

# Review Cards: The Executive Branch

## The President

The delegates to the Constitutional Convention feared creating a national executive with too much power, similar to the English King, but their experiences under the Articles of Confederation also showed that a national executive was necessary to provide leadership.

## Expressed Powers

The President has a number of expressed powers granted under Article II of the Constitution. These include the “executive power” (the power to enforce the laws), powers over military and foreign affairs, powers to make government appointments, and powers to check the actions of Congress:

- ▶ The President is **Commander in Chief** of the armed forces.
- ▶ The President has the power to negotiate treaties (with approval of two-thirds of the Senate), to appoint ambassadors, and to receive foreign ambassadors and other diplomats.
- ▶ The President has the power to appoint the heads of executive departments, as well as Supreme Court Justices. These appointments require confirmation by a majority of the Senate.
- ▶ The President delivers the “State of the Union” address to Congress to share views and make recommendations. The President can veto legislation passed by Congress, and can summon Congress into a special session.
- ▶ The President has the power to grant **pardons** for federal crimes.

## Implied and Other Powers

Like Congress, the President has implied powers:

- ▶ The President has the power to consult the **Cabinet**, made up of the heads of the executive departments. The President also has the implied power to dismiss these officials.
- ▶ The President has general control over foreign policy and can assert emergency powers in wartime (even without Congressional approval), based on Presidential powers as Commander in Chief.
- ▶ The President can issue **Executive Orders**—these have the force of law but do not require the approval of Congress.
- ▶ The President can make special agreements with foreign heads of state, known as **executive agreements**. Unlike treaties, these do not need the approval of the Senate.
- ▶ As Commander in Chief, the President can send troops to foreign countries without declaring war. The **War Powers Act of 1973** limits this power: the President must inform Congress of military actions abroad and withdraw the troops after 60 days if Congress refuses to authorize the action.

## The President's Many Roles

- ▶ The President plays many roles: Head of State, Commander in Chief of the armed forces, Chief Executive, Chief Legislator, Chief Diplomat, Chief Economist, Chief of Security, party leader, and the moral leader of America. The President has the ability to appeal to the nation through television and other modern methods of communication.

## Checks on Presidential Power

- ▶ There are checks on Presidential power: Congress can override a Presidential veto, choose not to fund the President's suggested programs, refuse to approve Presidential appointments or treaties, apply the War Powers Act, and impeach the President.
- ▶ The Supreme Court can declare Presidential acts, including Executive Orders, unconstitutional.

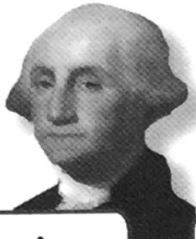
## The Path to the Presidency

- ▶ **Qualifications:** The President must be a U.S. citizen from birth, be at least 35 years of age, and be a U.S. resident for at least 14 years before taking office.
- ▶ **Terms in Office:** Presidential terms are for four years. Franklin D. Roosevelt was the only President to serve more than two terms. The Twenty-Fifth Amendment limits the President to two terms.
- ▶ **Presidential Succession:** Some Presidents have not served their full terms. The Twenty-fifth Amendment and the Presidential Succession Act of 1947 set the Vice President as next in line for the office, followed by the Speaker of the House, then the President pro tempore of the Senate, and then members of the Cabinet.
- ▶ **Nominating Process:** Presidential candidates are generally first nominated by one of the two major political parties. Candidates compete for the nomination at state party caucuses and in primary elections. They engage in a series of competitive debates, and then one is finally chosen at each party's national convention, based on who has support of the most delegates.
- ▶ **The General Election:** Each Presidential nominee then selects a Vice Presidential candidate and the two run together on a single ticket.
- ▶ The competing candidates tour the country in an exhausting and extremely expensive campaign to gather votes. Their campaign funds pay large amounts for television advertising. They also engage in widely watched televised debates.
- ▶ **The Electoral College:** The President is actually chosen by the Electoral College.
  - ◆ Every registered voter can vote in the general election—this is the “popular vote.”
  - ◆ The authors of the Constitution did not trust the people to elect the President directly. Electors from each state (forming the **Electoral College**) therefore make the final choice. Today, most electors are required to vote for the same candidate that state voters did in the general election. Each state has the same number of electors as its members in Congress (Senators and Representatives). A candidate usually gets all or nothing of a state's electoral vote.
  - ◆ A President can win the popular vote but lose in the Electoral College. This happened in 2000.

## Losing the Presidency: The Impeachment Process

- ▶ The President can be impeached for treason or other high crimes. Impeachment is simply removal from office and includes no other punishment. It has two stages:
- ▶ First, the House of Representatives votes whether to impeach.
- ▶ Second, if the House votes to impeach, then the President is tried in the Senate. The Chief Justice of the Supreme Court presides over the trial. Two-thirds of the Senate must vote to convict the President in order to remove the President from office.
- ▶ Presidents Andrew Johnson and Bill Clinton were impeached but not convicted. President Nixon resigned before he could be impeached.

- ▶ Birthright citizenship
- ▶ 35 years of age
- ▶ U.S. resident at least 14 years



**Qualifications**

- ▶ State primaries
- ▶ National conventions

**Nomination Process**



**Candidates:**

- ▶ Campaign
- ▶ Advertise
- ▶ Debate

**General Election**



- ▶ Winner needs majority of electors

**Electoral College**

**Selection**

**The Presidency: Our Executive Branch**

**Expressed Powers**

- ▶ Executive power
- ▶ Commander in Chief
- ▶ Negotiate treaties
- ▶ Appoint ambassadors
- ▶ Appoint Supreme Court Justices
- ▶ Appoint heads of executive departments
- ▶ Sign or veto bills passed by Congress
- ▶ Receive ambassadors
- ▶ Grant pardons

**Many Roles**

- ▶ Chief Executive
- ▶ Commander in Chief
- ▶ Head of State
- ▶ Chief Legislator
- ▶ Chief Economist
- ▶ Chief Diplomat
- ▶ Party Leader
- ▶ Moral Leader

**Implied and Other Powers**

- ▶ Foreign policy
- ▶ Military interventions
- ▶ Executive orders

**Impeachment**

- ▶ Impeached/accused in House of Representatives
- ▶ Trial in the Senate: 2/3 majority of Senate needed for removal

