

Chapter 11. What Are the Powers of the President? Article 2, Sections 2, 3, and 4

Reading for a Purpose

1. What are the powers given by the Constitution to the president?
2. What duties does the president have?
3. For what reasons can the president be removed from office?

pardon (PAR-dun) To legally forgive a person for a crime and to free him or her from all punishment for having done the crime.

appointment (uh-POINT-munt) The act of choosing and placing someone in a job; a job for which a person is chosen.

address (uh-DRES) To give a speech or written statement to.

civil (SIV-ul) Having to do with citizens but not having to do with the armed forces.

Knowing New Words

military (MIL-ih-ter-ee) The armed forces of a country.

militia (mih-LISH-uh) People who are trained for the armed forces but who serve full time only in emergencies.

cabinet (KAB-uh-nit) The group of people chosen by the president to advise him or her. Most cabinet members are heads of government departments.

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There are 11 powers and duties that the president is given in Article 2. In the rewritten copy of the Constitution, these powers and duties are numbered to make it easier for you to see each one. Section 4 describes for what reasons the president can be impeached and then removed from office.

Writing and Thinking

Suppose you are president of the United States for one week. While you are president you may do three things that you think the president can do and should do. What three things would you do? Briefly list them below. After you are done reading Article 2, Sections 2, 3, and 4, reread what you wrote. In the space before each number, put a check if the Constitution would allow you, as president, to do that action on your list.

1. _____

2. _____

3. _____

Reading the Constitution

Read this part of the Constitution. Then answer the questions that follow it.

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 Offences 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.

Article 2, Section 2. What powers does the president have?

Clause 1. (1) The president is commander in chief of the country's **military** (armed forces). This includes the state **militia** (National Guard) when the country needs them. (2) When asked, each of the heads of executive departments has to report to the president about the work his or her department does. [Note to students: These people are called members of the **cabinet**.] (3) The president has the right to delay a person's punishment for a federal crime. The president can **pardon** a person found guilty of a federal crime. The president cannot delay a punishment or give a pardon in cases of impeachment.

Clause 2. (4) The president has the power to make treaties with other nations. The treaty does not go into effect unless two-thirds of the senators present at a meeting of the Senate approve it. (5) The president appoints people to represent the United States in other countries. The president appoints judges to the Supreme Court. The president also appoints other national officials whose jobs the Constitution does not mention. Each **appointment** must be approved by a majority of the Senate. The president may appoint less important officials without Senate approval. But that can be done only when the laws of Congress allow it. If the laws allow it, the courts and heads of government departments also may appoint less important officials.

Clause 3. When Congress is not meeting, the president may appoint people to unfilled government jobs. These people may hold the jobs until the end of the next meeting of the Senate.

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 2, Section 3.

(6) From time to time the president will **address** Congress about the condition of the country. When necessary, the president will suggest actions for Congress to take. This is called the State of the Union Address. (7) In an emergency or for special reasons, the president may call either house, or both houses, together for a special meeting. (8) If Congress cannot decide when to stop meeting, the president may tell them when to stop. (9) The president shall greet government officials from other countries. [Note to students: The power to greet such people is the power to deal with other nations.] (10) The president is to see that the nation's laws are followed. (11) The president signs the papers that give government officials the right to do their jobs.

Article 2, Section 4.

How can the president be removed from office?

There is a way to remove the president, vice-president, and all other civil officers from their jobs. They may be removed from office for certain crimes through impeachment and being found to have done wrong. They may be removed from office for three reasons. One is giving help to the country's enemies, or helping them fight against this country. Another reason is taking money to do something that is wrong. The third is carrying out other crimes.

- Check what you wrote for the Writing and Thinking activity on page 52.

You Be the President

Suppose you are the president of the United States. You want to do each of the things listed on the next page. But can you do them? Will the Constitution allow you to do each action?

