



# CHAPTER 6

## The Presidency: Our Executive Branch

**SS.7.C.2.9** Evaluate candidates for political office by analyzing their qualifications, experience, issue-based platforms, debates, and political ads. (See also Chapter 13.)

**SS.7.C.3.3** Illustrate the structure and function (three branches of government established in Articles I, II, and III with corresponding powers) of government in the United States as established in the Constitution. (See also Chapters 3, 4, 5 and 7.)

**SS.7.C.3.8** Analyze the structure, functions, and processes of the legislative, executive, and judicial branches. (See also Chapters 5 and 7.)

**SS.7.C.3.9** Illustrate the lawmaking process at the local, state, and federal levels. (See also Chapters 5 and 11.)

**SS.7.C.4.1** Differentiate concepts related to U.S. domestic and foreign policy. (See also Chapter 17.)

### Names and Terms You Should Know

President	Veto	Commander in Chief
Vice President	Appointment	Foreign relations
Presidential appointment	Pardon	Ambassador
Executive order	Impeachment	Cabinet
	“State of the Union” Address	

# Florida “Keys” to Learning

1. Article II of the Constitution gives several important powers to the President. The President has the “executive power” to enforce the laws. The President is also Commander in Chief of the armed forces. The President has the power to negotiate treaties. The President has the power to nominate ambassadors, chiefs of executive departments and Supreme Court Justices. The President delivers an annual (yearly) “State of the Union” Address to Congress. The President can veto laws passed by Congress and has the power to give pardons for federal crimes.

2. The President also has other powers. These are implied, given by Congress, or based on the need to defend the nation. Such powers include consulting with the Cabinet, exercising general control over foreign policy, and assuming emergency powers in wartime. The President makes executive orders and can send troops to foreign countries for a limited period without declaring war.

3. There are several checks on Presidential power. These are part of our Constitution’s system of checks and balances. Congress can override a Presidential veto, choose not to fund the President’s programs, refuse to approve Presidential appointments or treaties, or impeach the President. Congress has also passed the War Powers Act, limiting the President’s ability to send troops abroad. The Supreme Court can declare Presidential acts to be unconstitutional.

4. The President plays many roles: Head of State, Commander in Chief, Chief Executive, Chief Legislator, Chief Diplomat, Chief Economist, Chief of Security, party leader, and the moral leader of

America. The President can appeal to the nation through television, newspapers, radio, the Internet, and public appearances.

5. To become President, a person must be a U.S. citizen from birth, be at least 35 years old, and have been a U.S. resident for at least 14 years before taking office. A naturalized citizen cannot become President.

6. Each term in office is 4 years. The President is limited to two elected terms.

7. If the President is assassinated or unable to serve, the Vice President is next in line for the office.

8. The President and Vice President are chosen in a national election. Candidates for President first compete for their party’s nomination. The nominees from each party then campaign against one another for election in November. The President is actually chosen by the Electoral College. Electors from each state generally vote for the candidate winning the most votes in their state in the November election.

9. The President can be impeached and removed from office for treason or other high crimes. The impeachment process has two stages. First, the House impeaches the President (here, “impeach” means to accuse or charge). Then the Senate can remove the President by a two-thirds vote after a trial presided over by the Chief Justice of the Supreme Court.



The second branch of our federal government is the Presidency. Many consider this to be the most dynamic of the three branches: the President

today is vastly more powerful than the members of the Constitutional Convention could have ever imagined. In this chapter, you will study the Presidency.

You should know the powers of the President for the EOC test.

## The President's "Expressed" Powers

From their experiences under British rule, the delegates in Philadelphia in 1787 were afraid of a chief executive with too much power. Yet they knew from their experience under the Articles of Confederation that without a chief executive, the national government could not manage the problems of a young democracy. The powers given to the President in Article II reflected these concerns.

The President's "Expressed" (or listed) powers are summarized below.

- First and foremost, the President was granted the "executive power":

"The executive power shall be vested (*placed*) in a President of the United States of America."

The phrase "executive power" ordinarily refers to the power to carry out or enforce the laws. The President is also to "take care that the laws be faithfully executed," and takes an oath to "faithfully execute" the office of President and to "preserve, protect and defend" the Constitution.

- The President is also the "Commander in Chief" of the armed forces of the United States:

"The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States."

