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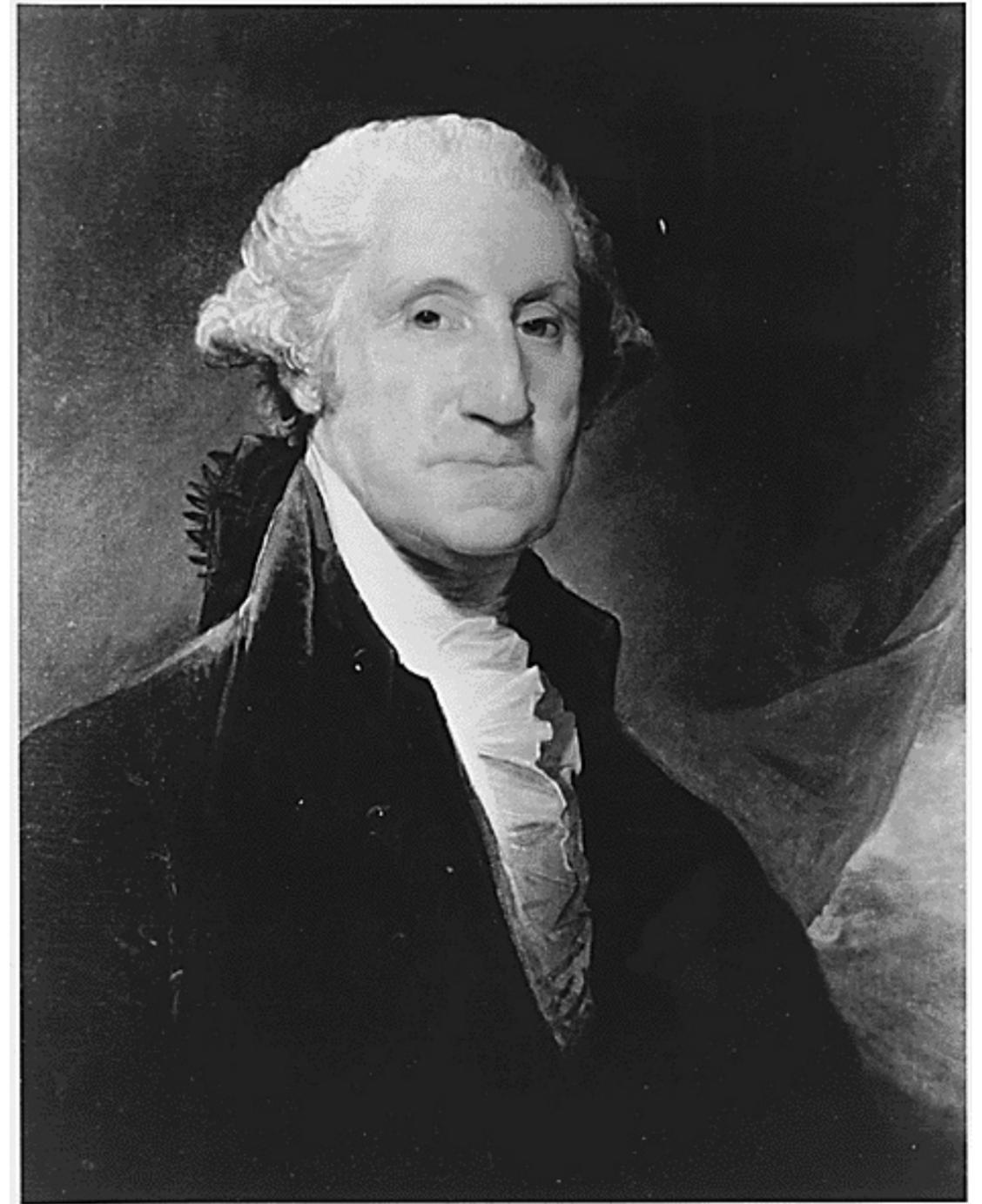
# THE EXECUTIVE BRANCH

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*President George Washington, first President of the United States.  
Courtesy of the National Archives and Records Administration.*

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# THE EXECUTIVE BRANCH



President Barack Obama gives the annual State of the Union address before Congress, 2015.  
Courtesy of the National Archives and Records Administration.

