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The Institution of Presidency in the USA

ROBERT YENGIBARYAN

Introduction

The first written, codified Constitution of the United States adopted in the 18th century (1787) contained a number of novelties, which subsequently contributed to a great extent to constitutional and national development in most countries worldwide. It separated the government into the legislative, executive and judicial branches and established a completely new institution, the President. In the era of kings, emperors and czars, this institution was initially perceived as their equivalent limited only by election for a fixed term. However, it became clear very soon that the faraway and low-populated United States of those days created an entirely new constitutional structure with a complex democratic mechanism of separated branches of power balancing and checking each other¹. Was it by chance that it was a peripheral area of the Western civilization that adopted the first written constitution embracing the

advanced political doctrines developed by such European enlighteners as Voltaire, Montesquieu, Locke, Rousseau etc.? How did it happen that a bunch of emigrants on American soil, mainly Protestants of Anglo-Saxon, Dutch, German or Scandinavian origin, found a model of state that has still been operating in an efficient and uninterrupted manner, without revolutions or disasters? Perhaps, the reason is that nobody interfered with that advanced group of new thinkers when they created and built that model, being free from the influence and inertia of the past?

Now the United States is the mightiest military and economic power of our time. Over a comparatively short historical period, due to its extremely favourable geopolitical position and the Protestant culture of self-organisation, it has managed to assimilate all advanced ideas in business and science. In addition, all international military and political disturbances (not counting the Pearl Harbour episode in 1941) have taken place far from its borders, that has ulti-

mately contributed to the development of its political and economic might. But we should not forget to mention that the United States has been and remains an example of democracy with coordinated operation of all parts of the government mechanism in which the executive power, led by the President, plays a great role. Despite the complicated route of its historical development – the Civil War of 1861-1865, the Great Depression of 1929-1939, two world wars – the United States, in contrast to West European political culture, has not seen any conflicts between the Congress and the President, long periods of government crises or resignations, or multiparty parliamentary debates or rivalries. During any transitional period of American history, the office of President was occupied by such great and internationally respectable presidents as George Washington, Abraham Lincoln, Woodrow Wilson or Franklin Roosevelt.

This is due to several reasons. First, the Protestant spirit in business, public and political life, the smooth and harmonised nature of the nation's whole political system, the federal form of government incorporating many elements of a confederation, the double protection of the Constitution at the federal and state levels, the clarity and, at the same time, flexibility of the Constitution's language enabling a manoeuvre within its framework, depending upon a particular case. The Constitution (Section 1 of Article 2) broadly provides that being the Chief Executive imposes upon the President the duty to supervise proper compliance with law. That is, he is just the implementer of the laws adopted by the Congress and nothing more. The President may not expand the operation of any law or otherwise, and such acts can be stopped by

the Supreme Court, which is authorised to declare any act by the President unconstitutional, that often is the case in practice.

Section 3 of the same Article 2 of the Constitution empowers the President, by and with the advice and consent of the Senate, to appoint ambassadors, federal judges and all other US officers (presently about 40,000) forming the executive branch of the federal government. The specific agencies and their respective competence are, in accordance with the Constitution, to be determined by the Congress by enacting laws. The Congress sets up departments (an equivalent of ministries) within the executive, whose number can vary as necessary. There exist about 15-17 departments, including departments of finance, defence, education, trade, agriculture, energy, internal affairs, justice, security, public health etc.

The heads of the departments are appointed by the President, always after obtaining the Senate's consent. They are called "Secretaries" and constitute the "Presidential Cabinet" similar to the governments of other countries, but without any Chairperson or his or her deputies, with direct reporting to the President. The founding nature of the Congress and its primary role in the US political and legal system are beyond any doubt. At the same time, the powers of the US President are so extensive and significant that he personifies the government and all remarkable events or various stages in the life of the nation are associated with his name. The presidential Cabinet, or the Government, is responsible and accountable to him. However, the Congress, acting through its committees, may, whenever necessary, hold hearings and request reports from members of the presidential

Cabinet as part of parliamentary supervision. The personification of presidential power also stresses the fact that he is the leader of the party which has won the presidential election and, even if his party does not form a majority in the Congress, the role of the presidential party will be significant anyway, given the US bipartisan system.

