

# Cabinet Building

Name: \_\_\_\_\_

## Constitutional Origins

When the Constitution was written, there was much debate on the nature of the president's authority. Should that authority be exercised alone? Or should it be shared with some kind of official set of advisors? Traditionally, English kings and queens relied on a privy (private) council that became quite powerful in their own right. They would serve for the life of the monarch and could issue executive orders and exercise some judicial tasks. The line of who was in charge often blurred.

Some of the Founders wanted to turn their back on this system, while others saw merit in having the president consult with others. They agreed on a compromise, which is known as the Constitution's *Opinion Clause* and refers to what we now call the president's cabinet.

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...

Article II, Section 2, Clause 1

## Washington's First Advisors

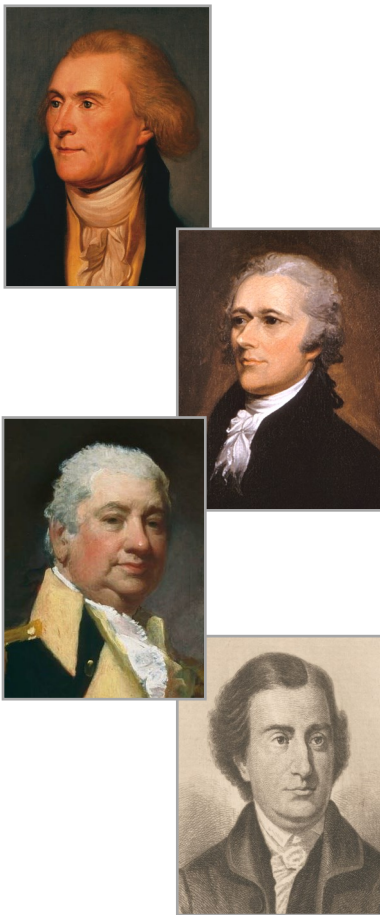
Although George Washington was a famed war general and a political leader with a broad set of skills, even he needed advisors to focus on certain areas and inform his decisions as president. These first four advisors show Washington's network of founding fathers and how he addressed the four main areas of expertise: foreign policy, finance, war, and law.

**Secretary of State:** Thomas Jefferson had negotiated commercial treaties with European powers in 1784, alongside Franklin and Adams. As the Minister to France (1785-1789), he negotiated treaties with Prussia and France before taking on the role of Secretary of State under Washington.

**Secretary of the Treasury:** Alexander Hamilton had been a merchant's clerk as a young man, then Washington's secretary during the Revolutionary War. After the war, he helped establish the Bank of New York in 1781.

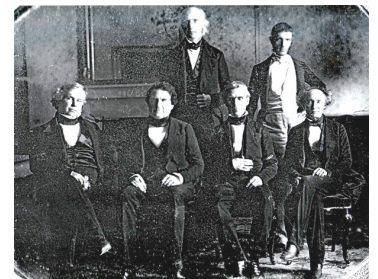
**Secretary of War:** Henry Knox was a high-ranking military officer in the Continental Army during the war and served alongside Washington. He was elected the Secretary of War by Congress in 1785 (under the Articles of Confederation), and was again selected by Washington to serve in the new government in 1789.

**Attorney General:** Edmund Randolph was an aid to Washington during the war, held a degree in law, and served as the Attorney General of Virginia before being appointed to Washington's advisory council.



## A Cabinet is Born

When Washington took office, he decided to gather his advisors and meet as a group. James Madison (close friend of Washington) was the one to first call it the "president's cabinet". This gathering set the precedent for every president to follow. Since that first full cabinet meeting in 1793, the cabinet has grown from four to sixteen members who oversee thousands of employees and work to both advise the president on their areas of focus and assist in executing laws related to their area.



This 1846 image is James K. Polk and his cabinet. It's the first cabinet to be photographed.

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## Getting on the Cabinet

So, how does one become a member of this exclusive executive club? There is a three-part process, and it is NOT for the faint of heart or for people with a lot of skeletons in their closets.