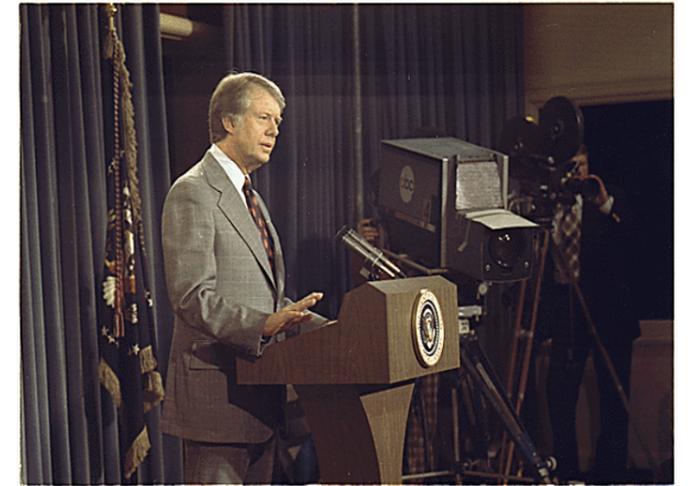
The Executive branch of our government includes the president, the vice president, the 15 departments of the Cabinet, and other supporting agencies such as the Environmental Protection Agency and the Central Intelligence Agency. Its primary purpose is to implement and enforce the laws created by Congress. The president lives in the White House in Washington, D.C., the seat of Executive power since its completion in 1800. The site was selected by our first president, George Washington, and the White House was first occupied by the second president, John Adams.

Article II of the U.S. Constitution outlines the duties and responsibilities of the Executive branch. The president is the head of the government, the head representative of our government with other countries, the head of the U.S. military, and he makes hundreds of federal appointments during his time in office. However, also established by the Constitution, the Legislative and Judicial branches of government are co-equal to the Executive branch, with no one branch having more power than the other two.

## How is the president elected?

The president and vice president are elected in a nationwide vote every four years. On the first Tuesday after a Monday in November of an election year, people cast their votes at polling sites all across the country. The popular vote is then used to assign the votes of the Electoral College, whose members place the final votes for president and vice president.

**ABOVE RIGHT:** President Jimmy Carter at his first press conference, 1977.  
Courtesy of the National Archives and Records Administration.



## What is the Electoral College?

The Electoral College is not a place, as the word “college” seems to imply, but a group of people that is responsible for electing the president every four years. Electors are chosen from each state to cast that state’s votes for president and vice president a few weeks after the November election date. Contrary to popular belief, the electors choose the president, not the people directly.

Each state chooses its own electors. The Constitution gives no guidelines on who can be an elector, but it does state that electors cannot be elected members of Congress, appointed U.S. officials, or anyone that has been involved with “insurrection or rebellion” against the United States. They are generally chosen in two ways—either at each party’s state convention or by each party’s state committee. They are typically people who are politically active or well-known in the political arena of that state. When a person casts their



vote for president and vice president, they are really casting their vote for which party's electors will vote for president.

Each state receives the same number of electoral votes as they have members of Congress, and the District of Columbia receives three. Forty-eight states employ the "winner takes all" method; that is, no matter how close the vote, the candidate with the most popular votes receives all of that state's electoral votes. Only in Maine and Nebraska are the electoral votes split. Each congressional district receives one electoral vote, going to the winner of the popular vote in that district. The two remaining electoral votes are given to the winner of the state's overall popular vote.

In early December following the November popular election, the electors meet in their respective states to cast their votes. Votes for president and vice president are cast on separate ballots. Once certified, the votes are sent to Congress to be counted. The official count happens in a joint session of Congress on January 6, with the sitting vice president, as President of the Senate, presiding. The vice president is then the one to officially announce the winning

candidate. In order to win the presidency, a candidate must have 270 out of the 538 electoral votes. If no candidate receives the required votes, the election is sent to the House of Representatives, where each state delegation receives one vote. The candidate with the majority vote is declared the winner. The vice presidential election is decided by the Senate.

The new president and vice president are sworn in on January 20, which is called "Inauguration Day."