The Constitution thus placed a civilian (*non-soldier*) at the head of the military. As a single individual, the President was better able than Congress to direct the nation's armed forces and to take decisive action in the event of an emergency.

Presidents have used their power to call state militia into national service many times. The most famous example was on April 15, 1861, when President Abraham Lincoln summoned the militia of several states at the beginning of the Civil War.

- The President has the power to appoint members of the **executive departments**.

Particular departments are not specified in the Constitution, but from the beginning they have included the Secretary of State and the Secretary of the Treasury. Appointments must meet with the approval of a majority of the Senate. This is another example of the system of checks and balances in the Constitution.

The President "shall nominate, and by and with the advice and consent of the Senate, shall appoint . . . all other officers of the United States."

The President can also request the advice of these officers in writing:

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."

- The President has the power to make **treaties** (*solemn agreements between foreign nations*), with approval of the Senate:

The President "shall have Power, by and with the advice and consent of the Senate, to make Treaties."

While the President can negotiate treaties, approval by two-thirds of the Senate is required to "ratify" (*approve*) each treaty, putting it into force.

- ▶ The President has the power to appoint ambassadors—official representatives of the United States to other countries—and to receive the ambassadors and other diplomatic representatives of other nations:

The President “shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls . . .”

The President “shall receive Ambassadors and other public Ministers . . .”

- ▶ The President appoints the “Justices” (*judges*) of the U.S. Supreme Court. These must be approved by the Senate:

The President “shall nominate, and by and with the advice and consent of the Senate, shall appoint . . . Justices of the Supreme Court . . .”

- ▶ The President has several specific powers with respect to Congress. The President delivers the “State of the Union” Address:

The President “shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient . . .”

This responsibility gives the President the opportunity to share views with Congress and the American people and to make recommendations for the security and welfare of the country, which Congress can include in its annual budget.

- ▶ The President has the power to **veto** (*turn down*) legislation submitted by Congress. The President’s veto can be overridden by a two-thirds vote of the members present in each house of Congress (see Chapter 5). However, the President’s veto power is so formidable that of the more than 2,500 Presidential vetoes, only about a hundred of them have been successfully overridden by Congress.
- ▶ The President has the power to call Congress into special session, or to adjourn the two houses of Congress if they cannot agree on the time of adjournment (*temporary recess or break*).
- ▶ Finally, the President has the power to grant pardons for federal crimes:

The President “shall have the power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.”

A **pardon** forgives an individual for having committed a crime. It releases the person from prison, waives all penalties, and restores the person’s civil rights. The power to grant pardons is often associated with executive power, and Governors in every state can pardon those accused of state crimes.

In an article published in *The New York Times*, President Bill Clinton discussed the history of Presidential pardons. He justified the 140 pardons that he granted on the last day of his Presidency:

*“A President may conclude a pardon or commutation is [justified] for several reasons: the desire to restore full citizenship rights, including voting, to people who have served their sentences and*



Bill Clinton

*lived within the law since; a belief that a sentence was excessive or unjust; personal circumstances that [justify] compassion; or other unique circumstances. The exercise of executive [mercy has been] controversial. The reason the framers of our Constitution vested (put) this broad power in the Executive Branch was to assure that the President would have the freedom to do what he deemed (thought) to be the right thing, regardless of how unpopular a decision might be.”*

#### Enrichment





Some uses of the pardoning power have been especially controversial. President Washington pardoned the leaders of the Whiskey Rebellion, President Ford pardoned President Nixon for his involvement in the Watergate Scandal, President

Carter pardoned Vietnam War draft resisters, and President George H.W. Bush pardoned former U.S. Defense Secretary Weinberger and five other defendants for their involvement in the Iran-Contra affair.

You should know the President's implied powers for the EOC test.

## The President's Implied and Other Powers

Like Congress, the President also exercises “implied” and other powers, such as those delegated by Congress or necessary to defend our nation in an emergency.

### Meeting with the Cabinet

The heads of the fifteen executive departments in the executive branch meet together as the President's “**Cabinet**.” The Cabinet is not mentioned in the Constitution. However, the Constitution gives the President the right to appoint heads of departments and to request their written opinions.



President George Washington began the first Cabinet in 1789 with four members: the Secretary of State (Thomas Jefferson), the Secretary of the Treasury (Alexander Hamilton), the Secretary of War, and the Attorney General. Today, there are fifteen heads of executive departments in the Cabinet, as well as the Vice President of the United States and seven other Cabinet officers.