The personification of presidential power is particularly emphasized by the President's role as Commander in Chief of the country's armed forces. Furthermore, he represents the country in international relations and directly supervises the activities of the Department of State, i.e. the ministry of foreign affairs.

The current US Constitution sets forth in detail the criteria for a candidate for the office of the US President and amply regulates the procedure for his election. In parallel to popular vote, the legislature of each state appoints electors the number of which must be proportional to the share of such a state in the Senate and the House of Representatives. They constitute the "electoral college" which will conclusively, with due regard for the outcome of the vote, elect the President. It is this procedure that can sometimes result in a situation where the President-elect gets a smaller number of votes than his unsuccessful competitor. This was the case in the 2000 presidential race between George Bush Jr. and Albert Gore and just recently in the race between Donald Trump and Hillary Clinton. With a turnout of more than 120 million voters, however, such an edge is negligible and is due to the operation of the principle "the winner takes it all", including any votes cast for his or her rival.

The US President is elected for a 4-year term and may be re-elected for one more

term. This stipulation has been observed for centuries, except for the re-election of Franklin Roosevelt for his fourth term that was due to the time of war. However, after Franklin Roosevelt had died on April 12, 1945, at the beginning of his fourth term in office, Amendment 22 was adopted in 1947 (ratified on February 7, 1951) in order to make the provision regarding two presidential terms imperative.

One could question whether such a short term is sufficient for a President to implement his or her political programme. Perhaps it is not prudent to put the country to such a serious test so often, because any election involves an extensive emotional stress for the voters, produces conflicts among them and, finally, requires huge expenditures. Would not it be better to provide for a single extended presidential term of 7 years, as was the case in France, or at least 6 years, as stipulated in many countries, including Russia?²

So the first and perhaps the most conspicuous feature of US political culture as regards the election of the US president is the institution of the electoral college. It is formed by two political parties, the Republicans and the Democrats, on a parity basis in all of the 50 states and in the District of Columbia pro rata in accordance with their respective representation in the US Congress. The total number of electors is 538, and each election is followed by one and the same question as to whether an elector may vote for the candidate of the rival party. Theoretically, it is possible, and one precedent of this kind took place indeed. In some states, electors give an oath to support their party's candidate in any event, whereas electors in other states do not pledge allegiance to their parties and, theoretically,

are free to make their decision. However, political practice shows that, despite the said unique case, such an approach does not work. It is sufficient to get 270 electors in order to elect a President³.

The presidential veto power with respect to any acts that may be passed by the Congress is an effective tool in the hands of the US President enabling him to have significant influence on the law-making process in the Congress and even to make it proceed in the desired direction. This constitutional power reveals in a most illustrative manner the intent of the Constitution's authors to prevent any branch of power from directing the entire political and legal system of the nation in its own discretion. The President's veto power appears to be his most central power that, together with his being elected not by the Congress but directly by the population, makes him a considerable balancing factor vis-à-vis the Congress. However, his veto may eventually be overcome by a supermajority vote of 2/3 in the Congress' both houses. But this task is far from being easy, because, as mentioned above, the President leads one of the two existing political parties represented in the Congress. As a rule, one party rarely achieves an advantage so overwhelming that it could overcome a presidential veto without gaining support from members of the other party. Of course, Presidents use their veto power not very often, after weighing all pros and contras, because overcoming it would discredit the President to a certain extent. Most importantly, a conflict of the two branches of power in the field of law-making, in contrast to European legislative practice, cannot result in a no-confidence vote with respect to the President and the cabinet he leads, their subsequent

resignation or, on the contrary, the dissolution of the legislative body and the appointment of new elections. It is appropriate to appreciate once more the wisdom and prescience of the founding fathers of the US Constitution, which is still in force with only small changes.

In order to show a full picture of the US President's legal status, one should at least briefly discuss the constitutional institution of impeachment, i.e. early removal of the President, which may be used by the Congress. The President may be impeached where any facts of treason, bribery etc. are revealed. If the President is impeached, the same applies to the Vice President and the whole presidential cabinet. The impeachment procedure may be initiated by the lower house, but the final decision is reserved to the Senate. Of 44 US Presidents, the House of Representatives initiated the impeachment procedure only with respect to two, namely Andrew Jackson in 1868 and Bill Clinton in 1999. But both of them managed to get a narrow margin of Senate vote in their favour and to avoid an infamous resignation. However, as concerns the early resignation of Richard Nixon in 1974, that gifted and proud politician stepped down by himself in anticipation of an impeachment procedure with respect to him.