The Electoral College was established in order to keep more populated areas, such as California and New York, from always deciding presidential elections. This process evens out the voices of the states, ensuring that rural states have as much input as more urban states, giving more credibility to election outcomes. It also helps to assure that candidates will have to campaign and work to gain widespread support across the country, not just in the more populous regions.

### What happens on Inauguration Day?

Inauguration Day at noon is when the new president and vice president take over their respective offices. Each is sworn in on the steps of the west front of the United States Capitol,



with an oath specified in the Constitution.

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.

This oath is sworn on a Bible or other sacred or special book of the new president's or vice president's choosing. Theodore Roosevelt did not use a Bible, and John Quincy Adams and Franklin Pierce each swore his oath on a book of law.

Following his swearing in, the president gives his inaugural address to the assembled crowd. After the address, the outgoing president and first lady depart the Capitol from the east front, signaling the end of their term in office. Celebrations for the new president and first lady follow, including the inaugural lunch, parade, and ball.

### Who can be president?

The Constitution gives us a clear definition in Article II, Section 1 of who can be president of the United States.

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.

ABOVE: Inauguration of President William Jefferson (Bill) Clinton, 1992. Courtesy of the National Archives and Records Administration.

A potential president must be a citizen of the United States, have lived in the United States for at least 14 years, and be at least 35 years old.

### What are the primary duties of the president?

#### President as Commander in Chief

Article II, Section 2 of the U.S. Constitution states: "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." Congress has the power to declare war, but the president is the head of the U.S. military. He has the power to deploy troops anywhere in the world, appoint other military leaders, and make the calls for military attacks, such as President Harry S. Truman's decision to drop atomic bombs on Hiroshima and Nagasaki, Japan, toward the end of World War II.

#### Treaties

The president serves as the head of U.S. foreign policy. He is the only person who can negotiate treaties, or agreements, with foreign governments to accomplish important work such as ending wars, establishing new trade agreements, or making arms and weapons agreements. Treaties must be approved by the Senate with a two-thirds vote. Examples of some well-known treaties in U.S. history include:

- **Louisiana Purchase (1803)** – Agreement made with France to sell land to the United States
- **Treaty of Guadalupe Hidalgo (1848)** – Treaty that ended the Mexican-American War
- **SALT I and SALT II (1972 and 1979)** – Strategic Arms Limitation Talks between the United States, the Soviet Union, and other Cold War superpowers that placed limits on and slowed production of nuclear weapons

ABOVE: President George W. Bush in New York following the terrorist attacks on September 11, 2001. Courtesy of the National Archives and Records Administration.

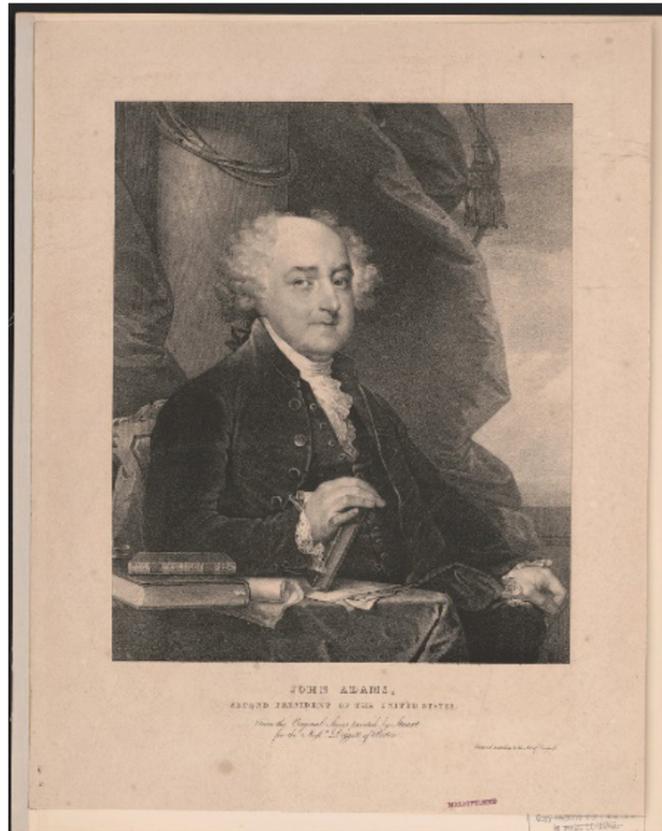
### Nominations and appointments

The president is responsible for many official appointments. He nominates 15 Cabinet secretaries that head the Executive departments under his control. He also appoints the heads of more than 50 other non-Cabinet, independent federal agencies and commissions, such as the Federal Reserve Board and the Central Intelligence Agency. He is responsible for nominating U.S. Supreme Court justices when vacancies become available, as well as numerous federal judges and U.S. Marshals across the country.