**The Nomination:** It all starts with a list that includes suggestions from the president's office, members of Congress, special interest groups, and others. People on that list are vetted, or closely reviewed, by the White House Office of Presidential Personnel. The list shrinks little by little during this process until a nominee is selected. That name heads over to the Senate for more investigations by the FBI, IRS, Office of Government Ethics, and an ethics officer from the agency in question.

**Senate Committee Hearings:** We have a nominee. Now, it's time to get them in front of a Senate committee that focuses on the issues related to the position for which the person has been nominated. For example, Senators who are on the Armed Services Committee would hold hearings on the Secretary of Defense. They look for any weaknesses in the nominee, including partisanship and historical statements on policy that might impact the nominee's ability to carry out their job. The hearings are often televised and can be pretty intense. The committee can then vote the nominee up or down, or choose not to act at all.

**Full Senate Hearings:** If the nominee satisfies the committee, a hearing will be scheduled on the whole Senate floor. The nominee is introduced and considered by the senators. Debate can continue until 2/3 of the Senate agrees to stop and take a vote. A simple majority vote is needed to confirm the nominee. If that happens, the president is notified and the new Cabinet member can take their position.



### Getting on the List

There are many ways to get on the list. You could:

- Be an expert in your field
- Have already spent years in government in other positions
- Have put in a lot of hard work on the presidential campaign
- Be owed a favor by the new president

## Congress: Friend or Foe?

Does every nominee have the same chance of making it to the cabinet? The short answer is no—here's why: Political nominations like these are... political. Let's take a highly qualified and scandal-free nominee and see what happens when she is introduced in a supportive Senate and when she is introduced in an oppositional Senate.



Former Secretary of Education, Arne Duncan, testifies before the Senate Committee on Health, Education, Labor & Pensions in 2009.

If the president and the majority of the Senate are of the same party, we can expect a relatively easy process. She will be grilled on her experiences, fitness for service, and any past comments made that might reveal how she'd advise the president and run the department. The nominee will take some extra challenging questions (and even some showboating) from the opposition party members. In the end, a simple majority is needed to pass her out of hearings and into the cabinet position.

If the president and Senate are at political odds, the success rate is far less certain. Our nominee may find herself stuck with no vote coming out of the committee hearing phase, stopped by a filibuster in the full Senate, or she may not even be granted a hearing by the powers of the Senate leadership. If hearings do occur in full, they are likely to be more combative. She may still make it to the cabinet with a majority vote, but not without some level of drama.

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## Sometimes, There is a Recess... Appointment

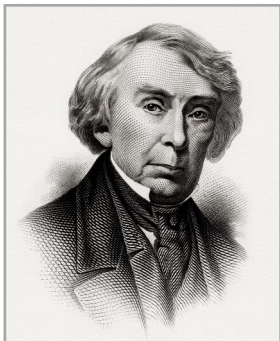
Congress, specifically the Senate, plays a huge role in the appointment of the presidential cabinet. But there is a controversial (yet constitutional) work around, and it's called a *recess appointment*. These appointments occur when there is a vacancy during a period when the Senate is not in session. The appointee still must be approved by the Senate by the end of their next session.

Originally intended to address the real issue of vacancies by the Founding Fathers, this plan has become a way for presidents to bypass an oppositional Senate for the more controversial nominees. The thought is that the opposition to a problematic appointee will soften over time and that, when it is time to approve him or her, the chances for success are much improved.

This approach is not always successful for a number of reasons. The Senate can set up special "pro forma" sessions that keep any one full session from ending—keeping the president from being able to make a recess appointment. If the same party stays in control of the Senate from one session to another, it's also likely to maintain (and even strengthen) its opposition to the recess appointee. So, it may be worth a shot if the president really wants a nominee but knows the odds are still against them.

"The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session."

