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**powers to the executive branch in the formulation of foreign policy. In the recent past, the**

**decision-making process of the American foreign policy has been described to be inefficient and slow attributing to the power conflicts in the formulation of foreign policy.**

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**The constitution accords the president, under the executive branch the power to appoint senior cabinet members, commit troops and conduct high-level talks with foreign governments. Besides, the U.S constitution grants the executive branch the responsibility to implement laws created by the legislative branch. The president has the power to sign the legislation into law, vetoing or denying bills made by the Congress, and negotiating and signing treaties as part of the executive branch's duty to hold diplomacy contact with other nations. In holding diplomacy with other countries, the President ensures the government maintains cooperation and negotiations with the international community with an aspiration of preserving peace in the world. In the case of international politics and policy, the executive branch through the president is expected by the**

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public to formulate policy and solutions to resolve such problems (Wilson et al., 2016). In this regard, the executive branch works closely with international organizations such as the United Nations, International Monetary Fund, World Bank Group, World health organization, and world trade organization.

Conclusively, military and foreign policies are implemented and by the executive branch, particularly the president, with the national security advisor, state department, department of homeland security, defense department, and the intelligence agencies. With the recent bureaucratic reforms of various acts of such as the National Security Act, the structure of foreign policymaking has transformed. There have been recent criticisms about the powers of the government arms which often disagree over foreign policymaking, military goals and planning and much more. McCormick says that "the struggle between the two branches over the control and direction of the U.S foreign policy persists to this day....both the legislative and executive branches of government have been delegated specific foreign affairs power" (McCormick, 2013, p.253). The constitution mandates that even though the president has the power to formulate and implement international treaties, he is expected to get approval from the Senate and other bureaucratic agencies for their final ratification. With the president as the commander in chief of the armed forces and the head of the executive branch, he has the influence over establishment and implementation of foreign policy. The president is expected to protect and advance the national interests including the

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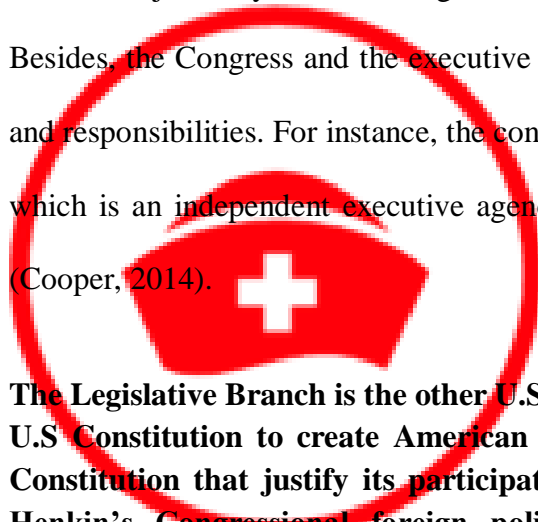
**military, ideological, economic, cultural, and legal interests of the United States. In his assertion, McCormick states that "the president is the chief executive but, Congress decides what laws are to be enforced; the president may command the armed forces, but Congress decides whether wars should be initiated; the president may negotiate treaties." (McCormick, 2014, p.255).**

**In the American political discourse, the theory of unitary executive is defined as a doctrine that asserts the power of the president over the members of the executive branch. In this sense, the president has total control and authority over the executive branch. The president functions as the chief commander of the military, despite the criticism and controversies surrounding the executive theory. There exist debates regarding the powers of the president as stipulated in Article II, section 1 of the U.S Constitution which states that, "The executive power shall be vested in a President of the United States of America." Besides, Article III, section 3 of the U.S constitution asserts that "...he (the president) shall take care that the laws be faithfully executed, and shall commission all the officers of the United States" (Grove, 2014, p.150). The theory is a sound explanation of McCormick's view of the historical trends of presidents related to the power in foreign policymaking. Regarding the history of George W. Bush administration as the president of the United States, there are clear situations that support the executive power of his administration.**

**McCormick observes that Bush acted unilaterally to formulate foreign policy relating to the war against Iraq. He states, "Clearly, the Bush administration was willing to act alone (or with**

**an informal coalition) in pursuing tyrants and terrorists and in implementing its national security strategy.” (McCormick, 2014, p.190). Moreover, the Bush administration used the unitary**

executive theory to sign more than 130 legislation statements into law, responding to congressional irresolution, and issuing an executive order, which progressively expanded his presidential authority. Most notably is the actions of Bush as president in which he issued three executive orders just two days after his inauguration (McCormick, 2014). The theory of unitary executive is still a debate in the political and legal discourse which all argue the power of the president and the role of the judiciary and the Congress in limiting the executive responsibilities of the president. Besides, the Congress and the executive branch have been in conflicts in their course of actions and responsibilities. For instance, the congress established the Environmental Protection Agency, which is an independent executive agency in which the executive branch lacks control over it (Cooper, 2014).