Though leading the military, negotiating treaties, and making nominations are the primary duties of the president listed in the Constitution, other duties have been assigned to the president by acts of Congress, or have simply become part of the president's job over time and tradition. In modern times, though Congress technically has the "power of the purse," the president usually takes responsibility for the economy. Each year he submits a budget to Congress, which adds their own wants and needs. The president serves as the head of his political party, and works to influence members of Congress on pieces of legislation he may or may not support. Presidents have the power to veto, or reject, legislation that passes Congress, keeping those bills from becoming law.

### What is the State of the Union address?

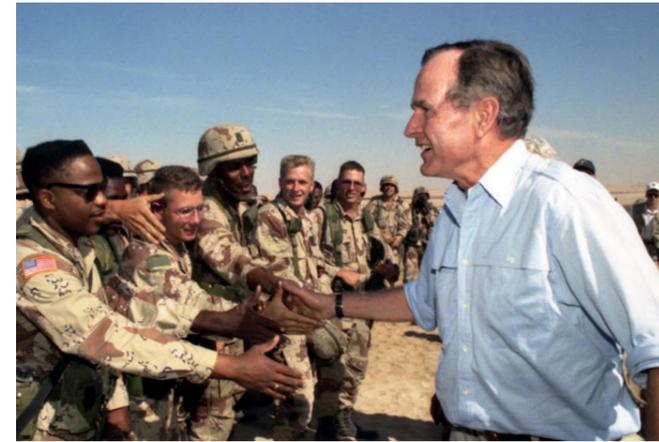
The Constitution requires the president to give Congress an update on the state of the country "from time to time." Since the 1930s, this has happened once a year, in either late January or early February. The Constitution does not require a speech, but all presidents since Woodrow Wilson, except Herbert Hoover, have delivered their update in this manner. Before Wilson, it was usually delivered as a written report. All presidents since Franklin Roosevelt have delivered the speech to a joint session of Congress in the House of Representatives chamber at the United States Capitol. The



President John Adams, second President of the United States. Courtesy of the Library Of Congress.



President George W. Bush with his National Security Council, 2001. Courtesy of the National Archives and Records Administration.



President George H. W. Bush meets with troops in Saudi Arabia during the Gulf War, 1992. Courtesy of the Department of Defense.

State of the Union address is the president's chance to share with Congress and the citizens how the country is doing and what he has accomplished, and to give his visions and ideas of what still needs to be done.

The president must be invited to visit the U.S. Capitol, as it is the home of Congress and part of the Legislative branch of government. This means he must also be invited to give the State of the Union address there.

Along with Congress, the Cabinet members, Supreme Court justices, diplomatic corps, and Joint Chiefs of Staff also attend the speech, as well as 24 guests allowed to the president, first lady, and speaker of the house. Typically, one member of



President William Jefferson (Bill) Clinton signs an Executive Order in the Cabinet Room of the White House, 1993. Courtesy of the National Archives and Records Administration.

the Cabinet does not attend. That person is referred to as the "designated survivor," and his or her role is to ensure the continuity of government in the case of a catastrophic event while all other members of the government are gathered together.

### Who takes over if the president cannot serve?

The language in the Constitution about the succession of leadership is vague, and only mentions the immediate succession of the vice president. The Presidential Succession Act of 1947, as authorized by Article II, Section 1, Clause 6, addresses the extended line of succession, and establishes a clear line beyond the vice president. If the president and the vice president cannot serve, the speaker of the house is next in line, followed by the president pro tempore of the Senate, then the Secretary of State, and down through the Cabinet, in the order their departments were established.

Following the assassination of President John F. Kennedy in 1963, members of Congress proposed legislation to define immediate succession more clearly. The 25th Amendment became law in February 1967. This amendment clearly states the vice president is the presidential successor, and lays out how a new vice president should be chosen. It states: "Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress."

