Questions related to Article II and the Sinking Fund

1. The Constitution vests executive power in the President of the United States. In recent years some people have taken this to mean that the President has complete supervisory authority over anyone whose job it is to carry out federal law, including removing that individual from office if the President so desires. Give two examples from Article II which suggest some measure of autonomy for at least some executive branch officers.

2. In January 1790, Alexander Hamilton, the first Secretary of the Treasury, proposed a Sinking Fund Commission to the First Congress. The goal of the Commission would be to repay the national debt in the years to come by utilizing part of the revenue of the new federal government. (The debt had originated because of the expenses of the Revolutionary War.) Making decisions regarding "the discharge" of the "public debt" is clearly an executive branch function, as they entail carrying out a law. Based on Hamilton's proposal, to what extent would the President be able to control the decisions of the Commission?

3. In August 1790, the First Congress passed into law Hamilton's Sinking Fund proposal, with the support and signature of President Washington. But the actual law did vary in some ways from the proposal. How did the composition of the Commission differ from that in Hamilton's proposal, and what is the significance of this? What changed regarding Presidential approval?

4. How did President Andrew Jackson, who was a strong proponent of presidential prerogatives, characterize the role of the sinking fund commissioners?

5. Discuss how the Sinking Fund law upheld the principle that the President is the one in whom executive power is vested while at the same time countering the notion, which some hold today, that the President's executive power is absolute.

(Other instances of commissions or boards created in the 1790s and existing outside any executive department included those tasked with inspecting coinage at the Mint, ruling on patent applications, and allocating public lands in the territories. The early Congress also passed laws that utilized state officials—in no way under Presidential control—to issue warrants, approve the unloading of vessels, and grant citizenship. As a final example of Congress's complex vision of how government might be organized, out of the 25 directors of the First Bank of the United States, only 5 were chosen by the President; the other 20 were elected by private investors who owned stock in the Bank, and the President had no power to remove them.)