1. *The 45th US President Is Elected*

No international event, whether in politics, business, sports or otherwise, has drawn such a great attention as the recently finished election of the US President.

Evidently, hundreds of millions of people both in the United States and internationally

realise that the processes taking place there will certainly affect them as well and, possibly, change the direction in which their country or social group develops. The significance of the recent presidential elections, their social, racial, confessional and ethnic patterns are controversial and multifaceted. The United States has always tried to be or appear a scaled-down model of the world community in terms of its racial, ethical and confessional diversity and, at the same time, the epicentre of radical global changes affecting not only the United States itself⁴.

After the infamous self-destruction of the great USSR and the entire socialist camp, international life, which appeared to have settled down, got a great momentum. That phenomenon influenced, not always positively, both the United States and the remaining world.

The United States became a sole dominating power in the world and started to impose its model of international order by use of military force without any fear of consequences. There appeared 22 new independent states, which immediately got involved in the turbulent streams of international events; global stability and parity between the Western and Eastern groups of nations were upset.

The starving and backward countries of the Islamic world and Africa, which had stood at the doorway of the contemporary civilization, woke up, and now millions of people from there are moving into the fragmented and demoralized Europe. The military bloc NATO began to expand eastward. Under those new circumstances, Germany discovered a new opportunity to achieve its long-cherished goal, domination in Europe, now by political and economic means. Russia, feeling offended and astonished by

the injustice and ingratitude of their former allies and the enlightened West, was pushed thousands of kilometres back to the East. A time of revival came for Turkey, an eternal strategic rival and enemy of Russia, which pursued an open and straightforward policy of Pan-Turkism and was eager to consolidate all Turkic peoples living in Azerbaijan, the Volga region, North Caucasus and Central Asia. The events unfolding in Syria and Ukraine led to Russian involvement, that brought about a bitter conflict between Russia and the West. An anti-Russian axis including Germany, Poland, the Baltic states, Ukraine and, possibly, Turkey emerges. History repeats itself with a new configuration and a new quest for justice.

A war of sanctions against Russia broke out, along with attempts to isolate it from the remaining world. China and India, representing in aggregate more than 2.5 billion people, or 1/3 of the global population, spoke up in a full voice. Moreover, China became the biggest economy in the world, with a commensurate claim for participation in resolving global problems.

And now, against this tense and uncertain background of international relations, amidst the conflict between the Western neoliberal globalists and the countries committed to civilizational identification and national sovereignty, the most powerful nation of the world elects as its leader an outsider politician rejecting neoliberal political correctness and ethics, Donald Trump. Suffice it to mention his campaign promise to withdraw the United States from the NATO. It is unknown whether this or any other of his campaign promises will be fulfilled, but the relevance of that organization and, therefore, the whole foreign pol-

icy of the Western countries is now questioned, isn't it?

Will the newly elected President fulfil the hopes placed on him, will he manage to return the country to its traditional values, to stop massive migration from the south to the north, from the Islamic countries to the Christian ones, and, finally, to consolidate positive international forces and, together with Russia, eradicate creeping terror? Time will show whether his personal scale and skills are adequate for such a mission and whether the US political and business elite is willing to cooperate with him in a wide range of matters and to abandon the ideology of globalization, which has proven to be detrimental to the civilized world?⁵

It is quite proper to note that, for the first time after a long period, we see a politician embodying Protestant America with European roots whose approaches towards a number of the most important global problems are close to those of Russia.

The issue central to today's ideological and political conflict is clearly as follows: how does the global community define itself, is it made up by national states maintaining their own civilization, spiritual culture and way of living in accordance with their level of historical development or is it, as globalists say, a planetary space inhabited by peoples without civilizational differences under the common jurisdiction of such international organizations as the European Union or the UN?