The 25th Amendment also spells out what should happen if a president is incapacitated, and the vice president must step in as acting president. This policy has been implemented on two occasions, by President Ronald Reagan and President George W. Bush, as they underwent medical procedures that required sedation. During those times, Vice President George H.W. Bush and Vice President

Dick Cheney, respectively, served as acting president, while their president was unable to conduct his duties.

### Can the president be removed from office?

Article II, Section 4 of the Constitution tells us the president “shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.”

### What other agencies make up the Executive branch?

The 15 departments of the president’s Cabinet, as they stand today, are as follows (in no particular order): Department of State, Department of Defense, Department of the Treasury, Department of Education, Department of Agriculture, Department of Labor, Department of Justice, Department of Energy, Department of Health and Human Services, Department of Housing and Urban Development, Department of Homeland Security, Department of Transportation, Department of Commerce, Department of the Interior, and Department of Veterans Affairs.

There are also seven positions that are considered “cabinet-rank” positions. These are the White House Chief of Staff, U.S. Trade Representative, Director of National Intelligence, Director of the Office of Management and Budget, Director of the Central Intelligence Agency, Administrator of the Environmental Protection Agency, and Administrator of the Small Business Administration.

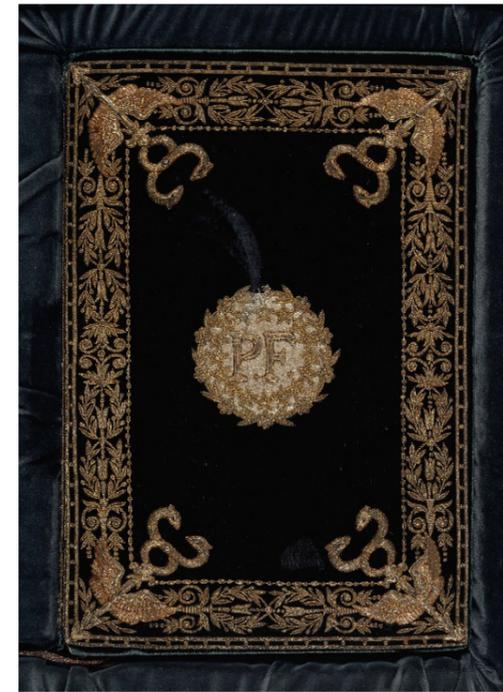
The National Archives and Records Administration is also part of the Executive branch. The National Archives was established as an independent federal agency by Congress in 1934 to hold, preserve, and make available our nation’s records. Original records created by the federal government are required to go to the National Archives. All presidential libraries are part of the National Archives system. The Archivist of the United States, head of the National Archives, is a presidential appointee.



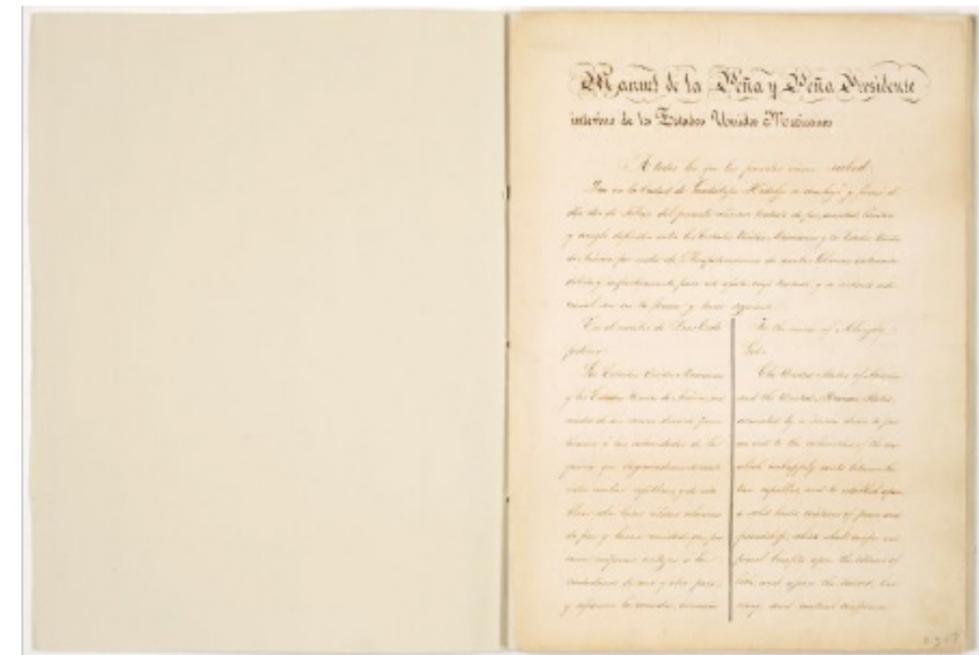
President Richard Nixon and Soviet General Secretary Leonid Brezhnev sign the Anti-Ballistic Missile (ABM) Treaty and Strategic Arms Limitation Talks (SALT) Interim Agreement, 1972. Courtesy of the National Archives and Records Administration.

