

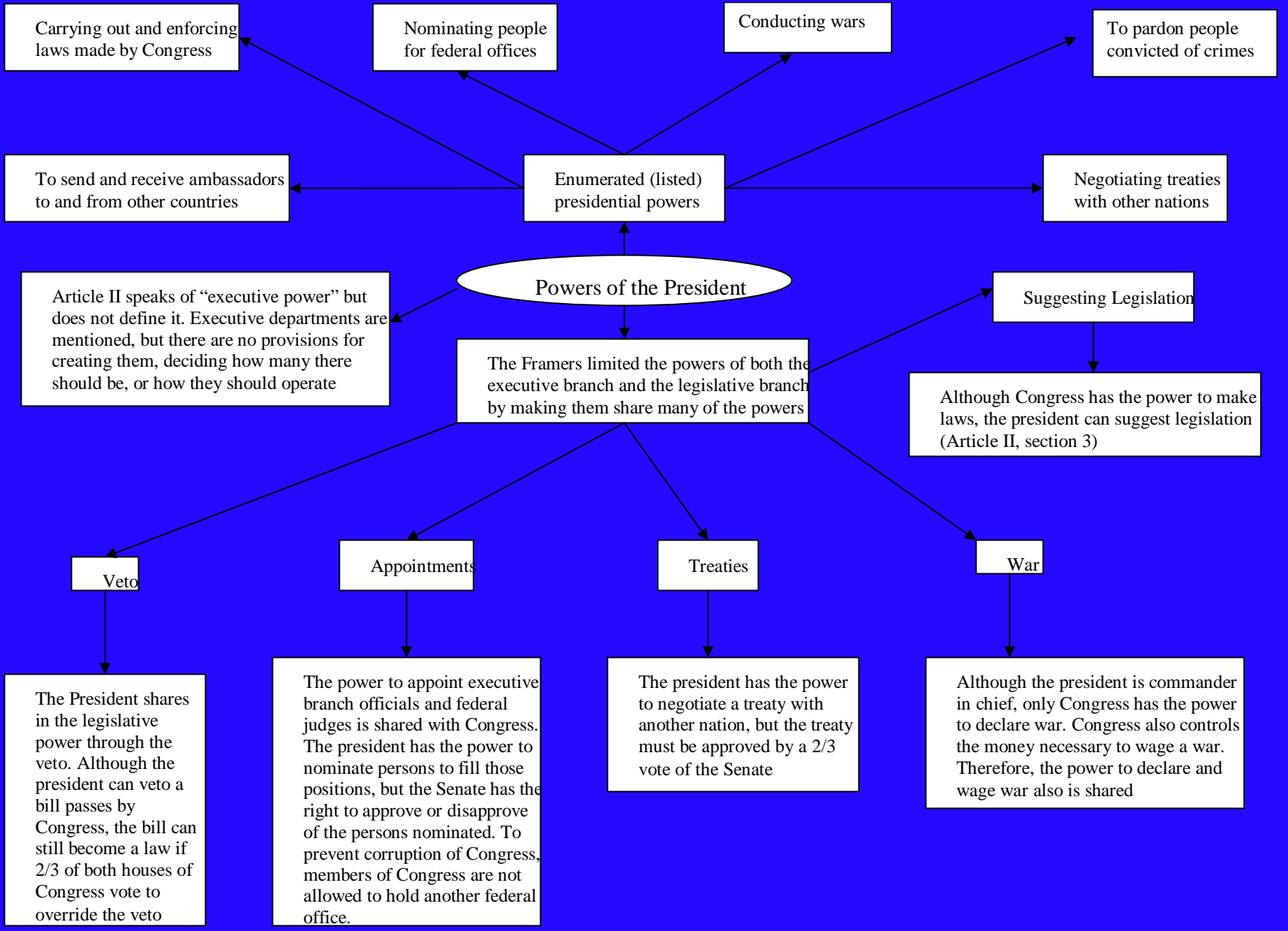
# Executive Branch

Standard 12.4.4: Discuss Article II of the Constitution as it relates to the executive branch, including eligibility for office and length of term, election to and removal from office, the oath of office, and the enumerated executive powers.

