The background features a vertical gradient from light purple at the top to light blue at the bottom. Numerous realistic water droplets of various sizes are scattered across the surface, some with highlights and shadows. A large, faint, circular watermark is centered in the background, containing a stylized figure of a person.

ARTICLE II

THE PRESIDENCY

Goals and Obstacles in structuring the Executive Office

Goals

Need a full time, “always open” CEO to attend to many duties of a central government

- Executor of the laws of Congress
- Commander in Chief/Chief Admiral
- Chief Prosecutor
- Chief Diplomat
- Lawmaker
- Administrator
- Executive an elected official

Immediate needs under Article I

Establish a national Post Office

Establish an infrastructure to regulate national currency

Establish a Revenue Collection infrastructure to collect tariffs etc.

Enforce criminal laws Congress would pass with a “police” force

Establish a Navy – build and man ships to deal with foreign threats and protect foreign trade

Enact Congressional economic policy to generate revenue and prosperity



Manage the debts of the states to
establish and maintain US credit

Administer and enforce Treaty of Paris

The need for a bank of the United States

- Administer the Treasury funds

Hiring personnel

Managing foreign relations

Threats CEO would face

British Canada and British forts still in New York and Northwest

Spanish Florida and New Orleans and Mississippi River

Mediterranean pirates

Constant hostilities between European nations, especially Britain and France

Hostilities between the states with tariffs and commerce – the experience with Spain

Credit of the United States

The lure of returning to Britain

Psychological and material obstacles to a powerful
Executive officer

A new position (for the US and the world)

Very part time Congress

Need for independence from Congress but not too much

Fear of standing armies

The states' experience with Britain – Kings and Parliament

- Monarchical power and family like succession

Placemen and influence



Fidelity, conflicts of interest and human nature

Tensions between the states

- Non-trust
- different economic goals
- different cultures
- Slavery

The distances between the states in knowledge and geography

- Ignorance about national candidates

The Confederation experience

Republican theory and the CEO in conflict –
theory and reality

- Sharing power with the Congress

Unanticipated events and the need for
flexibility and fast responses

The idea of federalism – maintain state power

Electoral fraud

Election of European royalty

Sufficient independence from Congress

Taking advantage of the opportunity

- The Revolutionary War experience and withering nationalism
- Time and memory of the Revolutionary War experience
- The arguments leading to the War

Meeting the Goals and overcoming the Obstacles

Goals and Obstacles

Need a full time, “always open” CEO to attend to many duties of a new central government