### Conclusion

Though the Constitution gives us clear guidelines on many of our government’s roles and duties, time and circumstances have molded and shaped the Executive branch into what it is today, expanding its role in many ways from what the framers originally put in place. As the country has grown and changed, so have the roles of the president and other executive officials, as have those of the Legislative and Judicial branches. The Executive branch has a wide variety of responsibilities that, while working with the other two co-equal branches, help to keep our country running the way it should. Understanding how our government works can help us understand why our government does what it does, and how to be more engaged citizens.



Cover of the Louisiana Purchase Agreement with France, 1803. Courtesy of the National Archives and Records Administration.



Treaty of Guadalupe Hidalgo, ending the Mexican-American War, 1848. Courtesy of the National Archives and Records Administration.

EIGHTH CONGRESS OF THE UNITED STATES;  
AT THE FIRST SESSION,  
Begun and held at the city of Washington, in the territory of Columbia, on Monday,  
the seventeenth of October, one thousand eight hundred and three.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled,  
That the following be proposed as an amendment to the constitution of the United States, which when ratified by three fourths of the legislatures of the several states, shall be valid to all intents and purposes, as part of the said constitution, to wit:

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists 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. If no person have the greatest number of votes for President, then from the persons having the highest number not exceeding three a majority of the whole number of Electors appointed, and if no person have such majority, then from the persons having the highest number not exceeding three a majority of the whole number of Electors in the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the electors from each state having one vote; a quorum for this purpose shall consist of a number or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. If no person have the greatest number of votes for Vice-President, then the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President, a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. And no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

John M. Mason, Speaker of the House of Representatives.  
J. C. Calhoun, Vice-President of the United States and President of the Senate.

Joint Resolution proposing the 12th Amendment to the Constitution.  
Courtesy of the National Archives and Records Administration.

List of votes for President and Vice-President of the United States, as counted in the presence of the two Houses of Congress, in the Chamber of the House of Representatives, on Wednesday, the 9th of February, 1825.

States.	For President.				For Vice President.							
	Andrew Jackson of Tennessee	John Quincy Adams of Massachusetts	William A. Crawford of Georgia	Henry Clay of Kentucky	John C. Calhoun of South Carolina	Charles C. Pinckney of New York	John Adams of Massachusetts	Andrew Jackson of Tennessee	Charles C. Pinckney of New York	Henry Clay of Kentucky		
9. Maine	9				9							
8. New Hampshire	8				7				1			
15. Massachusetts	15				15							
4. Rhode Island	4				3							
8. Connecticut	8								8			
7. Vermont	7				7							
36. New York	1	26	5	4	23	7						
8. New Jersey	8				8							
28. Pennsylvania	28				28							
3. Delaware	1	2			1						2	
11. Maryland	7	3	1		10				1			
24. Virginia			24					24				
15. North Carolina	15				15							
11. South Carolina	11				11							
9. Georgia			9							9		
14. Kentucky				14	7	7						
11. Tennessee	11				11							
16. Ohio				16		16						
5. Louisiana	3	2			5							
3. Mississippi	3				3							
5. Indiana	5				5							
3. Illinois	2	1			3							
5. Alabama	5				5							
3. Missouri				3					3			
Aggregate	99	84	41	37	182	10	24	13	9	2	1	

Recap

Tally of the 1824 Electoral College.  
Courtesy of the National Archives and Records Administration.

