

ARTICLE II

Section 1

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:

2. 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.

EXECUTIVE BRANCH

Term, Election, Qualifications, Salary,
Oath of Office

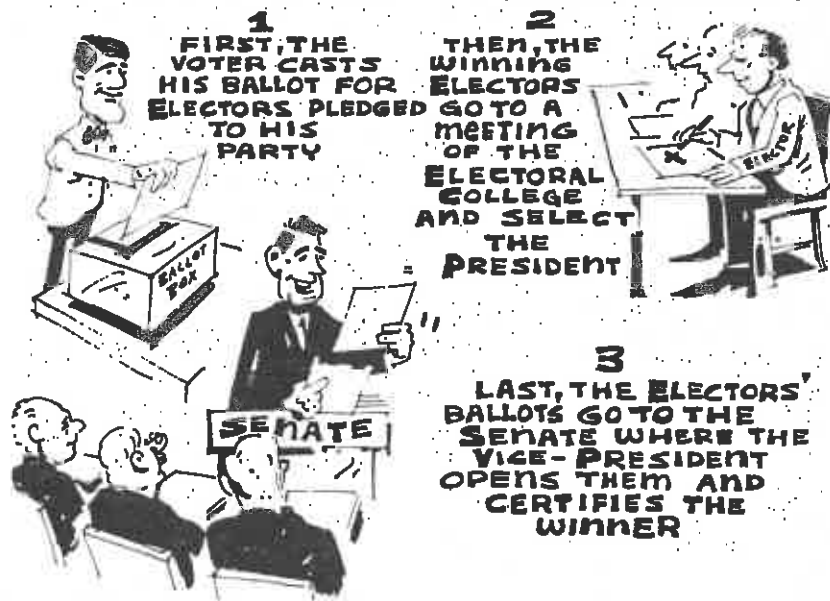
EXAMPLE: SEPARATION OF POWERS

The President is the CHIEF EXECUTIVE of the United States. This means he is the "boss" of the executive branch of the national government. Remember that the people are his boss and can elect or reject him on election day. His chief responsibilities are to administer and enforce the laws of the United States.

Both the President and Vice-President are elected to serve a four-year term. The people of the United States elect the President and the Vice-President indirectly. They are actually elected by the ELECTORAL COLLEGE.

THE ELECTORAL COLLEGE

THE PEOPLE DO NOT ELECT THE PRESIDENT DIRECTLY...BUT



3. 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 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, choose the President. But, in choosing 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 choose from them, by ballot, the Vice-President.*

3. The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

4. 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.

5. 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.

From the beginning of our nation's history, the questions of how to select the President and Vice-President and what to do in case no candidate receives a majority of electoral votes have been a cause of controversy.

All electoral colleges meet at the same time in their respective state capitals and ballot separately for the President and Vice-President.

How many ELECTORAL VOTES does YOUR state have? How is this determined? Why do states like California and New York have more electoral votes than States like Nevada or Vermont? Does Alaska have an electoral College? Does Hawaii? Puerto Rico?

The men who wrote the Constitution thought it would be best if the man who received the second highest number of votes for President became Vice-President. In 1796 John Adams was elected President and his chief opponent, Thomas Jefferson, runner-up, therefore becoming Vice-President. In 1800 Jefferson united with Aaron Burr and each received the same number of electoral college votes for President. This tie forced the choice upon the House of Representatives.

To avoid such results, the twelfth Amendment was adopted providing that Electoral College members shall vote separately for President and Vice-President. (See p. 23.)

The President and the Vice-President are the only public officials who must have been American citizens from birth.

They must be at least 35 years old. Each must have been living in the U.S. for at least 14 years. (See Amendment 12, Sec. 3.)



Congress has provided in the Presidential Succession Act that in case both the President and Vice-President die before the next election, the SPEAKER OF THE HOUSE OF REPRESENTATIVES is to become President. He is followed by the PRESIDENT PRO TEMPORE of the Senate, the Secretary of State, and the other Secretaries of the Cabinet in the order in which their departments were created. Paragraph 5 has been superseded (replaced) by the 25th Amendment.

* This amendment further changed by the 12th and 20th Amendment.

7. 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.

8. 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

1. 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.

2. 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.

3. 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.

2 - Powers of the President

The President, who is a civilian, is the Commander in Chief of the armed forces. He has the power to remove any of the military from command. Recent examples of this action occurred when President Truman discharged General Douglas MacArthur in 1951 during the Korean conflict and when President Carter removed Major General John Singlaub in 1977.

EXAMPLE: CHECKS AND BALANCES

The President may make treaties with foreign countries, but the treaties must be approved by two-thirds of the Senate. The recent debate over the Panama Canal Treaty is a good example of this provision. The importance of treaties should not be underestimated. America's military involvement in Korea was based on fulfilling a treaty commitment, the United Nations Charter.