The President not only appoints Cabinet members but also has the power to dismiss them. This is another implied power.

### The Conduct of our Nation's Foreign Relations

President Washington was also the first to assert Presidential control of foreign policy. The basis of this power is to be found in the President's powers to make treaties, to receive and appoint ambassadors, and to act as Commander in Chief. On these grounds, the President takes charge of America's relations with other countries. You will learn more about American foreign policy in Chapter 17.

### Emergency Powers in Wartime

Presidents typically exercise emergency powers in wartime, with or without the approval of Congress.

During the Civil War, Abraham Lincoln suspended several civil liberties guaranteed by the Constitution, including the right to a writ of *habeas corpus*. Lincoln also issued the Emancipation Proclamation, freeing the slaves in Southern states in rebellion, as an exercise of his emergency wartime powers. The Supreme Court later ruled that Lincoln did not have the authority to suspend *habeas corpus*.

During World War I, Congress gave President Wilson power to limit the exercise of free speech. During World War II, President Franklin D. Roosevelt ordered the internment of Japanese Americans on the West Coast on the basis of his emergency wartime powers.

### Executive Orders

Since the time of George Washington, Presidents have issued **executive orders**. These orders have the force of laws, although they have not been

passed by Congress. This practice is based on the responsibility of the President to execute laws passed by Congress. Executive orders are thus meant to implement (*put into effect*) the legislation of Congress. Past Presidents have issued executive orders to ration consumer goods, to control wages and prices, and to carry out laws affecting civil rights. One of the most famous of President Roosevelt's executive orders permitted the forced internment (*confinement; imprisonment*) of Japanese Americans during World War II. Another of



his executive orders ended racial discrimination in the award of defense contracts. In 1948, President Truman issued an executive order ending racial discrimination in the armed services. On average, Presidents issue about a hundred executive orders a year.

Over time, Presidents have issued more than 14,000 executive orders.

### War-Making Powers/Military Interventions

According to our Constitution, only Congress can declare war. However, of the hundreds of armed conflicts in which the United States has engaged, only five have actually been declared wars. The most important armed conflicts of the past seventy years—the Korean War, the Vietnam War, and the two Gulf Wars—have been fought by American troops without any declaration of war at all.

When responding to an attack or planning an action against a foreign threat, it may not always be a good strategy to obtain a public declaration of war. Acting as Commander in Chief, the President is able to take immediate steps in defense of the nation.



Know these checks for the EOC test.

## Checks on Presidential Power

As with the other branches, there are important checks on the President's powers. This is part of our Constitution's system of checks and balances:

- ▶ Congress can override a Presidential veto.
- ▶ All spending by the federal government is made by Congress. Without the support of Congress, the President is unable to fund (*pay for*) any government activities.
- ▶ The President must obtain Senate confirmation (*approval*) of appointments and treaties.
- ▶ The War Powers Act, passed by Congress in 1973, limits the President's ability to send troops overseas for longer than 60 days without the approval of Congress.
- ▶ The Supreme Court can declare acts of the President unconstitutional.
- ▶ Congress can impeach and remove the President for misconduct.

## The Many Roles of the President

As the leader of the nation, the President plays many roles. Some say the President wears many hats.

### Head of State

As the Head of State, the President represents the United States, both in dealing with foreign nations

and on ceremonial occasions, such as national holidays.

### Commander in Chief of the Armed Forces

The President is advised by the Joint Chiefs of Staff, but the President alone has final authority over



U.S. military operations. President George W. Bush, for example, launched invasions of Afghanistan and Iraq, while President Barack Obama approved the raid into Pakistan that captured and killed the terrorist Osama Bin Laden. The President also has final responsibility for the use of nuclear weapons.

### Chief Executive

The President holds “executive power.” As Chief Executive, the President is in charge of the entire federal government.

### Chief Legislator

The President acts as the nation’s Chief Legislator. The President recommends legislation in the “State of the Union” Address. The President communicates with Congress, pressures members of Congress to support recommended legislation, and vetoes legislation that he or she opposes.

