

The Role of the Presidency



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July 19, 2023

- All of the executive power of the United States is vested in one person, the President of the United States.
- Contrary to popular opinion, most of the powers of the United States are not vested in the President, but in Congress.
- Ever wonder why we have such a unique way of electing the President?

This is the second in a three-part series on the branches of the federal government. The [first article](#) covered the Legislative branch, but this time we'll look at the role of the executive. While there are many misconceptions about the roles of the three branches of government, most seem to be about the executive branch. Like referring to the President as the most powerful man in the world, or to this branch being an independent executive agency. So let's delve into [Article II of the Constitution](#) and learn more about our nation's chief executive.

The Executive Power

The second of the three branches of government is called the executive because that's its job.

EXEC'UTIVE, noun *The officer, whether king, president or other chief magistrate, who superintends the execution of the laws; the person who administers the government; executive power or authority in government.*

Executive – Webster’s 1828 Dictionary

It is said the legislative branch writes the law and the executive executes them, but that is a bit of a misunderstanding as well.

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

U.S. Constitution, Article II, Section 1, Clause 1

The executive power of the United States isn’t vested in the executive branch, but in a single person: The President of the United States. All of the executive agencies, and those who work in them, are exercising the President’s power and therefore report to him.

he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices,

U.S. Constitution, Article II, Section 2, Clause 1

While the powers of the President may seem awesome, especially the way it is treated today, a quick look at [Article II](#) shows that there’s actually very little the President can do on his own.

Sole Powers of the President

What are the powers vested solely in the President? As stated before, the President has the power and responsibility to execute the laws and powers of the United States.

he shall take Care that the Laws be faithfully executed,

U.S. Constitution, Article II, Section 3,

In addition to executing the powers of the government of the

United States, the President has the power to pardon.

he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

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

What else can the President do all by himself?

he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper;

[U.S. Constitution, Article II, Section 3,](#)

The President can convene both houses of Congress, but only under extraordinary circumstances, such as after the Pearl Harbor and September 11th attacks. This is why the President is required, from time to time, to inform Congress of the state of the union. The address of the same name we've all become accustomed to only happens if the House of Representatives invites the President to speak. Since both houses of Congress have to agree before they can adjourn, the President can settle any disagreement between them on that fact.

The President is also responsible for commissioning all officers of the United States.

and shall Commission all the Officers of the United States.

[U.S. Constitution, Article II, Section 3,](#)

Lastly, the President receives foreign ambassadors and ministers.

he shall receive Ambassadors and other public Ministers;

[U.S. Constitution, Article II, Section 3,](#)

That's it. Those are the only powers delegated solely to the President of the United States. You may be asking, what about foreign policy, regulations, or even the fact that he is the Commander in Chief of the military?

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States;

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

Yes, the President is the Commander in Chief of the military, but he is not the one that makes the rules for them. Congress has the power:

To make Rules for the Government and Regulation of the land and naval Forces;

[U.S Constitution, Article I, Section 8, Clause 14](#)

Contrary to popular belief, the President can't even call up the militia by himself.

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

[U.S Constitution, Article I, Section 8, Clause 15](#)

Shared Powers

So, if most of the powers we think the President has aren't his alone, who does he share those powers with?

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur;

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

We think that the President makes treaties, but he does not,

at least not alone. Notice, it doesn't say the President negotiates treaties and then the Senate ratifies them. No, it says the President is to make treaties with the advice and consent of the Senate. In other words, the Senate is to be involved in the negotiation process.

and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law:

U.S. Constitution, Article II, Section 2, Clause 2

While the President does nominate ambassadors, judges, and other officers of the United States, he is to do so with the advice and consent of the Senate.

Why does the President need the advice and consent of the Senate and not the entire Congress? Remember, the two houses of Congress have different roles. The House of Representatives has always been elected by the people to represent the people. Members of the Senate, on the other hand, were originally appointed by the state legislature, to represent the state. After the Seventeenth Amendment, Senators are chosen by popular election of the people, but that does not change their role as representatives of the states. That means, when it comes to treaties and appointments, the President needs the advice and consent of the representatives of the states.