Unanticipated events and the need for flexibility and fast responses

Fear of standing armies

The Confederation experience

Sufficient independence from Congress

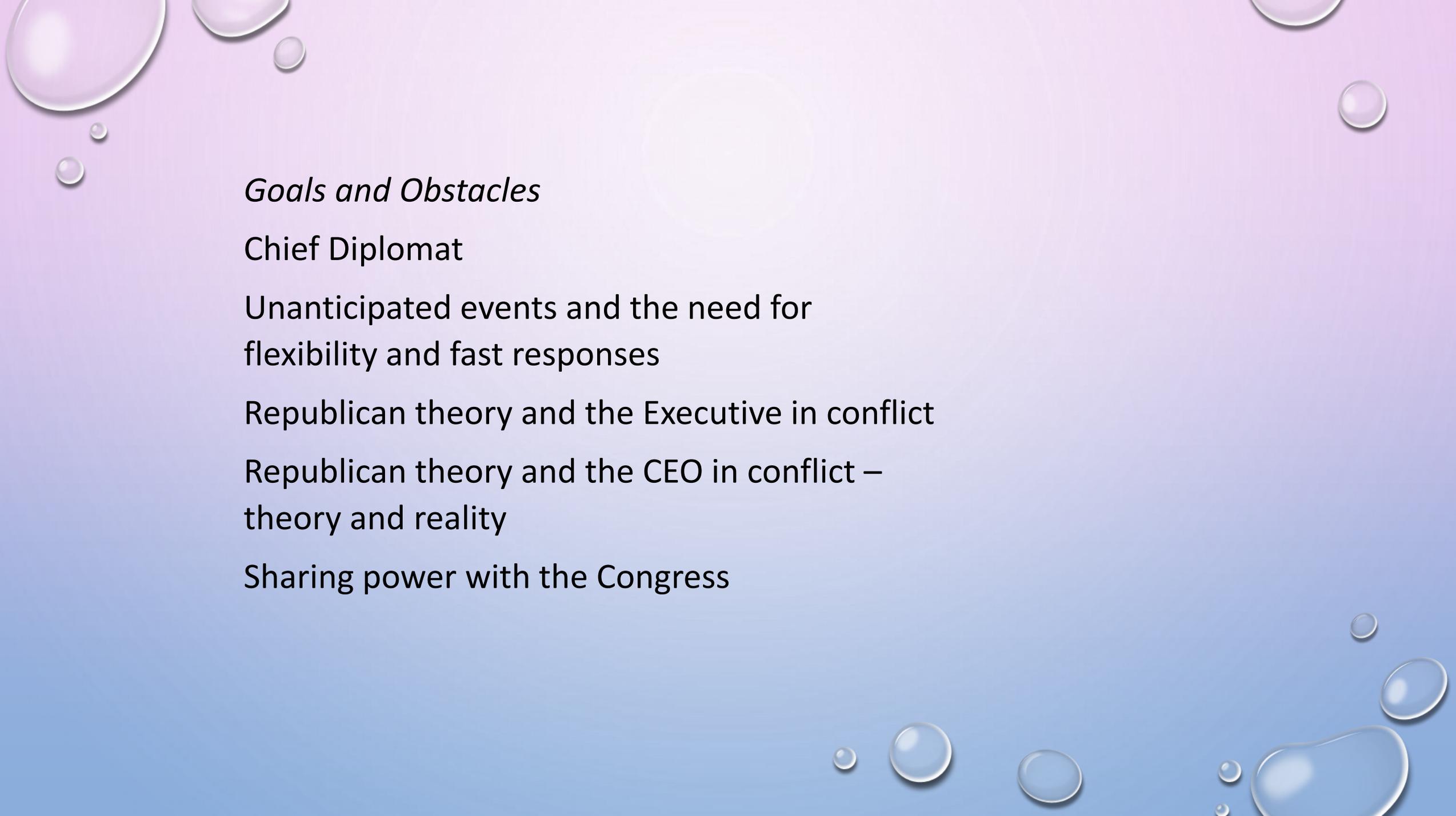
Solutions: Executive with broad authority but limited by Congress

Section 1:1: 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 . . .

Section 2:1: 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

But only Congress can

- “raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years” and
- declare war and
- “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.”



Goals and Obstacles

Chief Diplomat

Unanticipated events and the need for flexibility and fast responses

Republican theory and the Executive in conflict

Republican theory and the CEO in conflict – theory and reality

Sharing power with the Congress

Solution

Executive “shall have Power, by and with the Advice and Consent of the Senate,

- to make Treaties, provided two thirds of the Senators present concur; and
- he shall nominate, and by and with the Advice and Consent of the Senate,
- shall appoint Ambassadors, other public Ministers and Consuls”
- Executive can unilaterally abrogate Treaties

Goals and Obstacles

Executive an elected official

Tensions between the states – slavery

- # of voters vs. # of voters and male slaves
- Who elects the Executive, slave states or free states?

The idea of federalism – maintain state power

Ignorance about national candidates

Elector fraud

Solutions

The “Electoral College”

Section 1:2: 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.

Section 1:3: 3: The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves.

- Election by Electors appointed under manner directed by state Legislature
 - Electors have knowledge of the candidates
 - State legislature can make winner take all or proportional
- Electors equal total number of Senators and Representatives of the state
 - This total determined under Article I – how slaves are counted

1: 4: The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

Obstacles

The experience with Britain – Kings and Parliament

- Monarchical power and family like succession

Placemen and influence

Election of European royalty

Solutions

1:5: 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.

