

"The executive power shall be vested in a President of the United States of America..."
— Article 2 of the United States Constitution

The executive branch of government is discussed in Article 2 of the Constitution.

The President

The main duty of the executive branch is to enforce or administer laws. The most prominent official in this branch is the president. The president and the vice president are the only national officers of the government elected by voters of the entire United States. The president is thought of as being the representative of all the people. Unlike senators and representatives, all of the people in the United States vote for the president.



President
Donald Trump

President Donald Trump took office in January 2017, following the two-term presidency of our first African-American president, Barack Obama. Per the 22nd Amendment, President Trump will be eligible to run again in the 2020 election, as he will have served only one of the two-term maximum.

Qualifications and Salary

The president and the vice president must be natural-born citizens, 35 years of age, and residents of the United States for at least 14 years.

The president and vice president must always be on the same party ticket. You vote for the president and the vice president at the same time, always assuring that the president and vice president are from the same political party.

The yearly salary of the president is \$400,000, plus an expense allowance. The vice president receives a salary of \$230,700, plus an expense allowance.

Before 1999, the president's salary had not been increased for more than 20 years. As a result, the pay was very low for the leader of the most powerful country in the world. Most chief executive officers of major American corporations make more than 10 times the salary of the president. Finally, in 1999, Congress raised the president's salary from \$200,000 to \$400,000. If you adjust for inflation, the president today makes less than George Washington!

Oath of Office

Per the 20th Amendment, the first-term winner of the November presidential election assumes the duties of the office on January 20th. Before taking office, an oath must be performed.

The oath of office was established in the U.S. Constitution, Article 2, and is mandatory for a new or re-elected president. With the words of this simple oath, the president takes the most important political position in the world:

"I do solemnly swear (or affirm) that I will faithfully execute the Office of the President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

The entire section of the Constitution that tells about the powers of the president contains only 320 words, but the wording is designed so that the office gets a maximum of inherent powers with necessary safeguards for the people.

The oath is typically administered by the Chief Justice of the Supreme Court. The ceremony takes place at the U.S. Capitol. After the oath, the president gives his or her *inaugural* speech. This tells the people the goals and direction of the nation. Over the years, this *Inauguration Day* has expanded from a simple ceremony to a day-long event, including parades, speeches, and balls.

The Vice President

The president faces critical issues daily. The day is long, and the pressures are enormous. The vice president may be assigned duties by the president and, in recent years, presidents have given considerable authority and responsibility to their vice presidents. This is one way the president can ease the presidential burdens of the office. The vice president is also the president of the Senate and provides the president with a valuable link with Congress.



Vice President
Mike Pence

Vacancy

If the Office of the President becomes vacant, the vice president becomes president. Next in order of succession is the speaker of the House, then president pro tempore of the Senate, then members of the cabinet, starting with the secretary of state.

In 1973, the Office of the Vice President became vacant when Vice President Agnew resigned in a scandal. President Nixon made the first use of the 25th Amendment when he nominated Gerald Ford, House minority leader, as the new vice president. Congress approved the nomination. For more about the 25th Amendment, see Page 14.

Before 1974, the only way the Office of the President had become vacant was through death. However, in 1974, when President Nixon was found to be involved in the Watergate cover-up, he became the first president ever to resign. Vice President Ford then became the 38th President of the United States.

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Duties

In general, the duties of the president can be divided into five classes:

1. **Foreign Affairs** - The president makes treaties with Senate approval, nominates ambassadors and other foreign service officials, and receives foreign representatives. The president is in charge of all of our foreign affairs. Much of the work in this area is done through one of the cabinet officials, the secretary of state.
2. **Domestic and Military Administration** - The president is commander-in-chief of the armed forces including state militia. Since the president appoints many domestic officials and prepares the budget of the nation for congressional approval, the office has many national powers.
3. **Legislation** - The president may call both houses of Congress into special session. The president may recommend measures to Congress, and the president may veto bills from Congress. The president informs Congress of views on the progress of the nation and its needs through the "State of the Union" message at each session of Congress. And, as political leader of the party in power, the president has much informal power over legislation.
4. **Appointment** - The president appoints a great number of officials in the executive branch, as well as the judicial branch. Some of these appointments include judges, cabinet members, advisors, department heads, etc. The Senate must approve many of these appointments.
5. **Judicial Functions** - The president may grant pardons and reprieves for federal offenses. An example of this was President Gerald Ford granting Richard Nixon a pardon for all federal crimes that he may have committed while serving as president.

Who Can Declare War?

As you have seen on Page 25, the Constitution gives the power to declare war to the United States Congress. (Article 1, Sec. 8) Since it seems to be rather plainly stated that "The Congress shall have the power to declare war," you would think the power is very clear. Well, it isn't. The President of the United States is commander-in-chief of the armed forces. (Article 2, Sec. 2) The president has often used his military powers to run a "war" that was never declared by Congress (i.e. Korean War, Vietnam War, War in Iraq 2003). Congress may have approved some of these "wars" but they were not declared wars. So, it remains unclear exactly who can declare a war and who can run a war, and you can only be informed that this is not always clear. There have also been wars where Congress clearly declares war, and the president carries them out (i.e. World War I, World War II). Sometimes the president carries out a "war" that Congress doesn't seem to really want. (This became the case in the latter part of the Vietnam War.)

