



X/XXV



## *The Executive: Replacing the Monarch*



*Dear United States of America,*

The American Revolution is often remembered for battlefield clashes and harbor protests, but its most enduring legacy was a profound legal rupture. Before 1776, the thirteen colonies operated entirely under the jurisdictional framework of the British Crown. Expelling the Crown from the North American continent required more than a military victory. Thus, it demanded a complete dismantling of royal legal authority and the deliberate construction of a new sovereignty.

The United States Declaration of Independence was the catalyst for this transformation. Far from being a simple list of political grievances, it functioned as a formal instrument of legal secession. By declaring that the colonies were "*Absolved from all Allegiance to the British Crown,*" the document fundamentally shifted the legal nature of the conflict.

In the eyes of international law, it transformed the Americans from treasonous subjects fighting a civil war into an independent, sovereign nation. This new status allowed the United States to legally form vital alliances and secure loans, most notably from France. The Declaration erased the Crown's authority on paper, creating a massive jurisdictional vacuum. While the physical expulsion of British authority was formally recognized by the Treaty of Paris in 1783, the legal eviction began the moment the Declaration was signed. Filling that legal void forced the American founders to completely reimagine the concept of **executive power**.

In legal and political terms, executive power is the authority to enforce laws, manage day-to-day administration, conduct foreign affairs, and command the armed forces. If the legislature is the "**thinking**" arm of government that writes the laws, the executive is the "**doing**" arm that carries them out.

Under British rule, this power was the absolute prerogative of King George III and his appointed royal governors, who wielded it to dissolve colonial legislatures and veto local laws without colonial consent. Because the Revolution was a direct rebellion against these abuses, the newly independent Americans were deeply suspicious of anyone holding executive authority. Consequently, their first attempt at a national government – **the Articles of Confederation** – intentionally omitted an independent executive branch entirely.

However, the resulting national paralysis proved a hard-learned legal lesson: while absolute executive power invites tyranny, the total absence of it guarantees failure. A government cannot function if no one has the authority to enforce its laws. This realization was a major influence when drafting the U.S. Constitution in 1787.

Pursuant to Article II of the United States Constitution, the executive power is vested singularly in the **President of the United States**, a brilliant structural innovation by the Framers who sought to balance their profound fear of monarchical tyranny with the practical necessity for Alexander Hamilton's concept of "energy in the executive." Historically shaped by George Washington's precedent-setting restraint, the Executive Branch was masterfully designed to enforce, administer, and execute the statutory laws enacted by Congress.

While the President is the constitutional point of this power, today the branch practically encompasses the Vice President, the Cabinet, and a vast administrative apparatus. Legally, the Executive wields formidable constitutionally enumerated powers — including serving as Commander-in-Chief, negotiating treaties, and checking the legislature through the veto — yet remains purposefully bound by the magnificent, enduring framework of the separation of powers. It is a profound testament to the unparalleled foresight of the American legal system that this unitary executive can effectively command such complex modern administrative machinery while remaining fundamentally tethered to a constitutional design drafted over two centuries ago.

The framers ultimately designed a robust presidency, but bound it tightly within a system of **checks and balances**, permanently replacing the unrestrained British monarch with a legally constrained, democratically accountable executive.

*Yours, with great admiration and transatlantic devotion,*

## **Franz J. Heidinger**

Senior Partner, Alix Frank Attorneys at Law | Vienna

University of Virginia, School of Law & Fulbright Alumnus

Vice President, Women in Law Initiative | Secretary General, Justitia Awards

*Vienna, 2026 · Letter X of XXV*

ALIX FRANK