1:6: In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

Obstacle

Fidelity and conflicts of interest

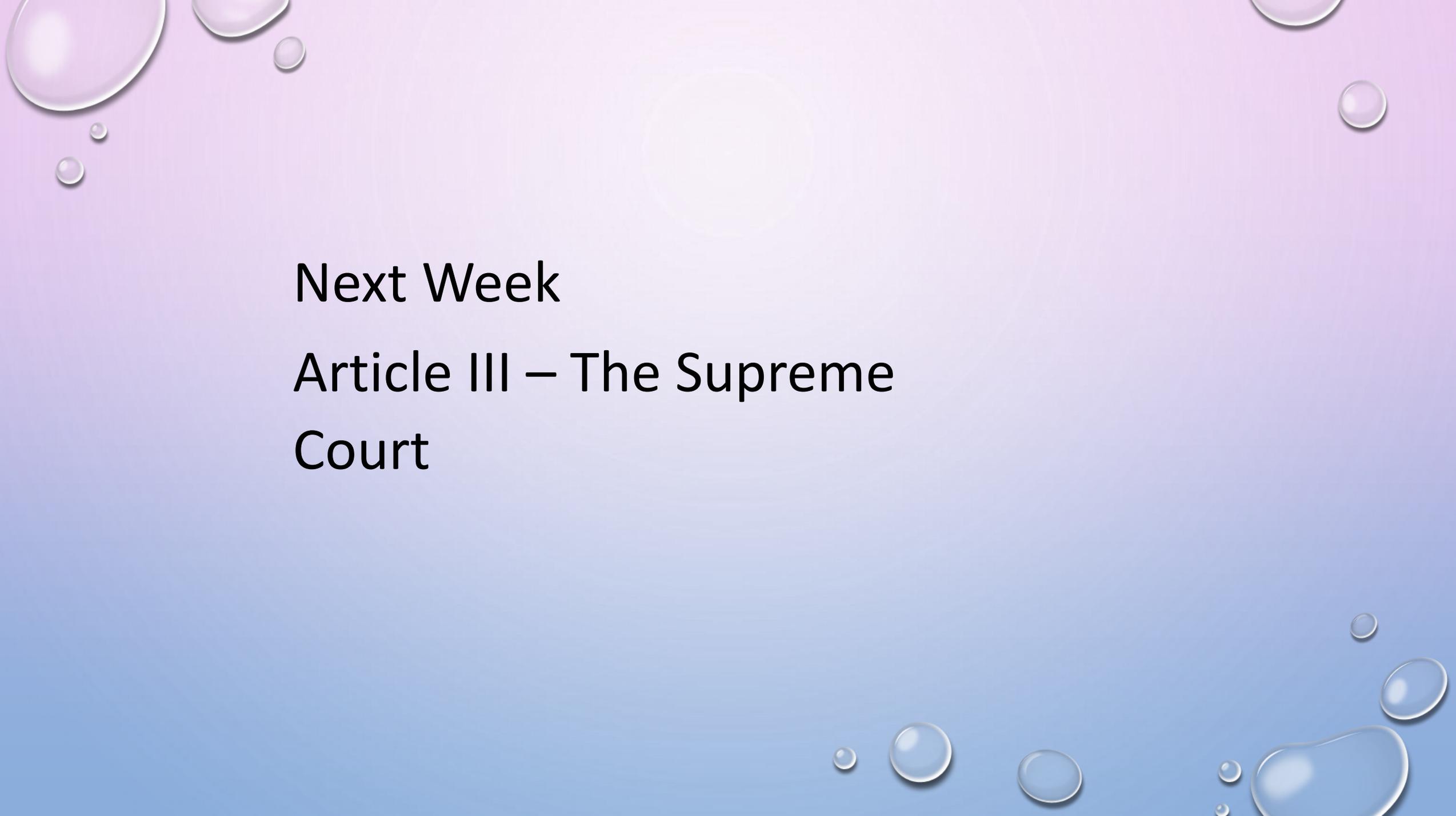
Solutions

1:7: The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

1:8: 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."

Article I, 9:8: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 4: The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors



Next Week

Article III – The Supreme
Court