### Chief Diplomat

The President conducts American foreign policy in cooperation with Congress. The President’s personal interaction with world leaders, such as President Putin of Russia or President Xi Jinping of China, heightens the belief among Americans and foreigners that the President bears the chief responsibility for the handling of American foreign policy and diplomacy.

### Chief Economist

During the Great Depression (a severe economic downturn from 1930 to 1939 when many Americans lost their jobs), President Franklin D. Roosevelt took active steps to restore the American economy with legislation. He introduced measures like social security, for disabled, unemployed and retired workers—which we still have today. The Employment Act of 1946 stated that it was the “continuing policy and responsibility” of the federal government “to promote maximum employment, production and purchasing power.”

Ever since, American voters have looked to the President for solutions when the economy is per-

forming badly and unemployment is high. If the President fails to revive the economy, the President will often lose in the next election.

The President generally discusses the economy in the “State of the Union” Address. The President’s proposed legislative programs and budget also affect the economy. Once a year, the President further issues an annual *Economic Report of the President*.

### Chief of Security

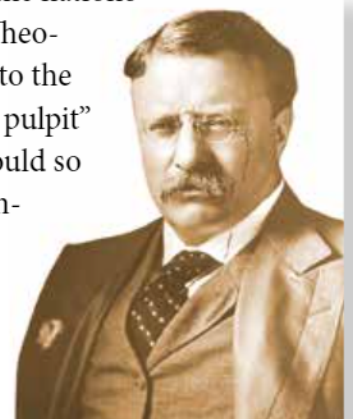
The President is responsible for the security of the United States. The President sits atop a vast intelligence network, which includes information from the Central Intelligence Agency (CIA), the FBI, the armed services, the Department of Homeland Security, and the National Security Agency (NSA). The NSA eavesdrops, monitors and analyzes data and protects electronic systems.

### Party Leader

The President is the leader of one of the two major political parties. The President has always been elected to the White House with the help of that party and continues to work closely with party leaders and members to pass proposed legislation. The President may pressure fellow party members to vote with their party in Congress. The President may also speak in support of fellow party members in re-election campaigns.

### Moral Leader

The President serves as the nation’s moral voice. President Theodore Roosevelt referred to the Presidency as the “bully pulpit” because the President could so easily attract public attention. The President can then use this opportunity to address those moral issues of greatest concern.



The President wears many different “hats.” Choose one of the many roles that the President has that is described in this chapter. Identify the role you have selected on the brim of the hat and then describe the role on the tall crown (or “stove pipe” section) of the hat.



You should know the requirements for becoming President for the EOC test.

## Who Can Become President?

The constitutional requirements for becoming President of the United States, like those for becoming a member of the House of Representatives or the Senate, are few in number:

To be eligible to become President of the United States, an individual must:

1. Be born in the United States. “Naturalized” citizens (who became citizens after migrating here) cannot serve as President;
2. Be at least 35 years of age; and
3. Be a resident of the United States for at least 14 years before taking office.

There are no other constitutional requirements. Most recent Presidents have worked in law or business before entering politics.

**Term in Office.** The President is elected for a “term” of four years. President George Washington served for two terms in office before he stepped down. All later Presidents followed his example, until President Franklin D. Roosevelt ran for a third term while World War II was raging in Europe. Roosevelt was elected for a fourth term and died in office from a heart attack. **The Twenty-second Amendment now limits the President to a maximum of two elected terms.**

**The Vice President.** The Vice President must meet the same requirements and serves the same term as the President. If the President dies or leaves office for any reason, the Vice President becomes the next President.

You do **not** need to know how the President is selected for the EOC test.

## How the President is Chosen

Enrichment



Have you ever dreamt of becoming President of the United States? You would get to live in the White House for free, and have your own cook, private movie theater and swimming pool. You could hold press conferences or go on television whenever you wanted, and telephone other world leaders.

So, you may be wondering, how does one actually go about becoming President? Meeting the minimal constitutional requirements is, of course, just the beginning.



## The Nomination

The first step in running for President is winning the nomination of one of the two major political parties. A **political party** is an organization of citizens who share similar views and who work together to get some of their members elected to public office. Each of the major national political parties—the **Democrats** and **Republicans**—will nominate only one candidate for President.

Each party holds a series of primary elections in different states. Citizens vote on their party's candidates to determine which one of them should represent the party as its nominee. The nominees are chosen at each party's national convention, held in the summer before the Presidential election.