TO THE CONGRESS OF THE UNITED STATES:

Today marks my first State of the Union address to you, a constitutional duty as old as our Republic itself.

President Washington began this tradition in 1790 after reminding the Nation that the destiny of self-government and the "preservation of the sacred fire of liberty" is "finally staked on the experiment entrusted to the hands of the American people." For our friends in the press, who place a high premium on accuracy, let me say: I did not actually hear George Washington say that, but it is a matter of historic record.

From this podium, Winston Churchill asked the free world to stand together against the onslaught of aggression. Franklin D. Roosevelt spoke of a day of infamy and summoned a nation to arms. Douglas MacArthur made an unforgettable farewell to a country he had loved and served so well. Dwight Eisenhower reminded us that peace was purchased only at the price of strength and John F. Kennedy spoke of the burden and glory that is freedom.

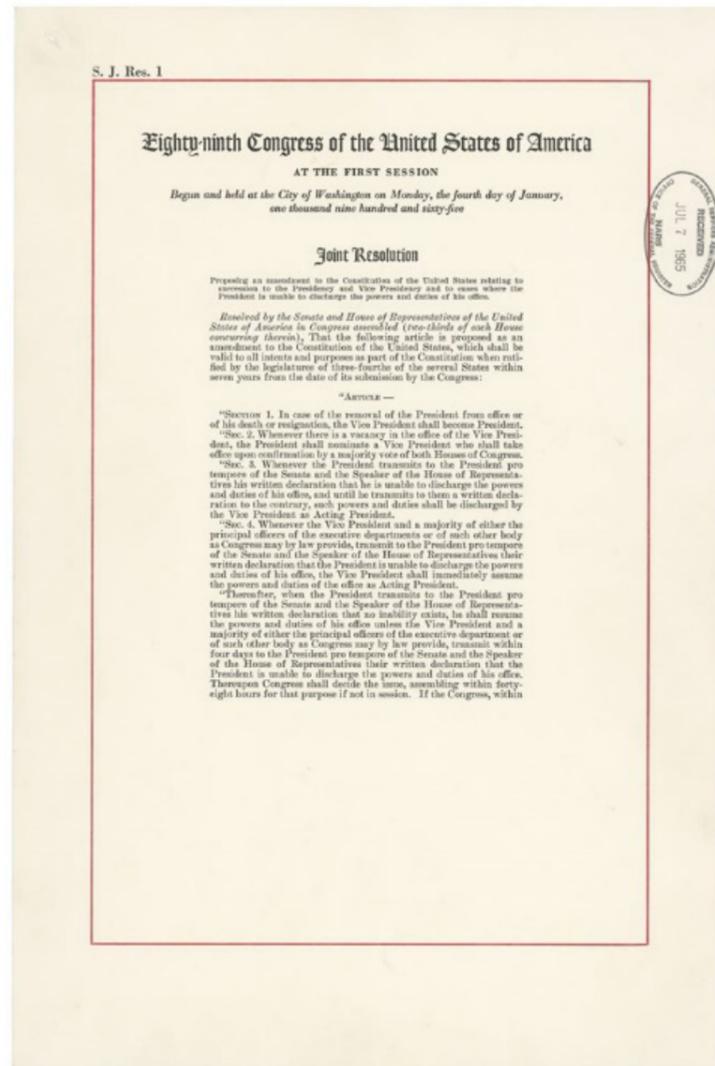
When I visited this Chamber last year as a newcomer to Washington, critical of past policies which I believe had failed, I proposed a new spirit of partnership between this Congress and this Administration and between Washington and our State and local governments.

In forging this new partnership for America we could achieve the oldest hopes of our Republic -- prosperity for our Nation, peace for the world, and the blessings of individual liberty for our children and, someday, for all of humanity.

It is my duty to report to you tonight on the progress we have made in our relations with other nations, on the foundation we have carefully laid for our economic recovery and, finally, on a bold and spirited initiative that I believe can change the face of American government and make it again the servant of the people.

First page of President Ronald Reagan's first State of the Union address, 1982.

Courtesy of the National Archives and Records Administration.



Joint Resolution proposing the 25th Amendment to the United States Constitution, 1965.

Courtesy of the National Archives and Records Administration.



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