

Articles 2 and 3: The Executive and the Judiciary

BEFORE YOU READ

In the Preamble and Article I, you learned about the powers of Congress.

In Articles 2 and 3, you will read about the powers of the president and the powers of the judiciary.

AS YOU READ

Continue to use the chart you began in the last section to take notes on the powers of the executive and the judicial branches of government.

Article 2: The Executive	
Article 3: The Judiciary	

TERMS & NAMES

electoral college Electors chosen by the states to elect the president and vice-president

succession Order in which the office of president is filled if it becomes vacant before an election

State of the Union Address

Message delivered by the president each year

Supreme Court Highest federal court in the United States

Article 2. The Executive (pages 256–259)

What are the powers of the president?

Article 2 sets up the executive branch. Section 1.1 creates the offices of the president and the vice-president. It also sets their terms at four years. The president is the leader of the executive branch. The president's chief responsibility is to execute, or carry out, the laws of the nation.

Section 1.2 sets up the **Electoral College** to elect the president. The president and vice-president are elected by electors chosen by the states.

Section 1.3 created the original rules for the election of the president. In this system, the electors used only one ballot to elect both the president and the vice-president. The candidate that received the most votes became president. The candidate with the second most votes became vice-president.

This system did not work well. The election of 1796 resulted in a vice-president from a different political party than the president. The election of 1800 resulted in a tie between two candidates of the

same party. The House of Representatives went through many votes before settling the issue. (To prevent such problems from happening again, the 12th Amendment was passed in 1804. It called for separate ballots for president and vice-president.)

The Electoral College is still important. Each state has as many electors as it has senators and representatives in Congress. The candidate that gets the most votes in a state almost always gets all the electoral votes of that state.

Section 1.5 sets the qualifications for the president. To be president, a person must be:

- a natural-born citizen
- 35 years old, and
- a resident of the United States for 14 years.

Section 1.6 explains **succession**, or what happens if a president cannot complete his or her term. The vice-president takes the president's office if the president is unable to finish the term. The Congress has the power to decide who should become president if neither the president nor vice-president can finish the term.

Section 1.7 sets the president’s salary. The salary cannot be changed during his or her term of office. In this way, the president cannot be punished or rewarded by payment for certain political or official acts. Section 1.8 establishes the oath of office.

Section 2.1 makes the president commander-in-chief of the armed forces. This authority helps ensure that *civilians* maintain control over the military. This clause also helps the executive branch balance the power of Congress to declare war.

Section 2.2 gives the president the power to appoint ambassadors, federal judges, and other officers of the U.S. government.

The Constitution states that presidential appointments to these offices are to be made “by and with the advice and consent of the Senate.” In other words, the Senate must approve the president’s appointments. The president can also make treaties. But these must also be approved by the Senate.

Section 3 sets out other duties for the president. These duties include the requirement to give Congress “information of the State of the Union.” This requirement has led to the president’s **State of the Union Address**, which is delivered each year. The subject of the address is the condition, or state, of the nation.

Section 4 explains that the president and other officers can be removed from office if they are impeached and convicted of certain crimes. These crimes include treason, bribery, and other serious offenses.

1. What is one example of checks and balances found in Article 2?

Article 3. The Judiciary (pages 260–261)

What are the powers of the federal courts?

Article 3 sets up the judicial branch of the federal government. It established one **Supreme Court**, the highest court in the nation. But it allows for Congress to set up “inferior,” or lower, federal courts.

Judges serve “during good behavior.” In other words, they are appointed for life, unless they are found guilty of misbehavior. The salary of a judge cannot be lowered while the judge is in office.

Section 2 lists the kinds of cases that federal courts have jurisdiction, or authority, over. These cases include those that involve:

- ambassadors and other public officials
- admiralty and maritime issues, or issues related to shipping
- the U.S. government
- disagreements between two or more states, and
- disagreements between citizens of different states.

Section 2.3 again protects citizens’ rights to a trial by jury. (See Article 1, Section 9.) Finally, Section 3 defines the crime of treason. It also sets limits on the punishments Congress can establish for treason.

2. What cases does the federal judiciary have jurisdiction over?