# Presidential Oath of Office

“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”





**Powers of the President**

**Enumerated (listed) presidential powers**

- Carrying out and enforcing laws made by Congress
- Nominating people for federal offices
- Conducting wars
- To pardon people convicted of crimes
- To send and receive ambassadors to and from other countries
- Negotiating treaties with other nations

The Framers limited the powers of both the executive branch and the legislative branch by making them share many of the powers

Article II speaks of "executive power" but does not define it. Executive departments are mentioned, but there are no provisions for creating them, deciding how many there should be, or how they should operate

Although Congress has the power to make laws, the president can suggest legislation (Article II, section 3)

**Veto**

The President shares in the legislative power through the veto. Although the president can veto a bill passes by Congress, the bill can still become a law if 2/3 of both houses of Congress vote to override the veto

**Appointments**

The power to appoint executive branch officials and federal judges is shared with Congress. The president has the power to nominate persons to fill those positions, but the Senate has the right to approve or disapprove of the persons nominated. To prevent corruption of Congress, members of Congress are not allowed to hold another federal office.

**Treaties**

The president has the power to negotiate a treaty with another nation, but the treaty must be approved by a 2/3 vote of the Senate

**War**

Although the president is commander in chief, only Congress has the power to declare war. Congress also controls the money necessary to wage a war. Therefore, the power to declare and wage war also is shared

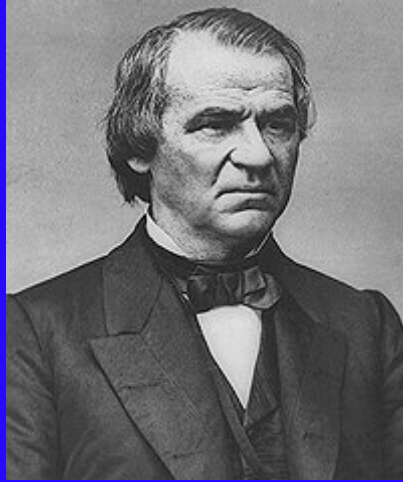
# Impeachment

**Impeachment:** The first step in removing an officer from office

**Article II, 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.

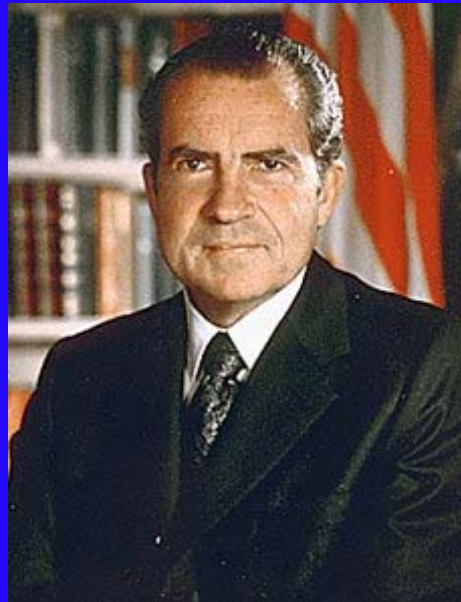
**Article I, Section 3, Clause 6 and 7:** Process of Impeachment.

# Presidential Impeachments



Andrew Johnson

1868



Richard Nixon

1974



Bill Clinton

1998

# Presidential Impeachments

Thus far in the history of the United States there have been three Presidential impeachment proceedings -- in 1868 against President Andrew Johnson for his removal of Secretary of War Edwin Stanton in violation of the Tenure of Office Act -- 1974 against President Richard Nixon for the Watergate cover-up (106 years after Johnson) -- 1998-99 against President Bill Clinton for lying under oath and obstruction of justice (24 years after Nixon).