Article II, Section 2, Clause 1



## Third Time's a Charm?

The first high-profile cabinet rejection was Roger B. Taney, who was a recess appointment by president Andrew Jackson in 1834. When it came time for a vote, the Senate rejected him 28-18. Taney ended up as the Chief Justice of the Supreme Court after undergoing another failed nomination process. He's best known for writing the majority decision in the 1857 case *Dred Scott v. Sanford*.

## Why the Cabinet Matters

The American public usually only hears about the presidential cabinet early on when they are going through the nomination process or when some crisis brings a department into the news cycle. It's important to remember that these cabinet members are not only the president's trusted advisors, they are the heads of large and influential executive departments that can impact your day to day life. They oversee the execution of federal laws, like ensuring workplaces are safe (Occupational Safety and Health Act) and protecting the privacy of student education records (Family Educational Rights and Privacy Act).



President Obama's Cabinet, 2011

Cabinet members also have a place in line for presidential succession. After the vice president and leadership of the House of Representatives and Senate, the cabinet steps up—starting with the oldest department first. Looking closely at the president's cabinet selections can give insight into how he or she wants to lead the country, as well as what qualities they value.

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<b>Executive Department</b>	<b>Cabinet Position</b>	<b>Date of Creation and Focus</b>
Department of State	Secretary of State	1789: Foreign policy, international relations
Department of the Treasury	Secretary of Treasury	1789: Collecting revenue (taxes), coining and printing money, economic policy
Department of Defense	Secretary of Defense	1789: renamed 1847: U.S. military, national defense
Department of Justice	Attorney General	1870*: Law enforcement, prevention and control of crime
Department of the Interior	Secretary of the Interior	1849: Protect nation's natural and cultural resources, Native American tribal relations
Department of Agriculture	Secretary of Agriculture	1889: Policy relating to farming, food, food safety, hunger, natural resources
Department of Commerce	Secretary of Commerce	1903: Economic development and policy, technology
Department of Labor	Secretary of Labor	1913: Work safety, fair pay, unemployment insurance
Department of Health & Human Services	Secretary of Health & Human Services	1953: Health policy, human services, welfare services
Department of Housing & Urban Development	Secretary of Housing & Urban Development	1965: Increasing home ownership, community development, access to affordable housing
Department of Transportation	Secretary of Transportation	1966: Oversee America's transportation system
Department of Energy	Secretary of Energy	1977: Addresses the nation's energy, environmental, and nuclear challenges
Department of Education	Secretary of Education	1979: Education policy, student loans
Department of Veterans Affairs	Secretary of Veterans Affairs	1988: Provide services and support to those who have served in the U.S. military
Department of Homeland Security	Secretary of Homeland Security	2002: National security, border management, natural disaster support, immigration

\*The Attorney General has been a position since 1789

## But Wait, There's More!

There is another set of people who are considered cabinet-level but not part of the official cabinet. These include the president's Chief of Staff, Director of Office Management and Budget, Administrator of the Environmental Protection Agency (EPA), Trade Representative, Ambassador to the United Nations, Chairman of the Council of Economic Advisers, and the Administrator of the Small Business Administration. Most of these positions also must go through the same review process with the Senate.

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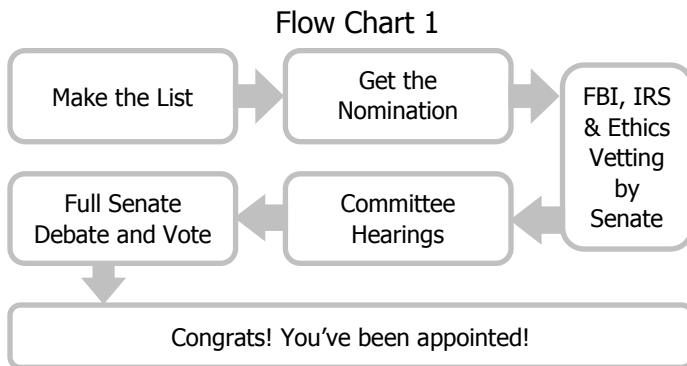
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**A. On the President’s Authority.** The lively debate around the nature and purpose of an executive advisory council (presidential cabinet) focused on the question of authority—or where the buck stops. First, read each position and craft two or more reasons to support each one. Then, place a comment next to the most powerful reason and explain your choice in the bottom of the table.