The President appoints ambassadors and judges, but their appointment must be ratified by majority vote of the Senate.

POWERS AND DUTIES OF THE PRESIDENT



3 - President's Duties

Each year the President delivers a STATE OF THE UNION ADDRESS, in which he usually recommends action by the Congress.

EXAMPLE: EXECUTIVE CHECK ON LEGISLATIVE

The President's power to convene the Congress can be used as a CHECK on the legislative branch.

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 behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; — to all cases affecting ambassadors, other public ministers and consuls; — to all cases of admiralty and maritime jurisdiction; — to controversies to which the United States shall be a party; — to controversies between two or more States; —

between citizens of different States; — between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State the trial shall be at such place or places as the Congress may by law have directed.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

4- Impeachment

Notice the reasons for IMPEACHMENT. Should a national official be impeached because he is unpopular? An official of the U.S. Government can be impeached only for malfeasance, i.e., criminal activities, or nonfeasance, i.e., failure to carry out his official duties.

JUDICIAL BRANCH

1- Courts, Terms of Office

The United States SUPREME COURT is the only court created by the Constitution. However, Congress is empowered to create others.

EXAMPLE: CHECKS AND BALANCES

Although the President and the Senate determine who shall become judges, these judges are appointed for life. This tenure enables them to be more independent of political pressures than if they had to be re-elected or re-appointed.

2- Jurisdiction

This provision simply means that the FEDERAL COURTS will hear cases related to FEDERAL LAW, the Constitution, and other cases that are not the responsibility of any single state.

Would a federal court hear a case concerning a traffic violation? Why? Why not? If somebody robbed the post office, what kind of court would hear the case?

The Supreme Court is the highest court of the United States and has the last word on all appeals that it chooses to hear.

Trial by jury is a Constitutional right in criminal cases. Trials must take place in the state in which the crime was committed.

3- Treason

People are sometimes called traitors if they disagree with government policies. Our Founding Fathers wanted to make sure an individual could criticize the government without fear of being convicted for treason. This is the only crime that is defined in the Constitution.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attained.

ARTICLE IV

Section 1

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and effect thereof.

Section 2

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Section 4

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the Executive (when the legislature cannot be convened) against domestic violence.

Punishment of a traitor may not be imposed on his relatives or on his descendants.

RELATIONS OF STATES

Section 1 makes judgments rendered by the courts of one state enforceable in the courts of any other state. It also obligates individual states to extend to citizens of other states the same rights that are enjoyed by their own citizens. Many conflicts of law have, however, arisen under this section. There is, for example, no uniform traffic or criminal code throughout the country.

2- EXTRADITION

This section makes it difficult for a criminal to avoid arrest by fleeing from one state to another. Occasionally, however, a governor may refuse to return an escaped criminal if he determines such action would not serve the cause of justice.

FULL FAITH AND CREDIT, PRIVILEGES AND IMMUNITIES



4- Guarantees To State Governments

This section attempts to guarantee that each state shall have a representative form of government.

ARTICLE V

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; (provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first Article;) and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI

1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the Supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

AMENDMENT PROCESS

The writers of the Constitution knew that changes would be needed and provided methods for AMENDMENT. How many times has the Constitution been amended? Find out if any new amendments have been ratified since this study-aid was published.

THE CONSTITUTION PROVIDES FOR CHANGE

TO ALTER THE CONSTITUTION, AMENDMENTS ARE ADDED

...THEY ARE PROPOSED BY...



...CONGRESS
A $\frac{2}{3}$ VOTE
OF EACH HOUSE
IS NEEDED



OR A NATIONAL CONVENTION
CALLED BY CONGRESS
AT THE REQUEST OF
LEGISLATURES
OF $\frac{2}{3}$ OF THE STATES

THEN, AMENDMENTS MUST BE RATIFIED BY...



LEGISLATURES OR CONVENTIONS
OF $\frac{3}{4}$ OF THE STATES



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FEDERAL SUPREMACY

The Constitution made the national government the highest LEVEL of government in the U.S.

If a state law comes into conflict with a federal law or the U.S. Constitution, the federal law prevails. The state law may not be enforced. This doctrine is called FEDERAL SUPREMACY.

ARTICLE VII

(ESTABLISHMENT OF CONSTITUTION)

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In Witness whereof, we have hereunto subscribed our names.

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Section 3

1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned as well as of the Congress.

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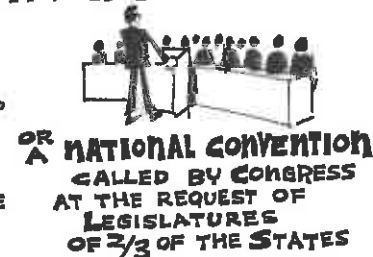
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