



## Unit 5: The Executive Branch

### “Preserve, Protect, and Defend”

It's evening. You turn on your television. You see a large room. At the front of the room is a large American flag. You are looking at the room Congress meets in, in our nation's capitol. Senators and representatives are taking their seats. Suddenly, a voice rings out: “Ladies and gentlemen, the President of the United States!” Members of Congress rise to their feet and clap for the President as he enters.

The clapping goes on and on. Finally, everyone sits down, and the President speaks.

“Members of Congress, distinguished guests, my fellow citizens. I stand before you tonight to report on the state of the Union.” The President then tells Congress—and the nation—how the country is doing.

“We are a nation at peace,” the President says. “The economy is strong. Our citizens are united, working toward common goals.”

The President talks about the economy. He reports on what the government is doing to keep inflation low and employment high.

Next, the President discusses relations with other countries. He reports on arms control talks with the Soviet Union. He discusses the Middle East.

Finally, the President tells Congress and the nation that there are problems the government must try to solve. He talks about the national debt, pollution, and other problems. The President gives suggestions to Congress on how the government can solve the problems.

Could this scene take place if our nation was still governed by the Articles of Confederation? If you said “no,” you'd be right. Under the Articles, there was no President!

The delegates to the Constitutional Convention knew the nation needed a branch of government to carry out, or *execute*, the laws of Congress. So they created a second branch of government—the *executive branch*—and put the President in charge. Article 2 describes the executive branch of government.

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### Words to Know

You'll be using these words in this unit. Look them up in the glossary at the back of this book. Write their definitions below.

1. appoint \_\_\_\_\_
2. direct vote \_\_\_\_\_
3. electors \_\_\_\_\_
4. oath \_\_\_\_\_
5. pardon \_\_\_\_\_



## Article 2: The President and the Vice-President

### Section 1

Article 2 of the Constitution sets up the second branch of government, the executive branch. The executive branch makes sure that the laws Congress passes are carried out. For example, if Congress passes a new tax law, then the executive branch makes sure that states obey that law. The executive branch can also suggest laws to Congress.

Section 1 says that the President is in charge of the executive branch. If something happens to the President, then the Vice-President becomes President. Both the President and Vice-President are elected every four years.

#### Who Elects the President?

The people do not elect the President and Vice-President the same way they elect Congress. Senators and representatives are elected by *direct vote*. But the President and Vice-President are not.

The Constitution says that they are chosen this way:

1. The states choose a group of people called *electors*. They can choose the electors in any way their state legislatures decide.
2. The electors then choose the President.

Each state has the same number of electors as it has senators and representatives. (We call

the group of electors the *electoral college*.) Congress chooses the date when electors are chosen by the states and the date when the electors vote for the President. Those dates must be the same throughout the nation.

#### How the Electoral College Works

Every four years, the nation elects its President and Vice-President. But there are really *two* elections. In the first election, the people vote on the first Tuesday after the first Monday of November. They choose the electors in their state by voting for the candidates who are running for President and Vice-President. The candidates who get the most votes win the *popular vote*, or the vote of the people.

Then the electoral college in each state votes. The candidates who get the most *electoral votes* become President and Vice-President.

#### Who Can Be President?

A President

- must be at least 35 years of age,
- must be born in the United States,
- must have lived in the country for at least fourteen years.

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### What Do You Think?

1. What kind of person do you think the President should be?

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2. Some people think the Constitution should be changed. They think people should choose the President directly, instead of having electors choose the President for them. What do you think? Why?

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## The Leader of the Nation

On August 8, 1974, President Richard M. Nixon spoke to the American people on television. He announced that he was *resigning*, or giving up, the office of President.

At noon on the next day, Vice-President Gerald Ford was sworn in as the nation's new President. That happened because Section 2 in Article 1 says that if the President dies, resigns, or is too sick to do the job, then the Vice-President becomes President. The writers of the Constitution made sure that if something happened to the President, the nation would still have a leader.

## The President Receives a Salary

Section 1 also says that the President will be paid a salary. Congress decides how much that salary will be. But Section 1 says that Congress cannot raise or lower a President's salary while that President is in office. In that way, Congress cannot force the President to do what it wants by threatening to lower the President's salary. And the President cannot force Congress to raise his or her salary.

## The President's Promise to the Nation

On Inauguration Day, the President stands before the nation and repeats these words from Section 1:

"I do solemnly swear 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."

UPI/Bettmann Newsphotos



President Ronald Reagan, standing with Mrs. Reagan, takes the oath of office from Chief Justice Warren Burger.

Those words, which make up the *oath* of office, are a promise the President makes to the American people. Every new President must take that oath.

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## What Do You Think?

In the oath of office, the President promises to "protect and defend the Constitution." What do those words mean?

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# Powers of the President

## Section 2

As the leader of the executive branch, the President has special powers. Section 2 lists the powers of the President.

### Commander in Chief

The Constitution makes the President *Commander in Chief*, or leader, of the armed forces of the United States. That makes sure that only *someone elected by the people* will lead the nation's armed forces. It also makes sure that in time of war *one* person, the President, has the power to quickly make decisions needed to defend the nation.