We are sure that globalisation has its own reasonable limits and that it is necessary and desirable in finance, business, culture, science, university education, technology etc. But globalisation is negative and destructive where it distorts the natural foundations of world order that have developed

over millennia. It should be worth recalling that the most ardent proponents of globalism were the Bolsheviks who understood the world as a primitive social pattern involving the exploiters and the exploited, or the bourgeoisie and the proletariat, without any individual property or independence. The end of that project is known to everyone, isn't it?

Men and women, sexual, ethnic and religious minorities must have equal rights, and this is an achievement of global civilization. Nevertheless, the independence of personal and family life and the sovereignty of a nation or country should not be diminished. Peoples and nations develop at different paces; some civilizations, such as Islam outside Russia, come into conflict with other civilizations, break the global demographic balance and, in an attempt to gain a numerical edge over a much more superior civilization, in fact seek to occupy Europe and other affluent countries by means of migration. Natural human rights suggest that nobody should be forced to live together with a stranger who is not only different in moral, spiritual and way-of-living terms but also rejects the principles of life in the host country. And if Donald Trump states that immigration from Islamic countries should be strictly limited because such immigrants are often involved in terrorism and hate the culture of the United States, then he is right, isn't he? Can our tolerance and political correctness be the reason for forgetting the 9/11 disaster and other numerous terrorist acts committed by Islamists?

Trump has taken a political risk and demonstrated reasonable concern for the fate of hundreds of millions of people found themselves under the pressure of the neoliberal political sect with a strange and

unnatural mentality. The acute migration problem is especially relevant in Europe, a continent governed by the new political caste of Eurocrats whose interests are inconsistent with either those of the EU member states or any popular or national interests existing in the EU. Being continuously engaged in humanitarian and human rights protection activities and boosting the distribution of humanitarian aid and subsidies in favour of the 60-million Muslim community in Europe, as well as feminist groups, sexual minorities, drug addicts etc., they intentionally expand their field of operation and grow numerically.

The victory of Donald Trump is a victory over the political establishment and the corrupt mass media. For the first time in US history, an outsider has come to power effectively without support from the political elite and contrary to their wishes. At the same time, his success has revealed serious problems in the country's bipartisan system. Does Trump represent the Republican Party at all, or is he a nonpartisan self-nominee exploiting the name of the party comparatively close to him? This is also a new phenomenon that opens up political room for outsider politicians⁶.

As experts predict, people of European origin will become a minority in the United States in a very near future, as soon as 2050, but this brings about a question as to who will support the giant 50-million army of unemployed and welfare-dependent individuals, mainly Afro-Americans and immigrants, and whether the United States will maintain their leading global role in science and technology⁷.

Trump's victory is a serious blow to the various corrupt or biased mass media. In today's world, they have become a domi-

nant factor in shaping public and political attitudes and preferences, sympathies and antipathies. The US and EU mass media, which promote the ideas of supranational globalism harmful to the advanced Christian civilization, the need for endless concessions to the aggression of different cultures, gender ambiguity and the abandonment of traditional family and social patterns, tried to compromise Trump by all means. But they miscalculated the changing attitudes of the middle class, all of those who work and create and one third of whose income goes to various subsidies for unemployed immigrants, ethnic and religious minorities. It may sound somewhat conservative, but isn't it high time to provide certain natural checks and restrictions, as well as public control, for the mass media, to return them into the limits of law and to enhance their responsibility for intentional misinformation? Generally, freedom outside the framework of law becomes ever questionable for a considerable number of mass media organisations. One who controls the mass media can easily manipulate public opinion, overturn governments or bring to power unreasonable political forces. The US presidential campaign demonstrated that the country was deeply divided along racial, ethnic and religious lines. The tense relations among the European Americans, the Afro-Americans and the Muslim newcomers promise no good.

