

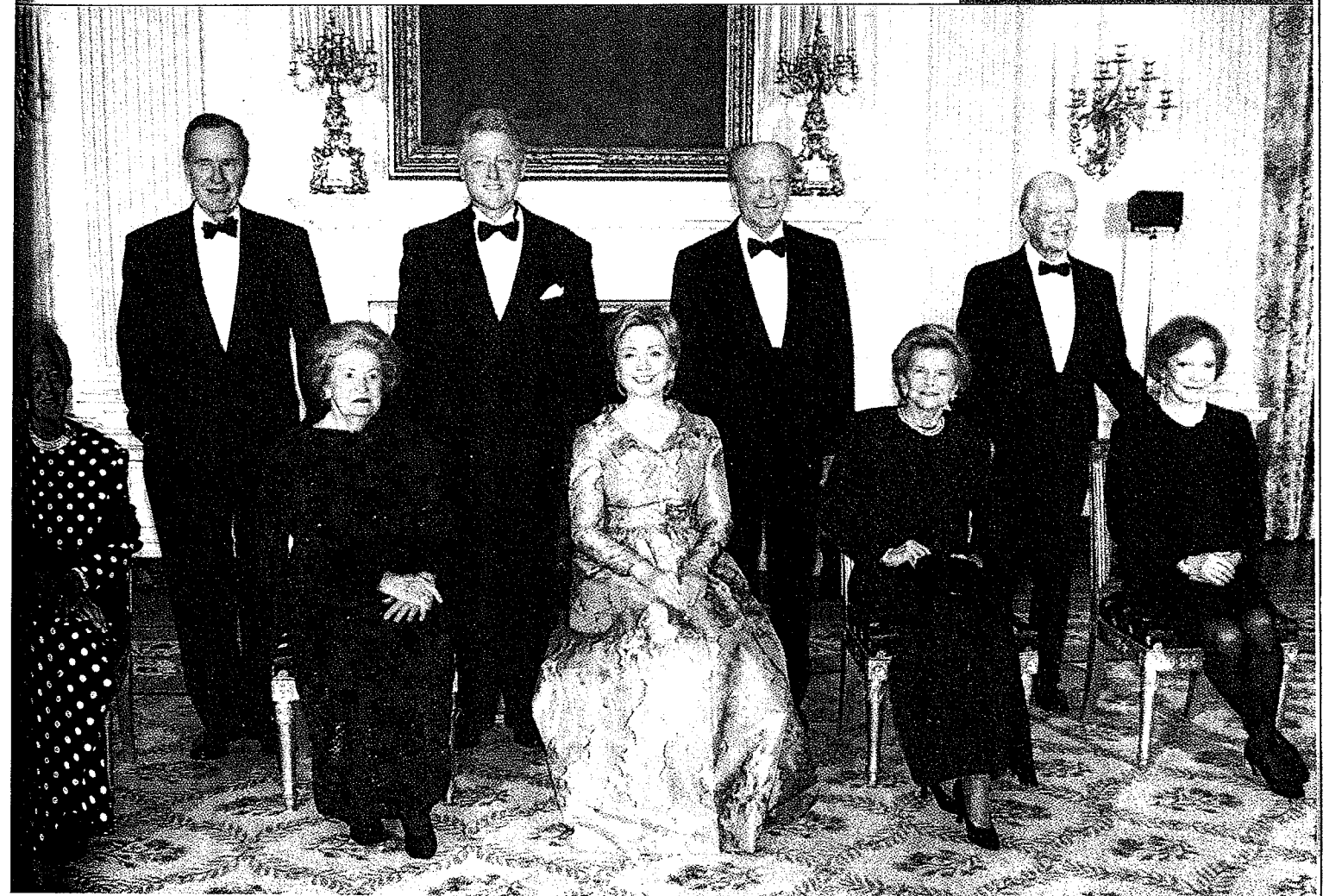
How much power should be given to the executive and judicial branches?

16

LESSON PURPOSE

In this lesson you will learn about the powers that the Constitution gives to the executive and judicial branches. You will learn how the legislative and judicial branches check the power of the executive branch. You also will learn about the system that the Constitution established for electing a president.

When you finish this lesson, you should be able to explain the powers of the executive and judicial branches of government. You should also be able to explain the process for electing the president of the United States.



TERMS TO UNDERSTAND



advice and consent
appellate jurisdiction
electoral college
impeach
jurisdiction
original jurisdiction
Twenty-second Amendment

What challenge did the Framers face in creating the executive branch?

In 1787, Americans still remembered how much trouble they had experienced with the executive branch of the British government. Americans believed that the king and his royal governors and other officials had violated their rights.