"...he [the President] 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. . ." — the Constitution

The short quote above from Article 2, Section 2, is the closest mention the Constitution makes concerning the Cabinet. Those appointed by the president to these "executive departments" became known as members of the *President's Cabinet*. This group of presidential advisors now has 15 members, but President George Washington's first Cabinet had only four departments — State, War, Treasury, and Attorney General. Through the actions of succeeding presidents, cabinet officials were added to meet changing needs. Currently, cabinet members receive a salary of \$199,700.

Here is a brief description of each department's work, the cabinet member's title, and the year the department was established.

The Department of State

The Secretary of State. This department is charged with foreign affairs, including participating in the United Nations, issuing passports, and running our foreign embassies. (1789)

The Department of the Treasury

The Secretary of the Treasury. This department manages our nation's finances, is responsible for coining and printing of money and enforces monetary laws. (1789)

The Department of the Interior

The Secretary of the Interior. This department is charged with all natural resources of the nation, scenic and historical regions, the National Parks System, Native American affairs, dams, and water power. (1849)

The Department of Agriculture

The Secretary of Agriculture. This department conducts educational and research plans aimed at aiding agriculture. It also promotes legislation to help farmers and aids them with their problems. (1862)

The Department of Justice

The Attorney General. This department enforces laws of the United States in federal courts, conducts suits in which the U.S. is concerned, and is the chief legal officer of the federal government. This department conducts investigations and suits concerning monopolies, anti-trust laws, and organized crime. (1870)

The Department of Labor

The Secretary of Labor. This department aids wage earners, enforces labor standards and laws, runs employment bureaus, mediates strikes, and suggests new legislation promoting worker safety. (1913)

The Department of Commerce

The Secretary of Commerce. This department promotes all phases of commerce, industry, and business. (1913)

The Department of Defense

The Secretary of Defense. All provisions for the defense of the United States are carried out in this department, including the operation of the armed forces. (1949, originated in 1789 as the War Department.)

The Department of Housing and Urban Development

The Secretary of Housing and Urban Development. This department seeks solutions to the many problems of urban life. Its addition is an acknowledgment of the growing needs of urban living. (1965)

The Department of Transportation

The Secretary of Transportation. Transportation has become a vital problem for a complex society like ours. All methods and use of transportation come under this department's jurisdiction. The agencies at DOT promote safe and efficient travel, contributing to the nation's economic growth. (1966)

The Department of Energy

The Secretary of Energy. This agency is charged with establishing an energy policy for the United States. It encourages conservation of fuel and electricity and researches new energy sources. (1977)

The Department of Education

The Secretary of Education. This department manages all the federal education programs in the nation and oversees educational grants to the states. (1979)

The Department of Health and Human Services

The Secretary of Health and Human Services. This department oversees health matters and many programs affecting the quality of American citizens' lives. Agencies include Public Health Service, Social Security, Food and Drug Administration, the Office of Vocational Rehabilitation, and many other programs affecting Americans of all ages. (1979)

The Department of Veterans Affairs

The Secretary of Veterans Affairs. This department is responsible for a broad range of problems faced by American veterans from the country's wars and conflicts. Since more than \$83 billion dollars are spent on veterans each year, it is a most relevant federal department. (1989)

The Department of Homeland Security

The Secretary of Homeland Security. This is the latest cabinet addition deemed necessary because of the 9/11 attacks and increased terrorism. The increasing threat of terrorist attacks made Americans realize a

department like this is needed. This cabinet position oversees the activities of 230,000 workers from 22 agencies, including the Secret Service, border patrol, cybersecurity, and customs services. (2002)

In general, the secretaries play a significant role in advising the president in each of their areas. The secretaries are specialists in their field. The various cabinet members play a vital role in shaping national policy.

Executive Office of the President

Every day, the President of the United States is faced with scores of decisions, each with important consequences for America's future. In addition to the cabinet, the president needs additional support to govern effectively. Thus, the *Executive Office of the President* (EOP) was created in 1939 by President Franklin D. Roosevelt. The EOP has responsibility for tasks ranging from communicating the president's message to the American people to promoting our trade interests abroad.

Executive Orders

Executive orders are controversial because they allow the president to make major decisions, even law, without the consent of Congress. The U.S. Constitution does not specifically mention executive orders, but presidents argue that the power to issue them is implied in the following statements in Article II of the Constitution: (1) "The executive power shall be vested in a President of the United States" and (2) "He shall take care that the laws be faithfully executed." Those who argue against or urge limits on the use of the unilateral power associated with executive orders remind us that the American system is based on the principle of checks and balances.



George Washington in 1789, surrounded by his cabinet members. (The Library of Congress)