

It accordingly, created
an executive
department
independent



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It shall be instructive to know the factors which contributed towards its emergence in the United States and the shape of the governmental machinery which it assumed. There were two factors which influenced the framers of the American Constitution against the Cabinet form of government. In the first place, Montesquieu's theory of the Separation of Powers had a great appeal for the Americans. The theory of limited government, which is the natural corollary of the doctrine of popular sovereignty, had convinced the framers of the Constitution of the necessity of separating the three branches of government as it prevented tyranny and absolutism.

If liberty had to last, they argued, the political direction of authority should not concentrate in any one of the branches of government. Secondly, they knew that Cabinet government could function only when the life of the nation was divided into distinct political parties, each with its separate programme and platform. Political parties, the framers of the Constitution believed weakened national solidarity by creating sharp cleavages whereas the need of the time then was unity out of diversity of the new nation. They, accordingly, created an executive department independent of and coordinate with the legislative department; an "energetic yet dignified" executive capable of enforcing national laws firmly and one which should lend a note of stability to the new government.

The Presidency of the United States is one of the greatest political offices in the world. Its occupant has become with the exception of the Central European dictators the most powerful head of a government known to our day. He is absolutely free with respect to the exercise of his powers and

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tenure of office, except that all appointments made and treaties concluded by him are ratified by the Senate. As his term of office goes by calendar, his responsibility to the electorate is unenforceable. He can only be impeached by the Senate. His conviction by the Senate cannot carry a greater penalty than removal from office and disqualification to hold and enjoy any office of honour, trust, or profit in the United States. In the exercise of his executive duties, the President is assisted by his Secretaries who are heads of different departments and are now ten in number.

The Secretaries of the President are merely his personal assistants. They are appointed by him and are responsible to him. None of them is a member of Congress nor is he responsible to it. Though popular usage collectively gives to these departmental heads the name of ' Cabinet', yet it is a misnomer to designate, them as such. The President cannot shift his responsibility to this body or any officer of it. He cannot make them individually or collectively accountable to the legislature or the country for the policies and actions of the federal government over which he presides. Their responsibility is to the President alone. ' Cabinet' in the United States is a mere creation of the President's will.

It is an extra-statutory and extra-constitutional body. It exists only by custom and if the President desires to dispense with it, he can do so. The procedure, as it stands today, is that the ' cabinet' meets ordinarily once a week and the President places before it questions upon which he thinks he needs their advice, and the members bring to the cabinet such matters in their respective departments as they deem appropriate for ' cabinet' conference and general discussion. Votes are seldom taken as they are of no importance

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beyond securing a mere expression of opinion. And even if ever they are taken, they have no value. ' Cabinet' members have no corporate rights as in Britain.

This is well illustrated by two anecdotes, one relating to America and the other to Britain. " Seven nays, one eye, the ayes have it," announced President Lincoln, following a ' cabinet' consultation in which he found every member against him. This attitude is so often contrasted with Lord Melbourne's putting a question on com laws to the vote in the cabinet saying, " it does not matter what we will say, as long and we all say the same thing." Cabinet, in the United States, has been aptly described as the President's family. The executive in the United States has no initiative in legislation, except that the President may send messages from time to time to Congress, recommending the enactment of particular laws. It is true that Presidential messages are favourably received by Congress and greatly influence the course of legislation, yet the executive in America lacks all initiative and guidance which is so important rather basic, feature of the Parliamentary government. Nor has the President the right to summon (except for extraordinary session) congress and the dissolve it. Congress meets automatically on dates specified in the Constitution and its duration is fixed.

No doubt, the President can veto laws passed by Congress, but it is only a suspense veto. If the Bill vetoed by the President is again passed by both the Houses of congress, with a two-third majority in each House, it becomes law without the signatures of the President and is forthwith promulgated.

According to Herman Finer the American Presidency has six outstanding
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characteristics. “ It is a ‘ made’ executive but it has grown; “ It is a ‘ solitary’ not a ‘ collective’ executive; “ It is popularly elected, in practice directly; “ It is more than an executive; “ It is separated from Congress; “ It may be tinkered with, but cannot be reformed.”