At the convention, delegates also adopt a party platform stating the party's positions on important issues. Finally, the nominee for President also selects and announces the nominee for Vice President. The two candidates run together on a single "ticket."

## The Election Campaign

Once the national conventions are over, the nominees of the two major parties have three months to

campaign against one another. They conduct energetic campaigns advertising on television, delivering speeches, attending meetings, and raising campaign funds—all to gain the support of voters. They also debate each other on national television. Campaign costs, especially for television advertising, are tremendous.

## The Electoral College

The election for the President and Vice President occurs on the first Tuesday after November 1st. The final process of selecting the President and Vice President does not actually happen in the election itself, but in the **Electoral College**. Each state is given the same number of electoral votes as it has Senators and Representatives in Congress. In most states, the electors are required to vote for the candidate who wins the most votes in their state in the general election.

There are 538 electoral votes in all in the Electoral College (including three electoral votes for Washington, D.C.). To win the Presidential election, the candidate must receive more than half of these, or 270 electoral votes.

## The Active Citizen

- Sometimes the winner of the most votes in the popular election does not win in the Electoral College. This happened in both 2000 and 2016. Should the Electoral College be eliminated? Hold a class debate on the following: *"Resolved: The Electoral College should be eliminated and the President should be elected by popular vote."*

You should know about impeachment for the EOC test.

## The Impeachment Process

The Constitution establishes procedures in case there is a need to remove the President from office for "treason, bribery, or other high crimes and misdemeanors." This process is known as *impeachment*. The impeachment of a government official does not

impose any kind of penalties, fines or imprisonment at all. It simply removes the official from office. Once removed, the official may also face proceedings in a criminal or civil court.

In the case of the President, the impeachment process occurs in two stages. In the first, the President is **impeached** (*accused*) in the House of Representatives. If a majority of the House votes to impeach the President, then the process moves into the second stage, where the President is **tried** in the Senate. The

Chief Justice of the Supreme Court presides at the trial. A vote of two-thirds of the Senate is needed to convict and remove the President from office. If the President is removed, then the Vice President becomes the new President.

House of Representatives

Impeaches (*charges*)  
the President



Senate

Tries and removes  
the President

## The Active Citizen

Enrichment



There are frequent surveys of historians, political scientists and other experts rating the past Presidents of the United States. Here are two such surveys:

### The Ten "Best" Presidents

Ranking	Siena College Research Institute <sup>1</sup>	Nate Silver, <i>New York Times</i> <sup>2</sup>
1 (Best)	Abraham Lincoln	Abraham Lincoln
2	Franklin D. Roosevelt	Franklin D. Roosevelt
3	Theodore Roosevelt	George Washington
4	George Washington	Theodore Roosevelt
5	Thomas Jefferson	Thomas Jefferson
6	James Madison	Harry Truman
7	James Monroe	Woodrow Wilson
8	Woodrow Wilson	Dwight Eisenhower
9	Harry Truman	John F. Kennedy
10	Dwight Eisenhower	Ronald Reagan

<sup>1</sup> Siena College Research Institute Survey's poll of historians and political scientists (2010)

<sup>2</sup> "Contemplating Obama's Place in History, Statistically," *New York Times* (January 23, 2013)

### The Ten "Worst" Presidents

Ranking	Siena College Research Institute <sup>1</sup>	Nate Silver, <i>New York Times</i> <sup>2</sup>
35	Benjamin Harrison	Benjamin Harrison
36	William H. Harrison	Herbert Hoover
37	Herbert Hoover	John Tyler
38	John Tyler	Millard Fillmore
39	Millard Fillmore	George W. Bush
40	George W. Bush	Andrew Johnson
41	Franklin Pierce	William H. Harrison
42	Warren G. Harding	Warren G. Harding
43	James Buchanan	Franklin Pierce
44 (Worst)	Andrew Johnson	James Buchanan

<sup>1</sup> Siena College Research Institute Survey's poll of historians and political scientists (2010)

<sup>2</sup> "Contemplating Obama's Place in History, Statistically," *New York Times* (January 23, 2013)

- ▶ Your teacher should divide your class into groups. Each group should use the Internet to research one President from the list of best Presidents and one President from the list of worst Presidents. Consider: (1) the background and experience of each individual; (2) the problems the country faced when he became President; (3) how well he coped with those problems; and (4) which Presidential powers and roles he used to implement his policies.
- ▶ After completing your research, compare the two Presidents you have studied. Why is one considered to be one of our best Presidents and the other one of our worst?
- ▶ Groups should report their findings to the class, and then class members should discuss if they agree with the classification of Presidents on the lists above. Which changes, if any, would you make if your class had to rank the ten best and ten worst Presidents for yourselves?