The President is tasked to execute the laws and powers of the United States, and can only execute his power to make treaties and appoint officers with the advice and consent of the Senate, who are representatives of the states. You may be sensing a theme here. The powers delegated to the United States, even the power to make laws, comes from the Constitution, which was ratified by the states. Contrary to

popular belief, the President's job is not to represent the people, but to represent the states. Which explains the unique way the President is elected.

Electing Presidents

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: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

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

Most people grossly misunderstand what we call the "Electoral College". First of all, by college, we do not mean an institution of higher education.

In a general sense, a collection, assemblage or society of men, invested with certain powers and rights, performing certain duties, or engaged in some common employment, or pursuit.

[COLLEGE – Webster's 1828 Dictionary](#)

Technically, if there were an electoral college, there would be fifty of them. You see, the electors don't meet in one place, but in each of the fifty states.

The Electors shall meet in their respective states and vote by ballot for President and Vice-President,

[U.S. Constitution Amendment XII](#)

Back to the electors. Contrary to popular belief, the people do not elect the President, the states do. Each state appoints their electors for President based on the rules set forth by their state legislature. Currently, all fifty states appoint their presidential electors based on popular election for them

in the state. Look closely at your ballot every four years, and you'll see that you aren't voting for President, but for electors for president who have pledged to vote for a specific candidate.

There is one other thing about electing our President that is unique: His qualifications for office.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

[U.S. Constitution, Article II, Section 1, Clause 5](#)

Only the President has to be a natural born citizen of the United States. Not members of Congress, judges, or any other officer. There is quite a bit of controversy in many circles about the term "natural born citizen". Some claim the person has to be born on U.S. soil, others that he or she must be born to two parents who are U.S. citizens. Some even claim that a commentary on International affairs is the legal basis for defining a natural born citizen. Let me show you how I've come to my understanding of the term. First, the definitions:

CITIZEN, noun

The native of a city, or an inhabitant who enjoys the freedom and privileges of the city in which he resides;

[CITIZEN – Webster's 1828 Dictionary](#)

A citizen is the native of a city, or in our case a state or nation. They enjoy the freedoms and privileges of being a citizen, such as voting. Being born is pretty self explanatory, but what makes a citizen naturally born?

NATURAL, adjective [to be born or produced] ...

Native; vernacular; as ones natural language.

[NATURAL – Webster’s 1828 Dictionary](#)

Natural is an adjective, it modifies the term born. So a natural born citizen could also be called a native born citizen, i.e., a citizen at birth. How does someone become a citizen at birth? Congress has the power to make rules for naturalization:

To establish an uniform Rule of Naturalization,

[U.S Constitution, Article I, Section 8, Clause 4](#)

Many are now rightly pointing out that Naturalization is a process for a non-citizen to become a citizen. Logically, if Congress gets to establish the rules for becoming a citizen, doesn't it follow that those rules determine if naturalization is needed? In other words, when is a person a citizen at birth or when do they need to be naturalized? And if the rules of naturalization set by Congress determines that someone is a native citizen, they are, by definition, a natural born citizen.

I know that not everyone will agree with me on that point, which is why I've shown you the logic and evidence for my deductions. For those who point to Emerich de Vattel's book, "Law of Nations", as establishing the definition of a natural born citizen, let me point out that although the book was available to, and read by at least some of the Framers of the Constitution, nothing in the records of the Continental Congress points to any member referring to him or his book while discussing citizenship or the office of President.

Oath of Office

Meanwhile, every officer of the United States is required to take an oath of office, including to support the Constitution of the United States.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

U.S. Constitution, Article VI, Clause 3

Only the President has a specific oath required by the Constitution.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

U.S. Constitution, Article II, Section 1, Clause 8

Conclusion

Rather than a king, like so many people seem to treat him, we see that the President is supposed to be a servant to the states. Executing the laws and powers of the United States, working with the representatives of the states in Congress to make treaties and appoint officers, and accepting foreign dignitaries is all done in service to the union of states. Does that sound like the most powerful man in the world?

Perhaps if more people read the Constitution, we would more fully understand the role of President it actually created, and advise their states to choose better candidates for the office of electors. You know, men and women that would actually execute the office to the best of their abilities, not to the advancement of their preferred special interests. People who would actually preserve, protect, and defend the

Constitution of the United States and not actively work to dismantle it to advance their political party.

Then again, based on recent history, maybe bothering to understand the Constitution is just too much for a 21st century American.

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