

APGoPo Unit 5

OVERVIEW OF THE PRESIDENCY

THE PRESIDENCY IN THE CONSTITUTION

Article II of the Constitution defines the qualifications, powers, and duties of the president and carefully notes some important checks of the executive branch by the legislature.

QUALIFICATIONS	<ul style="list-style-type: none"> • Natural-born citizen <ul style="list-style-type: none"> ○ Only individuals born as citizens may seek the presidency; all others are excluded from consideration • At least 35 years of age <ul style="list-style-type: none"> ○ In contrast to a minimum age of 30 for a senator and 25 for a representative ○ This provision has never been seriously challenged, since presidents tend to be considerably older than 35 <ul style="list-style-type: none"> ▪ Theodore Roosevelt (age 42 – youngest president), John F. Kennedy (age 43 – youngest to be elected president) • Residency for at least 14 years <ul style="list-style-type: none"> ○ Years don't have to be consecutive
SELECTION	<ul style="list-style-type: none"> • Elected in November in years divisible by 4 <ul style="list-style-type: none"> ○ People >> Electors >> President • Electoral votes counted on January 6 • President inaugurated on January 20 (established by the 20th amendment)
TERM OF OFFICE	<ul style="list-style-type: none"> • Four years • Maximum of two elected terms <ul style="list-style-type: none"> ○ Amendment 22 institutionalized Washington's precedent ○ Passage of 22nd Amendment was due to the Republican congress' concern over future FDR's ○ Possible to serve just less than 10 years in office if a V.P. becomes President just after the midpoint of a President's term <ul style="list-style-type: none"> ▪ If a V.P. serves <u>less</u> than half of a President's term, he can be elected to the presidency twice ▪ If a V.P. serves <u>more</u> than half of a President's term, he can be elected to the presidency only once ○ Lyndon Johnson succeeded JFK in 1963, and was therefore eligible to be elected twice ○ Gerald Ford succeeded Nixon in 1974, and was therefore eligible to be elected only once
SUCCESSION	<ul style="list-style-type: none"> • If office of presidency is vacant due to death, resignation, or impeachment and removal, the V.P. becomes <u>President</u>. If V.P. dies before his inauguration as President, the line of succession is as follows: Speaker of the House, Senate President Pro Tempore, Secretary of State, Secretary of Treasury, Secretary of Defense, and then the other Cabinet secretaries in the order of the creation of their offices. • If the President is <u>disabled</u>, the 25th Amendment applies: <ul style="list-style-type: none"> ○ The President informs the Congress of disability and the V.P. becomes <u>Acting President</u>. ○ If the President is unable to inform Congress (e.g., coma), the V.P. and a majority of Cabinet secretaries can go to the Congress and receive approval for the V.P. to become Acting President. ○ In either case, the President regains powers by informing the Congress of his intent to return. In case of dispute, Congress has the power to decide who shall be President.

THE IMPEACHMENT PROCESS

The Constitution provides a way to remove a president before his term is over, but it is not an easy process. The House of Representatives may, by majority vote, impeach the president for "Treason, Bribery, or other high Crimes and Misdemeanors." Once the House impeaches the president, the case goes to the Senate, which tries the president, with the chief justice of the Supreme Court presiding. By a two-third vote, the Senate may convict and remove the president from office. Only two presidents have been impeached:

- Andrew Johnson was impeached by the House in 1868 in the wake of the post-Civil War politics, but the Senate failed to convict him (by a one vote margin), and he remained in office.
- Bill Clinton was impeached by the House in 2000 on two counts: committing perjury and obstructing justice in the investigation of sex scandals surrounding the President's relationships with Paula Jones and Monica Lewinsky.

Richard Nixon came close to impeachment when on July 31, 1974, the House Judiciary Committee voted to recommend his impeachment to the House as a result of the Watergate scandal. Nixon avoided impeachment by resigning from the presidency a few days later.