The presidential years of the first black US President have not improved the situation; on the contrary, being a convinced globalist, he has tried to induce individuals to abandon their ethnic, racial or religious identities despite the fact that they form the foundation on which the great American society was built. The number of Mexican

immigrants alone, both legal and illegal, is 33 million, and the US Latin American community, in which Mexicans prevail, is 55 million strong. Of course, they are very diverse and they adapt to US reality with various speed and effectiveness. This process is largely facilitated by religious or racial likeliness (especially if Spanish roots are in place). The United States become ever more divided with each new wave of immigration, and, as Trump rightly believes, if immigration continues on today's scale, the country will soon lose its ethnic and civilizational identity⁸. It is of particular concern that similar processes occur on the global scale too. Given the unprecedented migration processes and the deepening ethnic and confessional conflicts, many countries, including Russia, France, Germany etc., become ever more divided. A dangerous point of no return is not so distant already. The global civilization has always been developing in a tide-and-ebb manner. Any civilization, nation or people has the instinct of self-preservation, and, hopefully, Trump's victory will put an end to the era of sentimental neoliberals, such as Merkel, Hollande etc., the political managers who have got lost in their populist ideology. And this trend becomes to be ever more visible.

It is difficult to deny that the co-habitation of Christianity and Islam within a single jurisdiction produces a lot of insoluble problems. Any such co-habitation has eventually resulted in the more culturally advanced Christians having been killed or forced out or having left the relevant Muslim countries for lack of prospects in a hostile land. Examples are the Middle East, Russia's Central Asia and Azerbaijan, Turkey, Pakistan and Africa⁹. It would be better to live separately, without imposing

your people's identity upon another people. It should be noted that Islam in Russia, in contrast to other countries, is part of our culture rather than an imported element, therefore, there is no remarkable conflict of civilizations in Russia¹⁰.

Finally, the victory of Donald Trump is, undoubtedly, a victory of US democracy. The whole administrative and party system led by President Obama was involved in fighting Trump, the outsider. The fact that the CIA Director dared to go against the current President by challenging the integrity of Hillary Clinton demonstrates his relative political and legal independence, that would be impossible in Russia. Many well-known party officials and civil institutions also showed independence and, finally, counting commissions honestly fulfilled their duty. I would like to mention particularly the role of the electoral college, which eventually secured Trump's win. That was the 17th instance in the history of the United States where the electors make President the candidate who has got a minority of votes (though the gap is usually slight).

Another circumstance should be noted as well. Trump's victory will certainly stop the current feminisation of Western politics. If Hillary Clinton (a superficial and unreliable politician) had won, all of the world's key countries except for Russia (i.e. the United States, the Great Britain, and Germany) would have led by women – a unique situation indeed. Nobody should have been blamed for this, of course, but it is no good when some millennia-old principles are broken and when an exception becomes the rule. Perhaps, such a trend is due to the clear degradation of the institution of family in many Western countries and their gradual depopulation.

- ¹ O.V. Gaman-Golutvin (ed.), *Comparative Political Science: A Textbook*, Moscow, Aspekt-Press, 2015, pp. 397-406.
- ² The US practice has quite demonstrated its viability, but for Russia, given its weak democratic institutions and limited economic capabilities, the 6-year presidential term appears to be the best choice.
- ³ O.G. Kharitonova, *Political System and Political Culture in the United States*, in Gaman-Golutvin (ed.), *Comparative Political Science*, cit.
- ⁴ K.J. Lasher, C. Sixta Rinehart, *The Shadowboxer: The Obama Administration and Foreign Policy Grand Strategy*, in «Politics and Policy», n. 44/5, 2016, pp. 850-888.
- ⁵ J.W. Ceaser, *Demagoguery, statesmanship, and the american presidency*, in «Critical Review», n. 19/2-3, 2007, pp. 257-298.
- ⁶ R. Johnston, D. Rossiter, C. Pattie, *Disproportionality and bias in US Presidential Elections: How geography helped Bush defeat Gore but couldn't help Kerry beat Bush*, in «Political Geography», n. 24/8, 2005, pp. 952-968.
- ⁷ T. Bimes, *The practical origins of the rhetorical presidency*, in «Critical Review», n. 19/2-3, 2007, pp. 241-256.
- ⁸ J.M. Lindsay, *George W. Bush, Barack Obama and the future of US global leadership*, in «International Affairs», n. 87/4, 2011, pp. 765-779.
- ⁹ R.A. Clarke, E. Papadopoulos, *Terrorism: The first portfolio for the next president*, in «Annals of the American Academy of Political and Social Science», n. 618/1, 2008, pp. 6-12.
- ¹⁰ The case of Chechnya was just an episode of a transitional period, and, hopefully, it will not be followed in the history of Russia.

