

# Primary Source

## U.S. Constitution, Article II

- ☐ I can identify the part of the Constitution that outlines the executive branch.
- ☐ I can analyze constitutional text to outline the powers and responsibilities of the executive branch.

### Essential Vocabulary

vested	secured in the possession of or assigned to a person
quorum	the minimum number of members of an assembly or society that must be present at any of its meetings to make the proceedings of that meeting valid
emolument	a salary, fee, or profit from employment or office
repreievees	canceling or postponing someone's punishment
pardon	excusing an offense without exacting a penalty; a release from the legal penalties of an offense

### Building Context

Article II of the Constitution establishes the federal government's executive branch. It outlines the powers and responsibilities of the president and the qualifications and methods for presidential selection and removal from office.

The Founders drafted the Constitution in 1787 during the Constitutional Convention held in Philadelphia. The Founders sought to create a balanced system of government with three separate branches: the legislative branch (Article I), the executive branch (Article II), and the judicial branch (Article III). These branches were designed to provide a system of checks and balances to prevent any one branch from becoming too powerful.

Article II has shaped the way the executive branch functions and its relationship with the other branches of government throughout American history. It has been subject to interpretation, amendment, and debate, and its provisions continue to be relevant in contemporary political discussions.

#### U.S. Constitution, Article II Source:

<https://constitution.congress.gov/constitution/article-2/>

Source	Notes
<p><b>Article II, Section 1, Clause 1</b>  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</p>	
<p><b>Article II, Section 1, Clause 2</b>  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.</p>	
<p><b>Article II, Section 1, Clause 3</b>  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 chuse [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 chuse [choose] the President. But in chusing [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 chuse [choose] from them by Ballot the Vice President.</p>	

<p><b>Article II, Section 1, Clause 4</b></p> <p>The Congress may determine the Time of chusing [choosing] the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.</p>	
<p><b>Article II, Section 1, Clause 5</b></p> <p>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</p>	
<p><b>Article II, Section 1, Clause 6</b></p> <p>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.</p>	
<p><b>Article II, Section 1, Clause 7</b></p> <p>The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased [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.</p>	
<p><b>Article II, Section 1, Clause 8</b></p> <p>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."</p>	
<p><b>Article II, Section 2, Clause 1</b></p> <p>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.</p>	

<p><b>Article II, Section 2, Clause 2</b></p> <p>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.</p>	
<p><b>Article II, Section 2, Clause 3</b></p> <p>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.</p>	
<p><b>Article II, Section 3</b></p> <p>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.</p>	
<p><b>Article II, Section 4</b></p> <p>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.</p>	

## Analysis Questions

1. How does Article II establish the structure and powers of the executive branch?
2. Which specific powers does Article II grant to the president? How do these powers reflect the Founders' intentions regarding the role of the executive branch in the federal government?
3. Describe the Electoral College process outlined in Article II for selecting the president of the United States.
4. What are the eligibility criteria for a person to become president according to Article II?
5. How does Article II contribute to the system of checks and balances in the U.S. government? Provide examples of how the powers of the president are balanced by the other branches of government.
6. What is the process for impeaching and potentially removing a president from office as outlined in Article II? Why do you think impeachment is included in this provision in the Constitution?
7. Compare the powers granted to the president in Article II to those of other branches of government outlined in Articles I and III. Describe the similarities and differences.