

President or King?



By Paul Engel

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- Do you know the difference between a president and a king?
- In Federalist Paper #69, Alexander Hamilton discussed the difference between the two, and why the convention chose a President.
- How would you describe the men who have recently occupied the Oval Office? Do they look more like presidents or kings?

When the Framers were drafting the Constitution, they had several examples both for how to create laws and how to execute them. Would the President be an executive or a king? Read Article II and you'll see we have an executive not a king. Is that how modern Presidents act though? Alexander Hamilton discussed this in Federalist Papers #69. Let's look at [The Real Character of the Executive](#), then decide for ourselves whether the current and recent occupants of the office were and still are worthy of it.

When Benjamin Franklin said they had given us a republic, if we could keep it, that statement was not rhetorical. Part of what makes us a constitutional republic is the separation of powers. We vested the lawmaking power in a Congress. We vested the judicial powers, and the deciding of controversies involving those laws, in the federal courts, but neither of those branches of government were empowered with the execution of those laws.

The executive Power shall be vested in a President of the United States of America.

[U.S. Constitution, Article II, Section 1, Clause 1](#)

Federalist Paper #69

Alexander Hamilton wrote about the real character of the executive in the proposed Constitution in what we now know as Federalist Paper #69.

The first thing which strikes our attention is, that the executive authority, with few exceptions, is to be vested in a single magistrate.

[Federalist Paper #69](#)

We often talk about the executive branch, which includes all of the departments and agencies created by Congress, Ultimately, however, the executive power is vested in a single person: The President of the United States.

That magistrate is to be elected for FOUR years; and is to be re-eligible as often as the people of the United States shall think him worthy of their confidence.

[Federalist Paper #69](#)

Until 1951, the President could serve as many terms as he could get elected. That changed after Franklin D. Roosevelt won four terms and his political opponents ran on never letting that happen again. Notice how Mr. Hamilton points out that the president would be eligible for as often as the people think him worthy. As I've frequently pointed out, the people do not and have never voted for President.

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress:

[U.S. Constitution, Article II, Section 1, Clause 2](#)

Since the function of the state legislatures is to represent the people of their state, We the People have a tremendous say in who is President, just through state legislatures rather than directly. This is different than the monarchy we came from.

In these circumstances there is a total dissimilitude between HIM and a king of Great Britain, who is an HEREDITARY monarch, possessing the crown as a patrimony descendible to his heirs forever;

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The presidency is not a matter of heredity, but it seems we are getting awfully close to something similar. Joe Biden didn't become President because he inherited it from his father, but from the Democratic Party. We have so embedded the two party system into our politics that the office of President seems to be more of a question which party's heir will we choose rather than the choice of the people Mr. Hamilton spoke of. Of course, how we choose a President is almost as important as how we remove one.

The President of the United States would be liable to be impeached, tried, and, upon conviction of treason, bribery, or other high crimes or misdemeanors, removed from office; and would afterwards be liable to prosecution and punishment in the ordinary course of law. The person of the king of Great Britain is sacred and inviolable; there is no constitutional tribunal to which he is amenable; no punishment to which he can be subjected without involving the crisis of a national revolution.

[Federalist Paper #69](#)

In the United States, the President can be removed from office on impeachment for, and conviction of, treason, bribery, high

crimes, or misdemeanors. The only way to remove a monarch is a revolution. Today impeachment has become a political bludgeon used to intimidate one's political opponent. In 1998 Bill Clinton was impeached for perjury and obstruction of justice, but was found not guilty in the Senate trial that focused on his philandering in the Oval Office. Donald Trump was impeached twice, first for abuse of power and obstruction of Congress, then for incitement of insurrection. None of these charges were supported by evidence, and with the possible exception of "incitement of insurrection", are questionable examples of high-crimes, much less treason. The point is, impeachment has become a political tool rather than a method of reining in an out of control President.

The President of the United States is to have power to return a bill, which shall have passed the two branches of the legislature, for reconsideration; and the bill so returned is to become a law, if, upon that reconsideration, it be approved by two thirds of both houses. The king of Great Britain, on his part, has an absolute negative upon the acts of the two houses of Parliament.

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The main difference between the constitutional office of President and a monarch are the limits on his power. The President can veto a bill, but he cannot nullify a law, at least not legally. On the other hand, a king has absolute power over not only the execution of law, but its creation.

Speaking of limits on the power of the Presidency, let's talk about his role as Commander-in-Chief.

The President will have only the occasional command of such part of the militia of the nation as by legislative provision may be called into the actual service of the Union. The king of Great Britain and the governor of New York have at all times the entire command of all the militia within their

several jurisdictions.

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The President is only the commander-in-chief of the military when they are in actual service to the United States. Mr. Hamilton compares this to the powers of a king or governor. As the king is in command of the military at all times, the governor is the commander of the state's militia.

The President is to have power, with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur. The king of Great Britain is the sole and absolute representative of the nation in all foreign transactions.

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The President does not set foreign policy. I know, that is probably not what you were taught in school, but the President doesn't make agreements with foreign nations by himself. Any agreement a president makes that is not ratified by two-thirds of the Senate, is not the supreme law of the land and is not binding on the states, the people, or the rest of the federal government. The President's need to work with the Senate goes beyond treaties.

The President is to nominate, and, WITH THE ADVICE AND CONSENT OF THE SENATE, to appoint ambassadors and other public ministers, judges of the Supreme Court, and in general all officers of the United States established by law, and whose appointments are not otherwise provided for by the Constitution. The king of Great Britain is emphatically and truly styled the fountain of honor. He not only appoints to all offices, but can create offices. He can confer titles of nobility at pleasure; and has the disposal of an immense number of church preferments.

[Federalist Paper #69](#)

The President can only make appointments with the advice and consent of the Senate. Not the confirmation of the Senate, but the advice and consent of it. The Senate is not supposed to be the rubber stamp for whoever holds the office of President. That would be the role of a king, not the President of the United States.

The [President] can confer no privileges whatever; the [King] can make denizens of aliens, noblemen of commoners; can erect corporations with all the rights incident to corporate bodies. The [President] can prescribe no rules concerning the commerce or currency of the nation; the [King] is in several respects the arbiter of commerce, and in this capacity can establish markets and fairs, can regulate weights and measures, can lay embargoes for a limited time, can coin money, can authorize or prohibit the circulation of foreign coin. The [President] has no particle of spiritual jurisdiction; the [King] is the supreme head and governor of the national church!

[Federalist Paper #69](#)

The President has limited and enumerated powers, while the King's powers have no such limitation. Which brings me to a very important question.

Conclusion

If we look at the way recent President's have acted, do they look more like the office created by Article II of the Constitution or the king we fought a war to break away from?

What answer shall we give to those who would persuade us that things so unlike resemble each other? The same that ought to be given to those who tell us that a government, the whole power of which would be in the hands of the elective and periodical servants of the people, is an aristocracy, a monarchy, and a despotism.

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There are many today that claim that the President is the most powerful man in the world and has vast powers, but legally that is not true. We declared independence from a man with just such powers. That is why we not only delegated to the United States a limited and enumerated list of powers, but why we delegated most of those powers to Congress, not the President. Through our complacency we stood by while men assumed powers to which they were not entitled. In our ignorance, we also stood by while the Constitution was ignored and our rights trampled. And because we kept looking for someone else to save us, we have let down our Founding Fathers, we have deprived our children of their birthright as American citizens, and we continue to condemn ourselves to servitude, serfdom, and subjection. Unless and until we learn what those who gave us the Constitution said about it, we will continue our long march towards the destruction of freedom and liberty in America.

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