- Read about what you as president want to do in each of the two cases. (1) Review the part of the Constitution that lists the powers that the president has.
- (2) Write down the power involved in each case and whether or not the presi-

dent can take the action wanted. (3) Be sure to tell where in the Constitution you as the president have been able to find support for your action. You can list the number of the Article, Section, and clause.

1. The vice-president has been impeached. She is about to be found guilty by the Senate and will be removed from office. You want to keep her in office. You pardon the crime to keep the vice-president in office. You are the president. Can you do it?
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2. You are George Washington. There are many people in Congress and several judges on the courts. You cannot run the executive branch all alone. To run the business of government you want to have several departments of government formed. Each department head will report to you. This will give you the power to run the government's business. Can you do it?
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IMPEACHMENT AND THE CONSTITUTION

The rules of impeachment are written in Article 1, Sections 2 and 3, and Article 2, Section 2, of the Constitution. Do you know how many presidents of the United States have been impeached? Only one, Andrew Johnson.

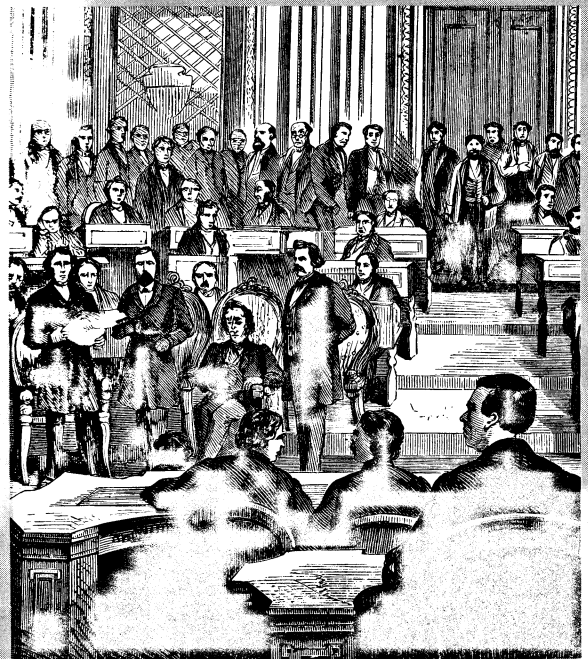
When a teenager, Andrew Johnson had been trained as a tailor. He never went to school. On his marriage certificate, he misspelled his name—"A. Johson." His wife taught him how to write. Johnson ran for local office. Then he was elected a member of the House of Representatives. After that he was governor of Tennessee and then a U.S. senator. He served as vice-president when Lincoln was president.

A few days after the Civil War ended, Abraham Lincoln was killed. Vice-President Johnson became the new president. He wanted to continue President Lincoln's plans and forgive the Confederates who had fought against the Union in the Civil War. Congress was controlled by Radical Republicans. They wanted to punish the South. When Johnson vetoed their harsh laws, Congress went ahead anyway and passed many of them with the required two-thirds vote.

Congress passed the Tenure of Office Act over Johnson's veto. This law said there was only one way a president could remove an important official from office whom the Senate had approved. That was to get the Senate to agree to the person's removal. Congress passed this law to weaken the power of the presidency. Johnson decided to go against this law. He removed Secretary of War Stanton and appointed someone else. Instead of leaving, Stanton locked himself in his office! The House voted to impeach Johnson for a number of reasons, including going against the Tenure of Office Act.

After being impeached, Andrew Johnson was tried by the Senate. He did not appear at his trial. When it began on March 13, 1868, his lawyers represented

him. The Radical Republicans needed to get 36 out of the Senate's 54 votes to find him guilty. Soon they were sure of getting 35 votes. Great pressure was put on the senators. One threat was that any senator who voted for Johnson "need never expect to get home alive." Republican Senator Edmund G. Ross was not afraid of threats. Ross said, "Though (I am) a Republican and opposed to Mr. Johnson and his policy, he shall have as fair a trial as an accused man ever had on this earth." He decided not to vote to remove the president from office. Johnson served the rest of his term as president.



The Senate impeachment trial of President Andrew Johnson.