# Modern Impeachment Procedure:

- Impeachment resolutions made by members of the House of Representatives are turned over to the House Judiciary Committee which decides whether the resolution and its allegations of wrongdoing by the President merits a referral to the full House for a vote on launching a formal impeachment inquiry.
- The entire House of Representatives votes for or against a formal impeachment inquiry, needing only a simple majority (a single vote) for approval.
- If approved, the House Judiciary Committee conducts an investigation to determine (similar to a grand jury) if there is enough evidence to warrant articles of impeachment (indictments) against the President. The Committee then drafts articles of impeachment pertaining to specific charges supported by the evidence. The Committee votes on each article of impeachment, deciding whether to refer each article to the full House for a vote.

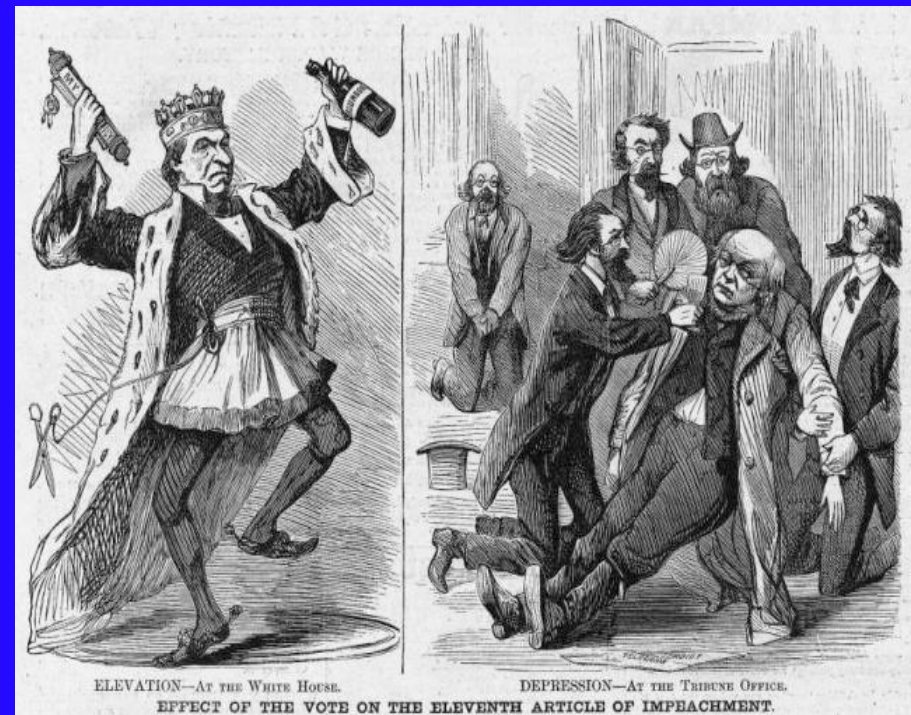
# Modern Impeachment Procedure:

- If the House Judiciary Committee refers one or more articles of impeachment, the entire House of Representatives votes on whether the article(s) merit a trial in the Senate, needing only a simple majority for approval.
- If the full House approves at least one article of impeachment, the President is technically impeached and the matter is referred to the U.S. Senate. The House then appoints members of Congress to act as managers (prosecutors).
- The trial of the President is held in the Senate with the Chief Justice of the U.S. Supreme Court presiding. The President can be represented by anyone he chooses. He may appear personally or leave his defense in the hands of his lawyers.
- The entire Senate may conduct the trial or it or it may be delegated to a special committee which would report all the evidence to the full Senate.