# A Summary of the Presidency

## Qualifications to be President

- ▶ Must be a “natural born” citizen (*not* a “naturalized” citizen)
- ▶ Must have lived in the United States for at least 14 years
- ▶ Must be at least 35 years old



## Powers of the President

### Expressed Powers (Powers found in Article II of the Constitution)

- ▶ **Executive Power:** The Constitution places the federal government’s executive power in the President. The President has a duty to “execute” the laws and “to preserve, protect and defend the Constitution.” As the nation’s chief executive, the President has control over all federal departments and agencies.
- ▶ **Commander in Chief:** The President is the Commander in Chief of the nation’s armed forces.
- ▶ **Appointment Power:** With the advice and consent of the Senate, the President appoints (*chooses*) all U.S. ambassadors, all Justices of the U.S. Supreme Court, and all federal officers.
- ▶ **Treaty-Making Power:** With the consent of a two-thirds majority of the Senate, the President can make treaties with other countries.
- ▶ **Receive ambassadors:** The President receives ambassadors from foreign nations.
- ▶ **Veto Power:** The President can sign or veto a bill passed by Congress; Congress can override a Presidential veto with a two-thirds majority in each house.
- ▶ **Other Powers relating to Congress:** The President informs Congress of the “**State of the Union**”; recommends measures to Congress; and can convene (*call together*) and **adjourn** (*suspend or temporarily break off*) sessions of Congress.
- ▶ **Pardoning Power:** The President can **pardon** (*forgive; let free*) those accused of federal crimes.

### Implied and Other Powers

- ▶ **Foreign Relations:** The President conducts our nation’s **foreign relations** (*relations with other countries*).
- ▶ **Cabinet:** The President often meets with the heads of **executive departments**, known as the **Cabinet**, which gives the President advice. The President has the power to remove Cabinet officers as well as to appoint them.
- ▶ **Executive orders:** The President issues **executive orders**.
- ▶ **Emergency Powers:** The President has an implied power to take immediate steps to defend our nation if it is attacked or if there is any kind of national emergency.

## Impeachment

Congress has the power to **impeach** (*charge*) and remove the President for “Treason, Bribery, or other High Crimes and Misdemeanors.”

**Impeachment** is a two-step process:

- ▶ **Impeachment:** A majority of the House of Representatives must vote to impeach the President.
- ▶ **Removal:** Once impeached by the House, the President is tried in the Senate. The Chief Justice of the Supreme Court presides over the trial. To remove the President from office requires a vote of two-thirds of the Senate.

Name \_\_\_\_\_

Read the names and terms below. Then decide in which column each name or term belongs and place it in the proper column below.

Executive power	Appoints ambassadors	Adjournment of Congress	National Security Agency (NSA)
Commander in Chief	Receives ambassadors	Suspension of <i>habeas corpus</i> in wartime	Holds press conferences
State militia	“State of the Union” Address	Economic Report of the President	Grants pardons
National Guard	Veto	Central Intelligence Agency (CIA)	
Treaty	Calls a special session of Congress		
Executive departments			
Cabinet			

Chief Executive		Chief Legislator	
Military Leader	Chief Diplomat	Chief Economist	
Chief of Security		Moral Leader	