### Chief Executive Officer

The Constitution also gives the President power over all *executive departments*. Executive departments are offices that help the President do his or her job. The President *appoints*, or names, people to head those departments. Those people report directly to the President.

### Power to Pardon in Federal Crimes

The Constitution gives the President the power to *pardon* people who have been convicted of federal crimes. That means the President may set people free or stop the punishment of people who have been convicted of breaking federal laws.

### Other Powers Given the President

The Constitution gives the President the power to make treaties with other nations. But the Constitution also gives Congress the power to check the President. After the President has signed a treaty, the Senate must approve it by a two-thirds vote.

The President also has the power to name people to important positions. Justices to the Supreme Court, ambassadors, and other important government officials are all appointed by the President. But, once again, the Constitution places a check on the President's power. The Senate must approve the people appointed by the President.

## Fact Check

Put an X in front of the word or words that best complete each sentence.

1. Every President must  
\_\_\_\_\_ a. be at least 50 years old.  
\_\_\_\_\_ b. be married.  
\_\_\_\_\_ c. take the oath of office.
2. The President is elected every  
\_\_\_\_\_ a. two years.  
\_\_\_\_\_ b. four years.  
\_\_\_\_\_ c. six years.
3. If the President dies in office, he or she is replaced by  
\_\_\_\_\_ a. the Vice-President.  
\_\_\_\_\_ b. someone from the House.  
\_\_\_\_\_ c. someone from the Senate.
4. The President is the leader of the  
\_\_\_\_\_ a. armed forces.  
\_\_\_\_\_ b. Supreme Court.  
\_\_\_\_\_ c. Congress.
5. The President is the leader of all  
\_\_\_\_\_ a. federal courts.  
\_\_\_\_\_ b. executive departments.  
\_\_\_\_\_ c. state governments.
6. The President has the power to  
\_\_\_\_\_ a. make laws.  
\_\_\_\_\_ b. pardon people convicted of federal crimes.  
\_\_\_\_\_ c. decide court cases.
7. Treaties must be approved by the  
\_\_\_\_\_ a. Vice-President.  
\_\_\_\_\_ b. Senate.  
\_\_\_\_\_ c. House of Representatives.

## Duties of the President

### Section 3

The Constitution gives the President important powers. It also gives the President important *duties*, or jobs. Section 3 lists those duties.

#### Enforcer of the Laws of the Land

One of the most important duties the Constitution gives the President is “to take care that the laws be faithfully executed.” If Congress passes a law, the President must make sure that law is put into force by the executive branch. For example, Congress passes a new law about collecting income taxes. The President must then make sure that the Internal Revenue Service, which is part of the executive branch, changes the way it collects income taxes.

#### The State of the Union

The President must give Congress information and advice about the “state of the Union,” or how well the nation is doing. It is also the President’s duty to call one or both houses into session in emergencies.

The President also meets with ambassadors from other countries. And the President *commissions*, or appoints, military officers.



The President often meets with other world leaders. Why do you think such meetings are important?

### Section 4

The Constitution gives Congress an important check on the executive branch. Congress has the power to impeach government officials and, if needed, to remove them from office. Section 4 names “*treason*, *bribery*, and other high crimes” as reasons the President, Vice-President, and other officials might be removed from office. Treason means helping our nation’s enemies. Bribery is taking money in return for special favors. Other high crimes are acts that are against the law, or acts that Congress decides are wrong.

### What Do You Think?

1. The Constitution says that the President will be elected every four years. Suppose a President held office for life. Do you think that would be better or worse for the nation? Why?

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2. The Constitution mentions “treason, bribery, and other high crimes” as reasons for impeaching an official. What do you think some of those “other high crimes” might be?

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# Informed Citizen

## Facts First

Finish the sentences below. Draw a line under your answers.

1. The President is the leader of the
  - a. legislative branch.
  - b. executive branch.
  - c. judicial branch.
2. The electoral college
  - a. chooses the President.
  - b. helps the President make decisions.
  - c. impeaches the President.
3. The President's term of office is
  - a. 2 years.
  - b. 4 years.
  - c. 6 years.
4. To become President, a person must be
  - a. a man.
  - b. at least 35 years old.
  - c. a college graduate.
5. If the President dies in office,
  - a. the Vice-President becomes President.
  - b. a new election for President is held.
  - c. the Senate names a new President.
6. The amount of the President's salary is decided by
  - a. the Supreme Court.
  - b. Congress.
  - c. the President.
7. The President is also
  - a. Chief Justice of the Supreme Court.
  - b. president of the Senate.
  - c. Commander in Chief of the armed forces.
8. The President can be impeached for
  - a. vetoing a bill.
  - b. committing a serious crime.
  - c. complaining about Congress.

## What Happened?

The delegates to the Constitutional Convention wanted the nation to have a President. But they didn't want the President to become a king. What did they do to keep that from happening?

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\_\_\_\_\_

## Word Check

Choose the right word and complete each sentence.