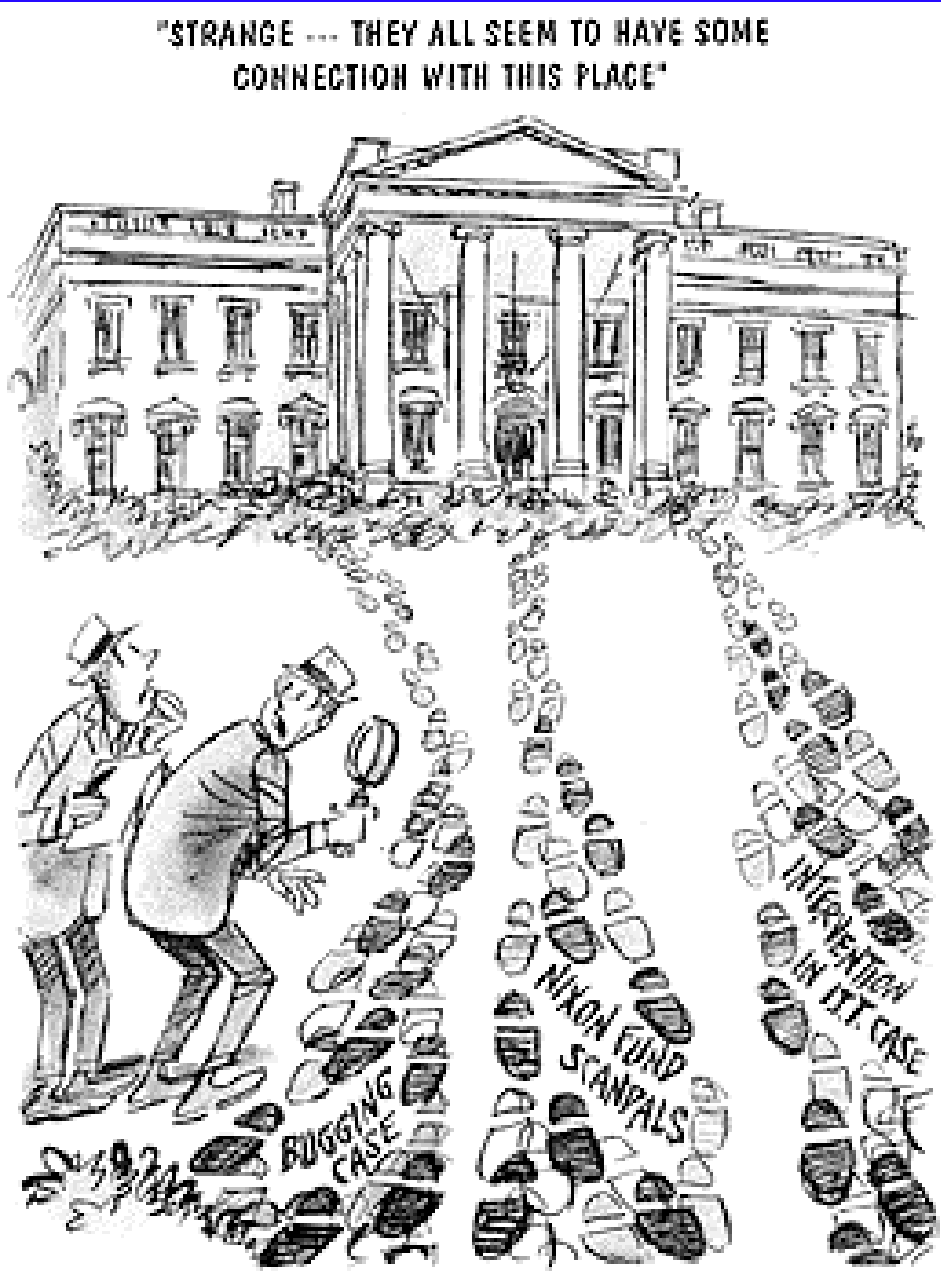