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### Question 2

**The Legislative Branch is the other U.S government institution granted the authority by the U.S Constitution to create American foreign policy. What power is it mandated by the Constitution that justify its participation in international policy-making? What is Louis Henkin’s Congressional foreign policy power theory and how does it differ from McCormick’s portrayal of Congressional foreign policy-making power in Chapter 8, Congressional Prerogatives and the Making of Foreign Policy? What effect does the U.S Supreme Court’s decisions in U.S v Belmont and U.S v Pink have on Henkin’s theory?**

The U.S constitution has granted the legislative branch the several powers stated in the Article I, section 8. These powers justify the legislature to participate in the foreign policy-making process (Grove, 2014). One of the most critical function is the power to make and change laws. Additionally, the legislative branch has the power to tax, borrow money, and establish rules for the naturalization of foreigners seeking citizenship, to regulate commerce with foreign nations and among the states, to establish a post office, to declare war, and to raise and maintain an army and

navy. The legislative branch can influence the federal economic policy. This is regarding the power of the legislature to create an annual budget for the federal government. The budgetary power of the legislature is facilitated through the collection of taxes and tariffs. In his arguments, McCormick (2014), states that "...house members, who viewed foreign policy as an important part of their legislative activities." (p.337). In essence, the legislature can direct the spending plan for the federal finances. In this sense that the president passes signs the bills created by the legislature into laws, therefore, the legislature may influence any laws related to foreign policy.

Louis Henkin's Congressional foreign policy power theory was demonstrated by Professor Louis Henkin to provide an emphasis on the effectiveness of the American foreign policy system. In his theory, Louis Henkin described the roles and powers of the President and the Congress in participating in foreign policy making and implementation. In his arguments, Henkin notes that **the foreign affairs system is shaped by the character and needs of foreign relations rather than the constitutional blueprint. Henkin asserts that the President has the power under the constitution to make executive agreements on administrative issues of the nation. Henkin states that the Congress is not constitutionally justified to disagree with the President on matters pertaining foreign policy.** McCormick writes that "Constitutional scholar Louis Henkin has argued that Congress has even more of what he calls 'foreign affairs power' (McCormick, 2014, p.254). On the contrary, McCormick asserted the character of the foreign policy by identifying that only the Executive branch of the government has the power to make and implement foreign policy. In McCormick's portrayal of the congressional foreign policy, he asserted that the Congress limits the power of the president in the formulation of foreign policy by requiring the executive to be open in their



**communication of all the matters regarding foreign treaties and agreements. He explains that the Congress has the mandate to limit the powers of the president to declare war. He further states that "Entrusted over the president's use of the commander-in-chief and executive clauses of the Constitution to intervene abroad, in the 1970s Congress adopted several measures to limit his war-making ability." (McCormick, 2014, p.312).**

**The U.S Supreme Court declared an approach to the question of whether executive privileges and exercises are constitutionally protected. The court said in U.S v. Nixon that "protection of the confidentiality of the presidential communications has constitutional underpinnings" like the executive power. In both cases, the court weighed the essence of information to meet the constitutional obligations against the needs for secrecy in national security affairs. The cases disagree with the claims of Henkin's theory by articulating that the national government exclusively vests the power of the government over external affairs. In this regard, constitution, state laws, and policies are irrelevant in disputes regarding international agreements**

and treaties between two nations. Considerably, the cases asserted that no nation has the power to prevail against international agreements and affairs. Conflicting Henkin's theory, the cases rulings asserted that the members of the Senate might be ignored on participating in foreign treaties and agreements. Considerably, the cases dealt with the legal status of executive agreements and the decisions in the cases gave the president another means of enhancing his foreign policy powers."(McCormick, 2014, p.271).



### Question 3

**In the foreign policy-making process, the President seems to have dominated policy-making post-WWII? What is the evidence that would support this view and discuss the reasons McCormick gives for this apparent phenomenon? Of McCormick's reasons, which do you consider the most important in creating this phenomenon, and why?**

The World War II was significant in impacting the United States foreign policy. For instance, McCormick (2014) states that "...after the War of 1812, for example, America immediately reaffirmed its policy of non-involvement in European affairs..." (p.26). Besides, after the World War II, America experienced changes in response to the shock of the World War II, such as the destruction of the major European powers of France, Britain, and Germany with the emergence of the Soviet challenge and other political changes (McCormick, 2014). Considerably, after the World War II, the president seemed to gain more power in dominating the foreign policy-making process. McCormick asserts that "...by the late 1940s and early 1950s, executive dominance was fully in place" (McCormick, 2014, p.258). The World War II resulted in the growth of presidential power regarding the executive powers of the president in foreign affairs with close regards to the Soviet Union challenge.

