



9.4 The Executive Branch Carries Out the Laws

A government needs people to carry out, or execute, the laws passed by the legislature. For instance, when Congress approves a tax, someone must collect the money. When Congress appropriates, or sets aside, money for low-cost housing, someone must build and manage the housing.

Article II of the Constitution describes the branch of government that fills this role, the **executive branch**. The head of the executive branch is the president. The president is often called the Chief Executive.

Electing the President As you read in Chapter 8, delegates at the Constitutional Congress were not prepared to let the people elect the president directly. Instead, they decided that the president would be selected by a group of “electors.” Each state would have the same number of electors as it had representatives and senators. To win the presidency, a candidate needs a majority of the “electoral vote.”

The president serves a four-year term. Under the Twenty-second Amendment, a president may be reelected only once. A new president makes a solemn promise called the *oath of office*. The Constitution gives the exact words of the oath. Notice that the president promises to “defend the Constitution.” These words reinforce the importance of the Constitution as the basic law of the land.

A president must be a natural-born American citizen and at least 35 years old. The Constitution always refers to the president as “he.” The delegates to the Constitutional Convention probably assumed that only men would ever vote or hold office. But nothing in the Constitution prevents a woman from being elected president.

Presidents are at the center of the American political stage. Here we see President Bush meeting with his cabinet and other close advisors.

executive branch the part of government that “executes” (carries out) the laws

impeach to formally accuse an official of a crime related to official duties

judicial branch the part of government, consisting of the Supreme Court and lower federal courts, that interprets the laws

The Powers of the President The president does more than carry out laws passed by Congress. The president is commander in chief of the nation's military forces. He or she can, with the consent of the Senate, make treaties, or formal agreements, with other nations. The president nominates, or recommends, ambassadors (official representatives to other countries) and Supreme Court justices (judges). Finally, the president can grant pardons to people convicted of violating federal (national) laws.

The framers expected that the executive branch would need organizations called "departments" to carry out its duties. For example, the State Department handles relations with other nations. The Justice Department is involved in law enforcement as well as in court actions. The heads of executive departments are members of the president's cabinet, a formal group of advisors.

Today, the executive branch has over a dozen departments. Each department contains smaller, specialized agencies. For instance, the Department of Health and Human Services contains the Food and Drug Administration. This agency works to ensure that foods and medicines meet safety standards that have been set by Congress.

Removing the President The Constitution gives Congress the power to remove a president or other officials from office if they commit certain crimes related to their duties. The House of Representatives can vote to impeach the president. To *impeach* means to formally accuse the president of the crimes specified in the Constitution. These include "Bribery, or other high Crimes and Misdemeanors." If the House votes to **impeach**, the Senate puts the president on trial, with the senators serving as the jury. If found guilty, the president is removed from office.

9.5 The Judicial Branch Interprets the Law

The framers intended the Constitution to be the "supreme Law of the Land." That means no other laws or actions by the government or by any state can conflict with the Constitution. Protecting the Constitution is one of the principal responsibilities of the third branch of government, the **judicial branch**. The judicial branch consists of the system of federal courts and judges.

Article III of the Constitution gives the basic framework of the judicial branch. It establishes the country's highest court, the Supreme Court. It also gives Congress the power to create "inferior" (lower) courts to meet the nation's needs.

In addition to protecting the Constitution, federal courts have the power to resolve disputes that involve national laws, the federal government, or the states. People accused of breaking national laws can be tried in federal courts.

The Federal Court System Congress has authorized two main sets of inferior federal courts. These lower courts are called *district courts* and *appellate courts*.

Article II: The Executive Branch

The head of the executive branch is the president. The margin notes that follow point out some of the specific powers of this branch.

Section 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE II

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse [choose] by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.]⁷

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

7. Changed by the Twelfth Amendment

[In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.]⁸

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section 2. 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; he 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, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

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.

Section 3. He 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; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III

Section 1. The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

Commanding the armed forces: The president is commander-in-chief of the armed forces of the United States.

Granting pardons: The president can grant pardons for federal crimes, except in cases of impeachment.

Checks and balances: Treaties and appointments. The president can sign treaties with other countries. But the Senate must approve treaties by a two-thirds vote. The president can name certain officials and federal judges, but the Senate must approve the president's choices.

Powers of leadership: The president can propose ideas for new laws and reports to Congress on the State of the Union. In emergencies, the president can call Congress into special session.

Checks and balances: Impeachment. Presidents and federal officials can be removed from office if they misuse their powers.

Article III: The Judicial Branch

The judicial branch consists of the Supreme Court and other federal courts. Congress has set the number of Supreme Court justices at nine. The margin notes that follow point out some of the specific powers of the judicial branch.

⁸ Changed by the Twenty-Fifth Amendment