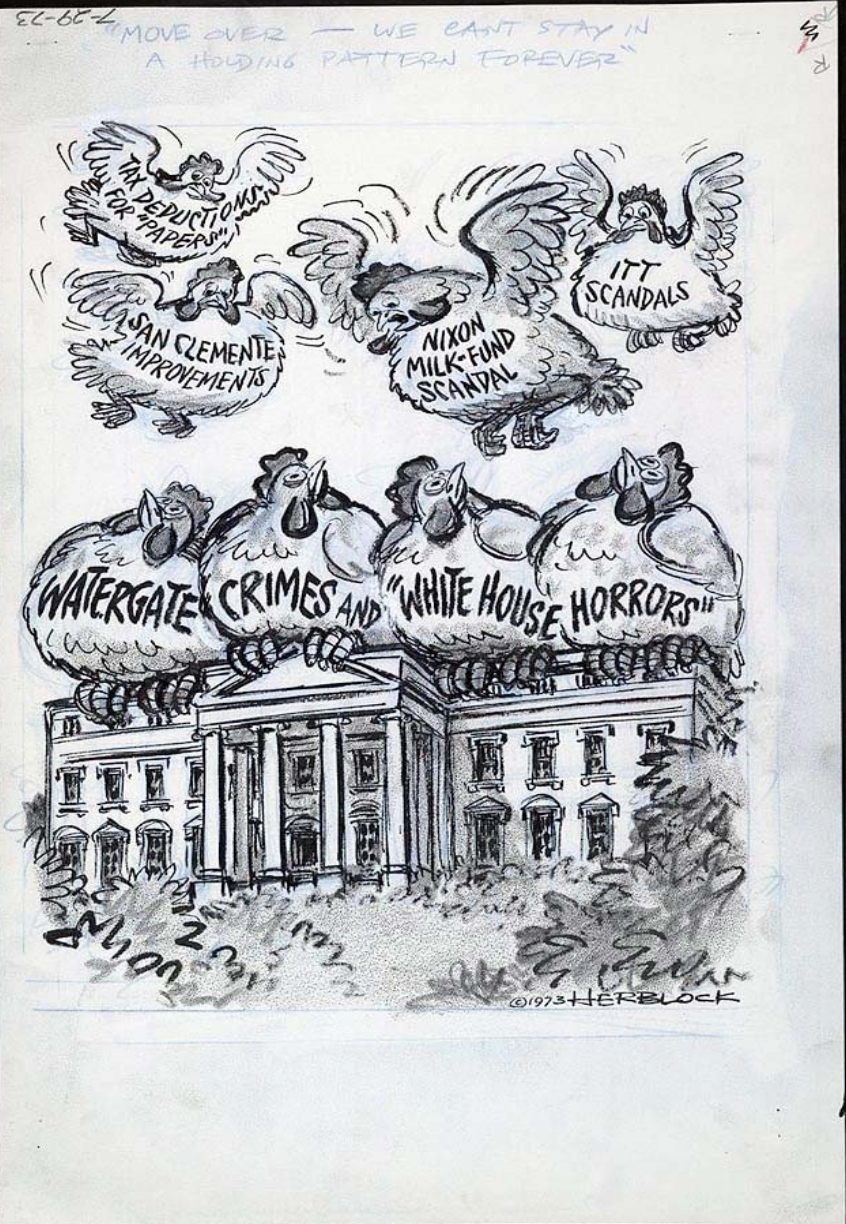
# Modern Impeachment Procedure:

- The entire Senate may conduct the trial or it may be delegated to a special committee which would report all the evidence to the full Senate.
- The actual trial is conducted in a courtroom-like proceeding including examination and cross-examination of witnesses. During questioning, Senators remain silent, directing all questions in writing to the Chief Justice.
- After hearing all of the evidence and closing arguments, the Senate deliberates behind closed doors then votes in open session on whether to convict or acquit the President. The vote to convict must be by a two thirds majority, or 67 Senators. If this occurs, the President is removed from office and is succeeded by the Vice President. The Senate's verdict is final and there is no right of appeal.

# Andrew Johnson



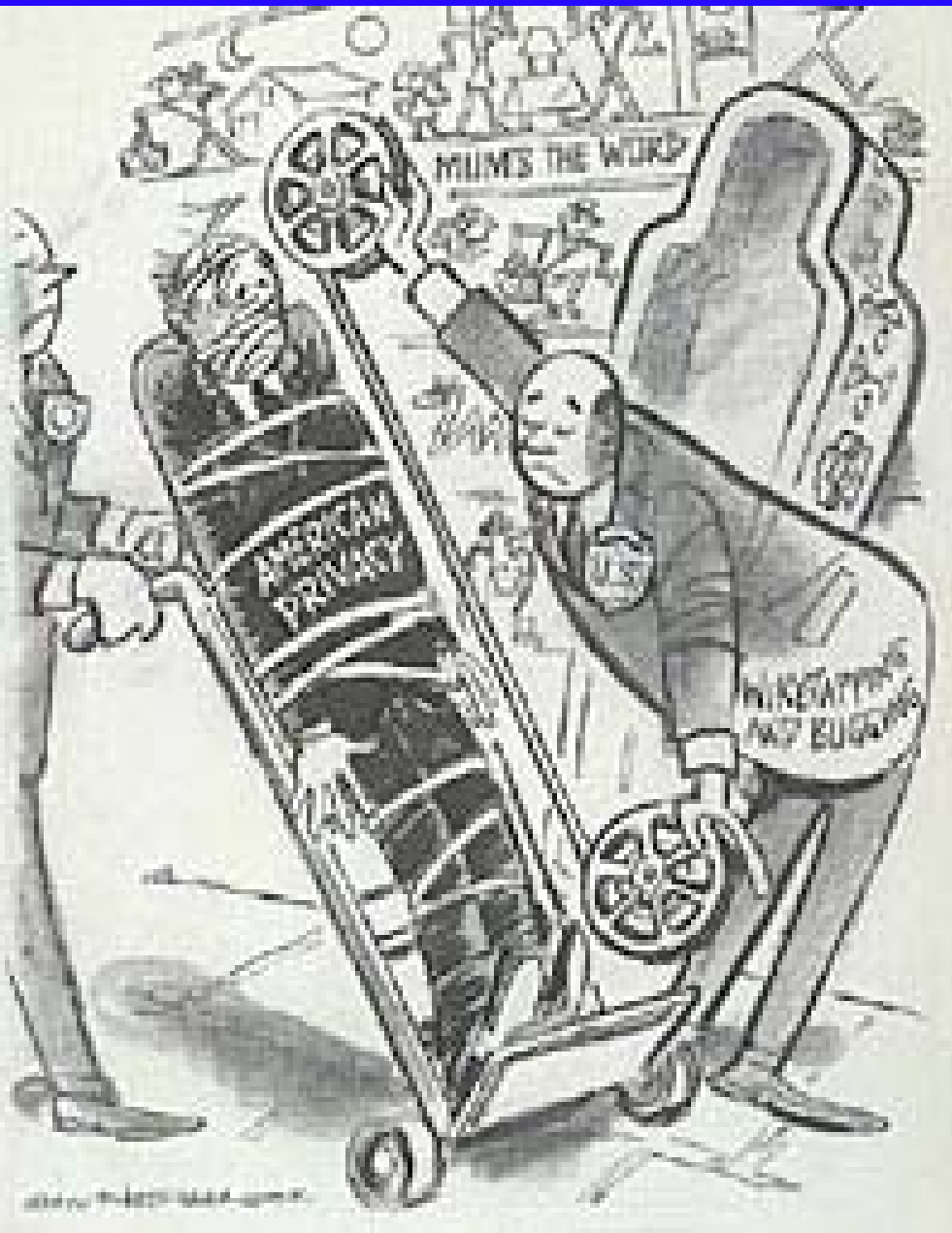
# Richard Nixon



# Richard Nixon



# Richard Nixon

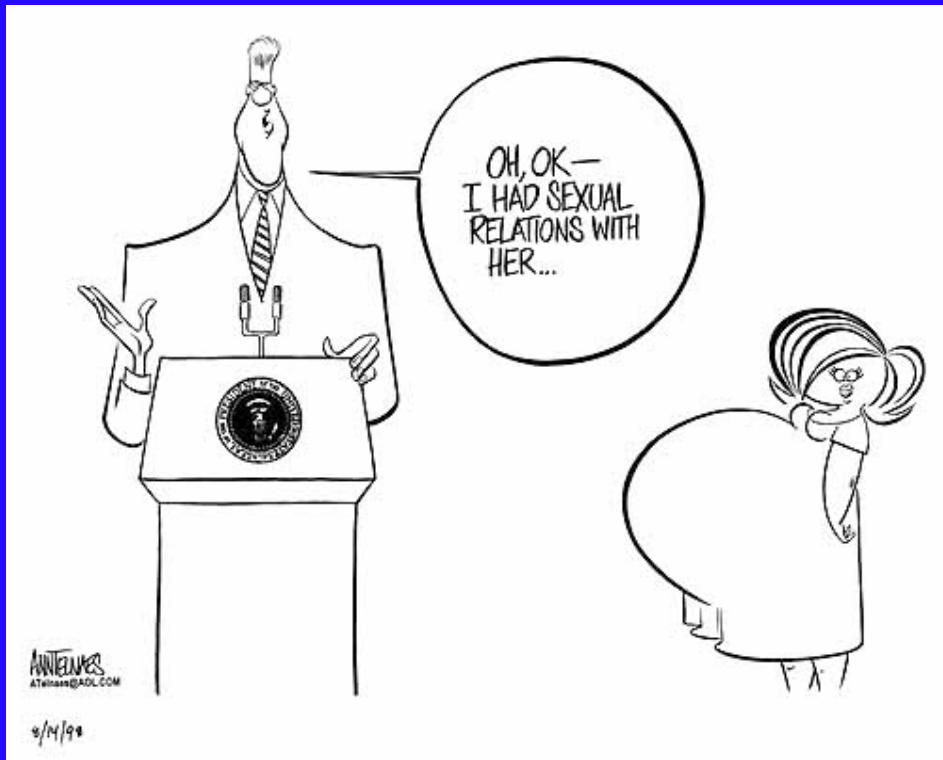
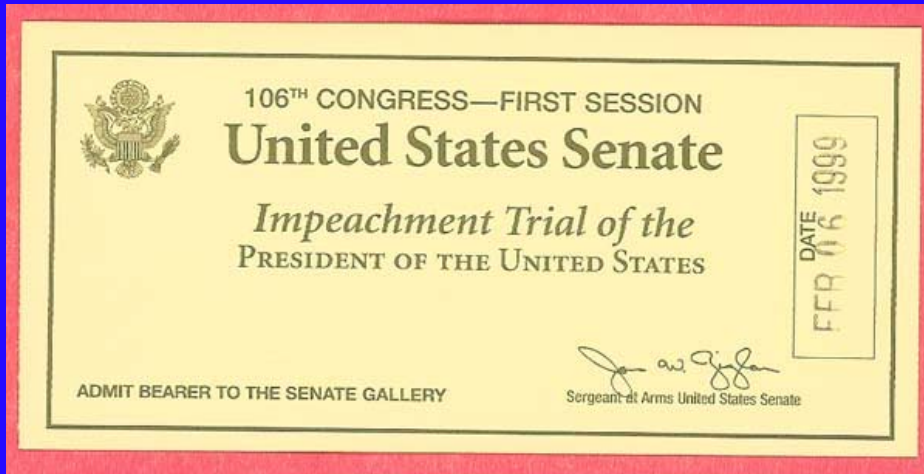




# Bill Clinton



# Bill Clinton



# Bill Clinton

