

COMMENTS ON MILLER & OBELGONER  
EFFECTIVE BUT LIMITED:  
A CORPUS LINGUISTIC ANALYSIS OF THE  
ORIGINAL PUBLIC MEANING OF  
EXECUTIVE POWER

Edward Finegan

University of Southern California

## AIMS OF THE PAPER

“... to fully understand the scope of Article II ... [“Effective But Limited”] presents data on the **frequency and usage** of the phrase *executive power* **during the Founding Era** as supporting evidence of **the phrase’s original public meaning.**”  
(Miller and Obelgoner at 6)

## THE HYPOTHESIS

The paper's premise/hypothesis is that “*the word executive* has experienced linguistic drift since the 1700s, coloring the modern understanding of executive power as it pertains to the President ...” (Miller and Obelgoner at 4)

## WHAT DOES IT MEAN FOR A WORD TO HAVE A CONVENTIONAL SENSE?

“When a word or phrase is used in its conventional sense ...” (Lawrence B. Solum, quoted by Miller and Obelgoner at 4, note 12)

From the perspective of a linguist or lexicographer, words are typically polysemous, with multiple conventional senses.

## EXAMPLE OF “SERVICE” DISCUSSED AT THIS WORKSHOP

The *New Oxford American Dictionary* (3<sup>rd</sup> edn., 2010) contains seven distinct and numbered senses, most of which have related subsenses marked by a preceding midline dot.

Note that senses 6 and 7 are restricted by field (tennis/law). In those fields it is those senses that would be regarded as conventional.

## Service (noun) in *New Oxford American Dictionary*

**1** the action of helping or doing work for someone: *millions are involved in voluntary service.* • an act of assistance: *he has done us a great service | he volunteered his services as a driver.* • assistance or advice given to customers during and after the sale of goods: *they aim to provide better quality of service.* • the action or process of serving food and drinks to customers: *they complained of poor bar service.* • short for service charge: *service is included in the final bill.* • a period of employment with a company or organization: *he retired after 40 years' service.* • employment as a servant: *the pitifully low wages gained from domestic service.* See also in service below. • the use which can be made of a machine: *the computer should provide good service for years.* **2** a system supplying a public need such as transport, communications, or utilities such as electricity and water: *a regular bus service.* • a public department or organization run by the government: *the U.S. Fish and Wildlife Service.* • **(the services)** the armed forces: (as modifier **service**) : *service personnel | troops from all branches of the services.* • **(services)** *British* an area with parking beside a major road supplying gasoline, refreshments, and other amenities to motorists. **3** a ceremony of religious worship according to a prescribed form; the prescribed form for such a ceremony: *a funeral service.* **4** a periodic routine inspection and maintenance of a vehicle or other machine: *he took his car in for service | they phoned for service on their air conditioning.* **5** [with modifier] a set of matching dishes and utensils used for serving a particular meal: *a dinner service.* **6** (in tennis and other racket sports) the action or right of serving to begin play. • a serve. **7** **Law** the formal delivery of a document such as a writ or summons.

## RETURNING TO FREQUENCY

The relationship between a word's frequency and its “public meaning” is not straightforward. No matter how frequent a given sense may be in a corpus, its relevant sense in a particular phrase, sentence, and text may be different.

It simply cannot be the case that the most frequent sense of a word or expression is the relevant sense in every particular context. Were that the case, NOAD could list just the most frequent sense uncovered by lexicographers.

## RETURNING TO “EXECUTIVE”

- Miller and Obelgonna list the most frequent 25 words appearing immediately to the left of “executive” in COFEA and in COCA.
- The only word on both lists is “chief,” from which M & O infer that the meaning of “executive” has undergone linguistic drift in the intervening centuries, earlier referring mainly to governmental connotations and later to private sphere connotations.

## MOVING ON TO “EXECUTIVE POWER”

- Uncovering and recognizing different senses of “executive power;” Miller and Obelgonna coded frequencies for six possible senses of the term as it appears in COFEA’s texts, structuring the analysis into 5-year periods between 1755 and 1789.
- They then link an independently researched historical analysis to the distribution of coded sense findings in an admirable matching of language facts and external historical events to document the original public meaning they set out to uncover.

## POSSIBLE REFINEMENTS IN FUTURE RESEARCH OF THE QUESTION

The word “executive” occurs as both a noun and an adjectival (i.e., modifier), as demonstrated in NOAD.

## “executive” in NOAD

### **Adjective** [*attributive*]

having the power to put plans, actions, or laws into effect: *an executive chairman* | *executive authority*.

• relating to managing an organization or political administration and putting into effect plans, policies, or laws: *the executive branch of government* | *the state has various executive functions*. Often contrasted with legislative.

### **Noun**

**1** a person with senior managerial responsibility in a business organization. • [*as modifier*] suitable or appropriate for a senior business executive: *an executive jet* | *the executive suite*. • an executive committee or other body within an organization: *the union executive*.

**2 (the executive)** the person or branch of a government responsible for putting policies or laws into effect.

## POSSIBLE REFINEMENTS IN FUTURE RESEARCH

A logical place to examine a word's grammatical status in Article II is to examine comparable or parallel structures as in Article I and Article III.

NOUN OR ADJECTIVE?  
COMPARE GRAMMATICAL STATUS ACROSS  
ARTICLES I, II, AND III

- Article I. “legislative” an adjective.

**All legislative Powers** herein granted shall be vested in a Congress of the United States ...

- Article III. “judicial” an adjective.

**The judicial Power of the United States**, shall be vested in one supreme Court

NOUN OR ADJECTIVE?  
COMPARE GRAMMATICAL STATUS ACROSS  
ARTICLES I, II, AND III

- Article II. If “executive” parallels “legislative” and “judicial” (as it does), it should be treated as an adjective, not a noun, in Article II.

The executive Power shall be vested in a President of the United States of America.

RELATED WORDS IN SAME TEXT  
MAY AID INTERPRETATION

- the executive thereof (NOUN)
- each of the executive Departments (ADJECTIVAL)
- all executive and judicial Officers (ADJECTIVAL)

## RELATED WORDS IN SAME TEXT MAY AID INTERPRETATION

- To make all Laws which shall be necessary and proper for carrying **into Execution** the foregoing Powers (NOUN)
- **to execute** the Laws of the Union (VERB)
- he shall take Care that the Laws be faithfully **executed** (VERB)
- the Militia **to execute** the Laws of the Union, suppress Insurrections and repel Invasions (VERB)