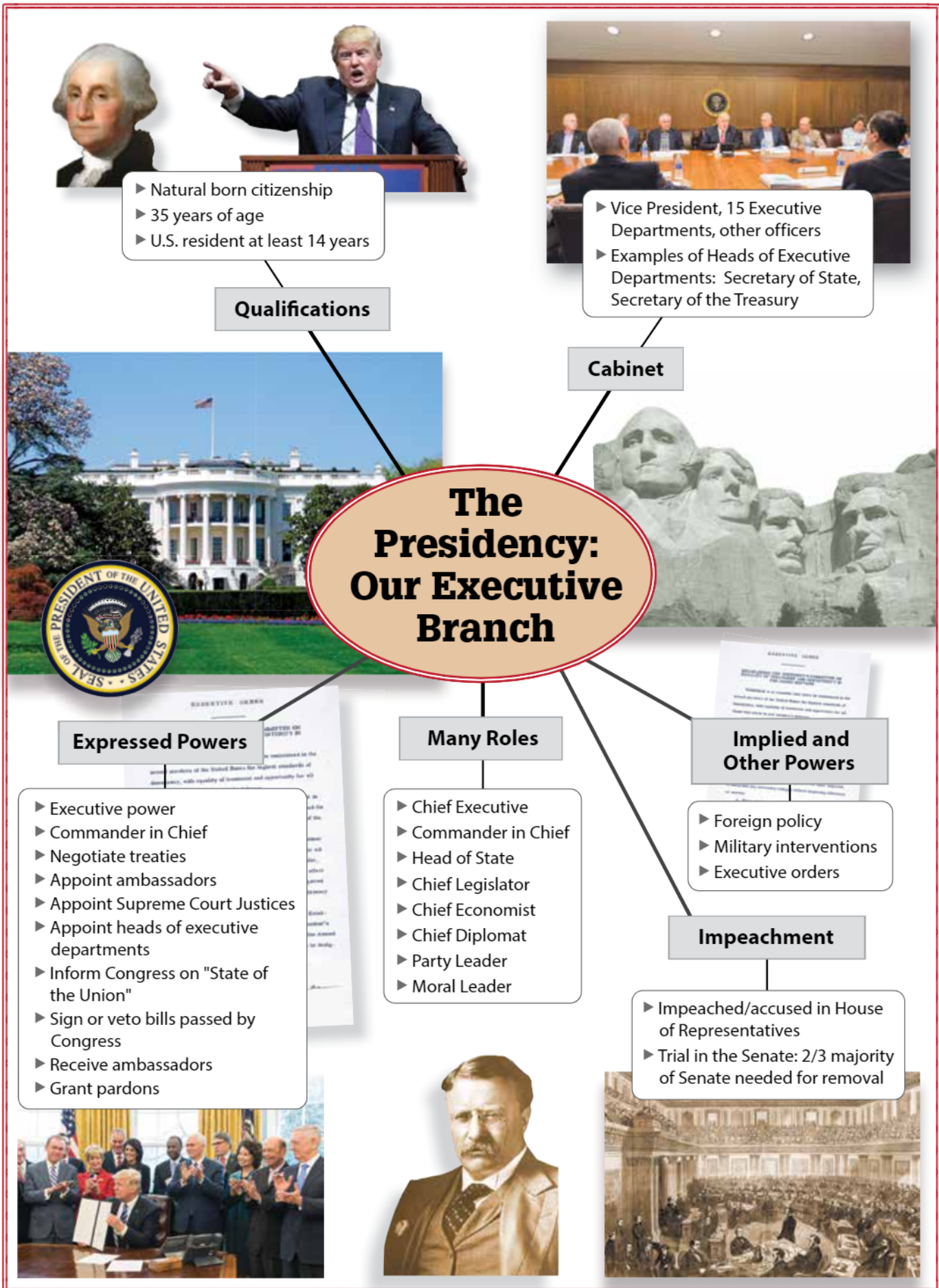
Use several of the terms and phrases above to write a paragraph describing some of the roles that the President plays in American life.



Name \_\_\_\_\_

Fill in the chart below.

The Presidency	
The President's expressed powers	
The President's implied and other powers	
The responsibilities of the President	
How the President may be removed	





# 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. On the other hand, their experiences under the Articles of Confederation showed that a national executive was necessary to provide leadership.

## Expressed Powers

The President has a number of expressed powers 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 can consult with the Cabinet.
- ▶ 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 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.
- ▶ As Commander in Chief, the President can send troops to foreign countries without declaring war. However, 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, Twitter, and other modern methods of communication.

### Checks on Presidential Power

- ▶ There are several 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.

### Qualifications and Terms of 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. The Twenty-Second Amendment limits the President to two elected terms. If the President dies or leaves office for any reason, the **Vice President** becomes the next President.