**To justify this claim, McCormick provided evidence from previous presidential reigns to show executive dominance. To start with, he mentions President Roosevelt to show the re-emergence of executive dominance. For instance, "President Roosevelt acted to aid the British in 1940 with the "destroyers for bases" deal, an arrangement in which the United States sold 50 destroyers to Britain."(McCormick, 2014, p.258). Additionally, it is during the reign of President**

**James K. Polk that executive dominance was seen once again. President James K. Polk exploited his presidential powers to call for war without the consent and advice of the Congress. McCormick (2014) states that "During the presidency of James K. Polk, presidential dominance arose once again when, without asking Congress for authorization, President Polk orders the U.S military into the territory that was disputed by Texas and Mexico" (p.257). Primarily, the author refers to Bush and Reagan administration to further illustrate the phenomenon.**

**Post the World War II, and it is justified that the United States presidents in history have dominated power at the expense of the Congress. This has been seen in the power of the president to act in response to war and national emergencies in which the president under the executive branch tends to disregard the powers of the legislature to advise the executive branch on matters of national concern. Various reasons have been used by foreign policy experts and researchers to justify the reasons for presidential dominance (Cooper, 2014). One of the most significant reason cited out by McCormick with reference the case of President Roosevelt presidential authority is that the president is more acquainted with foreign affairs than any other body of the government.**

The president is the core representative of the federal government about international relations and foreign policymaking. This is justified by the sense that the president has a better opportunity of understanding the conditions prevailing in the international world of politics and also the state of foreign nations in times of war. These claims can be justified by the case of President Roosevelt's international agreements. McCormick (2014) writes that "President Theodore Roosevelt made a secret agreement with Japan over Korea in 1905 and made a

“Gentlemen’s Agreement” in 1907 to restrict Japanese immigration into the United States” (p.263). In essence, I consider that the McCormick’s justification for executive power to be applicable in the sense that the President is the sole organ of the nation that is identified in foreign countries and he has the potential to respond to matters that affect the nation. This is in support that the president is elected by the public and thus has the public’s interests and concerns at the core of his leadership.

#### Extra Credit

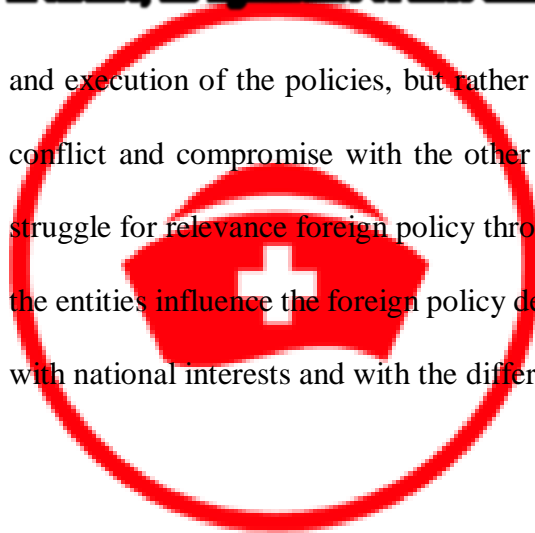
**Why are the last four (4) chapters (Chps 9-12) of McCormick’s Part II of lesser importance in a discussion of the making of American foreign policy than the 1<sup>st</sup> two (Chps 7-8)? What is important in foreign policy-making about the entities that McCormick identifies in those last four chapters and how do they do it?**

McCormick gives a detailed overview of the process of foreign policymaking in the first four chapters in Part II. With this in mind, chapter 7 and 8 give a significant insight of the foreign policy-making process highlighting the functions of the branches of the government. The chapters provide a significant amount of information about the roles of the president and the Congress in the foreign policy-making process. Considerably, these chapters stipulate a solid approach to understanding the American foreign policy as it provides a compelling framework through which students can approach a study to American foreign policymaking discussion. In essence, the functions of the president and the Congress are fundamental in the American foreign policy-making process and thus important for the discussion. The president and the Congress are the core entities involved in decision making in foreign policy. On the other hand, the last four chapters, (9-12) highlight the essential functions of other minor entities partially involved in the foreign policy-making process such as the public opinion, the media, interest groups, and bureaucracies.

**McCormick identifies the role of other entities in the American foreign policy-making process. These entities include; the diplomatic and economic bureaucracies, the military and intelligence bureaucracies, political parties, bipartisanship, interest groups, the media, and public opinion. The entities have been at the center of foreign policy analysis and they have an aim of defending the national interests in foreign policy formulation. The entities are valuable institutions in the state and international affairs whose role is to influence the execution of the foreign policies.**

**In essence, the significance of these entities in foreign policy-making goes beyond the influence**

and execution of the policies, but rather they are vital in the policies through debates, dialogue, conflict and compromise with the other branches of the government. Essentially the quest and struggle for relevance foreign policy through argument and information are important in ensuring the entities influence the foreign policy decision-makers in formulating policies that are consistent with national interests and with the different entities own interests.



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