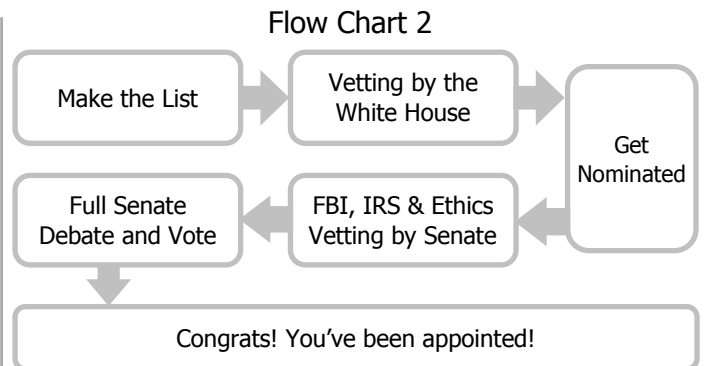
<p style="text-align: center;"><b>President Flies Solo</b></p> <p style="text-align: center;">All decisions rest on the president and no advisory cabinet should be involved.</p>	<p style="text-align: center;"><b>A Little Help Over Here?</b></p> <p style="text-align: center;">An advisory board, or cabinet, can help the president with decisions.</p>
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Which is your strongest support? Why?

**B. Follow the Flow** Check out these two flow charts that show the process of becoming a cabinet member. Each one has an important part missing. Identify that part, and explain what might be at risk if it were skipped in the real process.



What is at risk if this step is skipped?



What is at risk if this step is skipped?

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**C. Nomination Drama.** Nomination hearings bring a special brand of dramatics to Capitol Hill. Take on the role of Senator for these questions.

1. You are a member of the same party as the president and support the nominee. What might convince you to withdraw your support from a nominee during the process?

2. You are a member of the opposition party and do NOT support the nominee. What might convince you to change your mind and support the nominee?

3. You are a member of the opposition party and do NOT support the president's recess appointment. How will you respond to media inquiries about the appointment?

**D. Cabinet Contents.** Use the information from the list of departments to help with these questions.

1. Which century saw the most growth of the cabinet? How many departments were created?

2. Name a department that you think has the most impact on your day to day life? Why?

3. Select one cabinet position, then list at least two qualifications you think a nominee should have if appointed.

Position:

Qualification 1:

Qualification 2:

**E. It Matters to You!** The presidential cabinet can affect you in three main ways. Select one way discussed in the lesson and explain why it would be the most important form of impact to YOU. Your response should be 4-6 sentences in length.

A. Cabinet members run the departments that execute federal laws.

B. Members of the cabinet act as close advisors to the president and can influence executive action.

C. The cabinet offices are a part of the presidential line of succession and could be called to act as president.

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## Tracking The New Cabinet

Now that you know the purpose and process of selecting a presidential cabinet, it's time to find out who will be sitting at the next administration's table. Use this template to track nominations and appointments, as well as any additional information about the nominee's qualifications and missteps. The departments themselves may undergo change too.

<b>Cabinet Position</b>	<b>Nominee</b>	<b>Work Experience</b>	<b>Strengths (+) and Weaknesses (-)</b>
Vice President			
Secretary of State			
Secretary of Treasury			
Secretary of Defense			
Attorney General			
Secretary of the Interior			
Secretary of Agriculture			
Secretary of Commerce			

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## Tracking The New Cabinet

Continued from the previous page...

<b>Cabinet Position</b>	<b>Nominee</b>	<b>Work Experience</b>	<b>Strengths (+) and Weaknesses (-)</b>
Secretary of Labor			
Secretary of Health & Human Services			
Secretary of Housing & Urban Development			
Secretary of Transportation			
Secretary of Energy			
Secretary of Education			
Secretary of Veterans Affairs			
Secretary of Homeland Security			