### Executive Departments and the Cabinet

- ▶ The President is assisted by 15 executive departments.
- ▶ Each executive department is headed by a "Secretary" (except the Department of Justice, which is headed by the Attorney General). For example, the State Department—which handles foreign relations—is headed by the Secretary of State. The Treasury Department—which handles economic policies—is headed by the Secretary of the Treasury.
- ▶ The Vice President, the heads of the 15 executive departments, and a few other officers form the **Cabinet**. The Cabinet meets regularly and gives advice to the President. Although the Cabinet is not mentioned in the Constitution, every President has been advised by the Cabinet.

### 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, a majority of 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.

#### The Impeachment Process

#### House of Representatives

- ▶ Impeaches (charges) the President
- ▶ Majority vote needed to impeach the President



#### Senate

- ▶ Tries the President
- ▶ Chief Justice of the Supreme Court conducts the trial
- ▶ Two-thirds majority needed to remove the President



## What Do You Know?

### SS.7.C.2.9

1. Which individual could qualify as a candidate for President of the United States?
  - A. Max is 67 years old; he has lived in Ontario, Canada for all of his life; he was born in Detroit.
  - B. Martha is 45 years old; she has lived in Chicago for the last 18 years; she was born in Tampa.
  - C. Samuel is 27 years old; he has lived in New York City for the past 3 years; he was born in Israel of American parents.
  - D. Karen is 42 years old; she has lived in Boston for the last 26 years; she was born in Ireland of Irish parents.

### SS.7.C.3.3

2. Which constitutional power provides the basis for the President's day-to-day control of U.S. foreign relations?
  - A. the power to appoint and receive ambassadors
  - B. the power to appoint Justices of the Supreme Court
  - C. the power to inform Congress of the "State of the Union"
  - D. the power to summon Congress in times of national emergency

### SS.7.C.1.7

3. The War Powers Act of 1973 limited the powers of the President as Commander in Chief. Which principle of constitutional government did passage of this law illustrate?
  - A. Federalism
  - B. Limited government
  - C. Checks and balances
  - D. Separation of powers

### SS.7.C.3.3

4. Which power does the Constitution give to the President to check Congress?
  - A. the power to appoint heads of departments
  - B. the power to veto proposed federal legislation
  - C. the power to pardon offenders for federal crimes
  - D. the power to inform Congress of the "State of the Union"

### SS.7.C.3.3

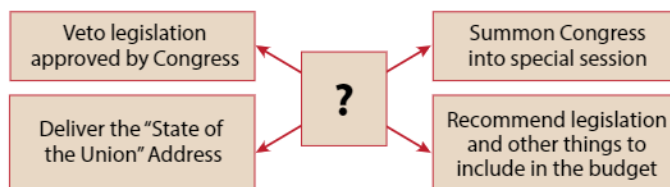
5. When the President of the United States hosts the President of France at a dinner at the White House, what role is the President performing?
  - A. Chief Diplomat
  - B. Chief Legislator
  - C. Chief Executive
  - D. Commander in Chief

**SS.7.C.3.3**

6. During the 1976 Presidential campaign, Jimmy Carter promised to pardon draft evaders from the Vietnam War to help heal the wounds of the war. Shortly after he was elected, President Carter pardoned about 100,000 of them. How was he able to pardon so many at once?
- A. By exercising an implied power
  - B. By exercising a customary power
  - C. By exercising an emergency power
  - D. By exercising a power found in the Constitution

**SS.7.C.3.3**

7. The diagram below shows details about the United States government.



Which phrase completes the diagram?

- A. Presidential powers as Head of State
- B. Presidential powers in relation to Congress
- C. Presidential powers as Commander in Chief
- D. Presidential powers as Chief Executive Officer

**SS.7.C.3.8**

8. Which role does the President perform when speaking at a political rally in support of a candidate running for Congress?
- A. Party Leader
  - B. Head of State
  - C. Chief Diplomat
  - D. Chief Executive

**SS.7.C.3.3**

9. The headline shown on the left appeared in newspapers on December 20, 1998.
- Which step is next in the impeachment process?
- A. The President is tried in the Supreme Court.
  - B. The President is tried before the U.S. Senate.
  - C. The President can appeal to the Supreme Court.
  - D. Three-fourths of the states must agree to the impeachment.

**SS.7.C.3.8**

10. How does an executive order differ from a federal law?
- A. Executive orders are not subject to judicial review.
  - B. Executive orders are not limited by the Constitution.
  - C. Executive orders do not need to be approved by Congress.
  - D. Executive orders are limited to military and foreign affairs.