~~appoint~~  
direct vote

~~electors~~  
oath

~~pardon~~

1. The President takes an \_\_\_\_\_ to obey the Constitution.
2. To \_\_\_\_\_ someone means to choose that person for an office in government.
3. \_\_\_\_\_ are the people who choose the President and Vice-President.
4. To \_\_\_\_\_ someone means to excuse a person who was accused or found guilty of a crime.
5. Members of Congress are elected by \_\_\_\_\_.

## In Our Time

Answer these questions. (Write your answers on another sheet of paper.)

1. What are some of the powers given to the President in the Constitution?
2. What are the President's duties?

## Bonus:

Explain how the Senate checks the power of the President. Explain how the President checks the power of the Senate.



# Congratulations!



You are an informed citizen.

You've learned:

- ☆ why our Constitution was written,
- ☆ what our Constitution says,
- ☆ how our Constitution set up the government of the United States,
- ☆ what rights and freedoms Americans have today, and
- ☆ how our democratic way of life today is guaranteed by our Constitution.

## Glossary

**a mend** To change an old law or add a new law. *The Constitution can be **amended** if both Congress and the states agree to the change.*

**a mend ment** A change in or addition to the Constitution. *The first ten **amendments** are called the Bill of Rights.*

**ap peal** To ask that a court case be heard again by a higher, more powerful court.

**ap point** To select someone for a job in the government. *The President **appoints** Supreme Court justices.*

**bill** A written plan for a law. *A **bill** becomes a law when both Congress and the President approve it.*

**civ il rights** Rights, given by law, that belong to the people who live in a country. *The **civil rights** of Americans are written in the Constitution.*

**com pro mise** An agreement in which everyone gives up something to end a disagreement.

**con sti tu tion** A written plan of government.

**con ven tion** A special meeting. *The states can suggest changes in the Constitution at a **convention** called by Congress.*

**del e gates** People chosen by others to speak for them at a meeting.

**de moc ra cy** A government run by the people. *In a **democracy** such as the United States, the people elect their leaders.*

**di rect vote** A way of choosing leaders that allows voters to actually choose the person who will hold the office. *Members of Congress are chosen by **direct vote**. (But the President is not chosen by direct vote. Voters choose **electors**, who then choose the President.)*

**dis pute** An argument or disagreement. *Federal courts hear **disputes** between two states.*

**e lec tors** A special group of people who make up the *Electoral College*. ***Electors** choose the President and Vice-President for the people.*

Glossary continues on next page.



## Glossary

- ex ec u tive** The name of the branch of government that makes sure laws are carried out, or executed. *The President is the leader of the **executive** branch.*
- ex tra dite** To send a criminal back to the state where he or she committed a crime.
- fed er al** Of the nation; national. ***Federal** courts are national courts. In a federal system of government, power is divided between the state governments and the national government.*
- im peach** To bring charges against a government official, saying that he or she has done something against the law or Constitution.
- in de pen dence** The freedom to govern yourself. *The Declaration of **Independence** said that the United States would run its own government.*
- in dict** To accuse someone in court of a crime. *People cannot be held in jail for a serious crime unless they are **indicted** by a grand jury.*
- ju di cial** The name of the branch of government that explains the law and decides court cases. *The Supreme Court heads the **judicial** branch.*
- ju ris dic tion** The kinds of cases that a court may hear. *The federal courts have **jurisdiction** in cases about federal laws.*
- ju ry** A group of people chosen in a court of law to decide a case. *A **jury** for a civil case is usually made up of twelve people.*
- leg is la tive** The branch of government that makes laws. *Congress makes up the **legislative** branch.*
- leg is la ture** A group of people who meet to make laws.
- nat u ral i za tion** The way in which an alien can become a U.S. citizen. (An alien is a citizen of another country.)
- oath** A promise to obey the law. *The President promises to obey the Constitution in his **oath** of office.*
- par don** To forgive and release from punishment. *The President can **pardon** people convicted of a federal crime.*
- pe ti tion** A written request to the government asking it to do something. *Thousands of people signed a **petition** asking for an amendment.*
- quo rum** The number of people who need to be present in order to do business. *The Senate needs a **quorum** of 51 senators in order to do its work.*
- rat i fy** To agree to a change in the Constitution by voting for it. *The states **ratify** amendments.*
- rep re sen ta tion** The number of people each state can send to Congress. Representation in the House is based on population. Each state has equal representation in the Senate.
- re pub lic** A type of government in which the people elect certain persons to govern them. *The United States is a **republic**.*
- rights** Privileges the people have that are guaranteed by the Constitution.
- seg re gate** To keep one group apart from other groups. *It is against the law to **segregate** people who are a different race.*
- su preme** Highest. *The Constitution is the **supreme** law of the land.*
- ter ri to ry** Land that belongs to a government but is not a state. *States such as Hawaii were once U.S. **territories**.*
- un con sti tu tion al** Not legal because it goes against the Constitution. *The Supreme Court can declare laws to be **unconstitutional**.*
- ve to** To stop a bill from becoming a law. *The President can **veto** a bill passed by Congress.*
- war rant** A legal order to search a building or a person.