With this experience in mind, the Framers faced the problem of creating an executive branch of government. They wanted an executive branch with enough power to carry out its responsibilities yet not strong enough to overwhelm the other branches. An executive branch with too much power could endanger the rights of the people.

What powers does the Constitution give to the executive branch?

Article II of the Constitution created the executive branch. The Framers wrote Article II in more general terms than they did Article I. As a result, Article II is shorter.



What powers does Article II of the Constitution grant to the president?



Egyptian President Anwar Sadat, U.S. President Jimmy Carter, and Israeli Prime Minister Menachem Begin at the White House on March 26, 1979, as they completed signing of the Treaty of Peace between Egypt and Israel. Why would the Constitution require the president and the Congress to share power when negotiating treaties with other nations?

The list of powers it gives to the president is brief. These include the powers to

- carry out and enforce laws made by Congress
- make treaties with foreign nations
- appoint certain important government officials
- act as commander-in-chief of the armed forces
- veto laws passed by Congress

The president also can send and receive ambassadors to and from other countries. The president has the power to pardon people convicted of crimes against the United States.

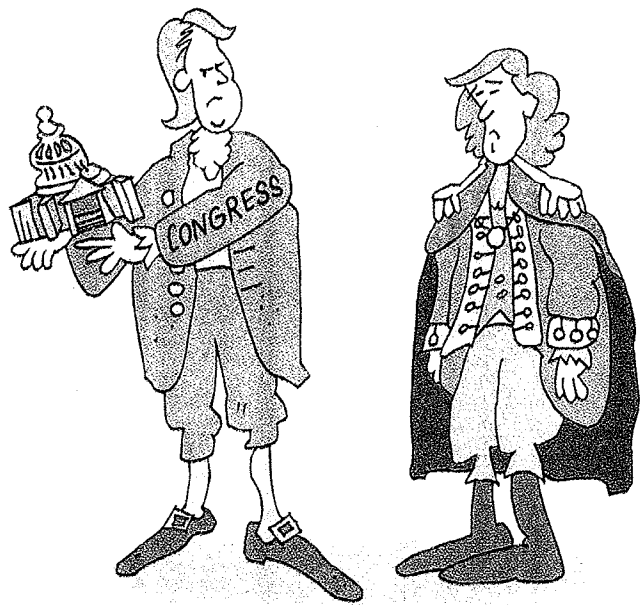
How does the Constitution limit the powers of the executive branch?

The Constitution limits the powers of the executive branch by making it share most of its powers with Congress. Here are some examples of how this works.

- **Appointments.** The president has the power to nominate people for important jobs in government with the advice and consent of the Senate. **Advice and consent** is the term used for this process. The president also nominates people to serve in the executive and judicial branches of the national government. The Senate has the power to approve or reject the president's nominations.

- **Treaties.** The president has the power to negotiate treaties with another nation. The Senate has the power to approve or reject these treaties.
- **War.** Although the president can conduct a war as commander-in-chief, only Congress can declare war. In addition, only Congress has the power to provide money to conduct a war.
- **Veto.** The president may veto laws passed by Congress. Congress, however, may override the veto by a two-thirds vote of both houses.

The Constitution provides another important way to limit the power of the president and prevent the abuse of power. It gives the House of Representatives the power to impeach the president. To **impeach** means "to bring to trial." This means the House can accuse the president of serious crimes. The Senate then holds a trial. If the Senate finds the



Why did the Framers allow for the impeachment of presidents?

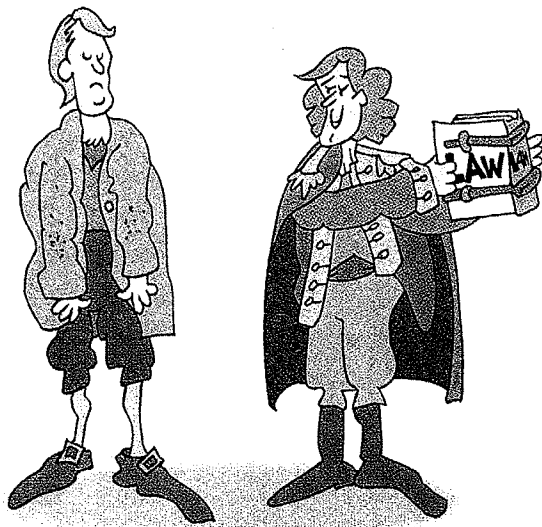
president guilty, he or she can be removed from office. While it is rarely used, impeachment is an important power that Congress has for checking the power of the executive branch.

How should the president be selected?

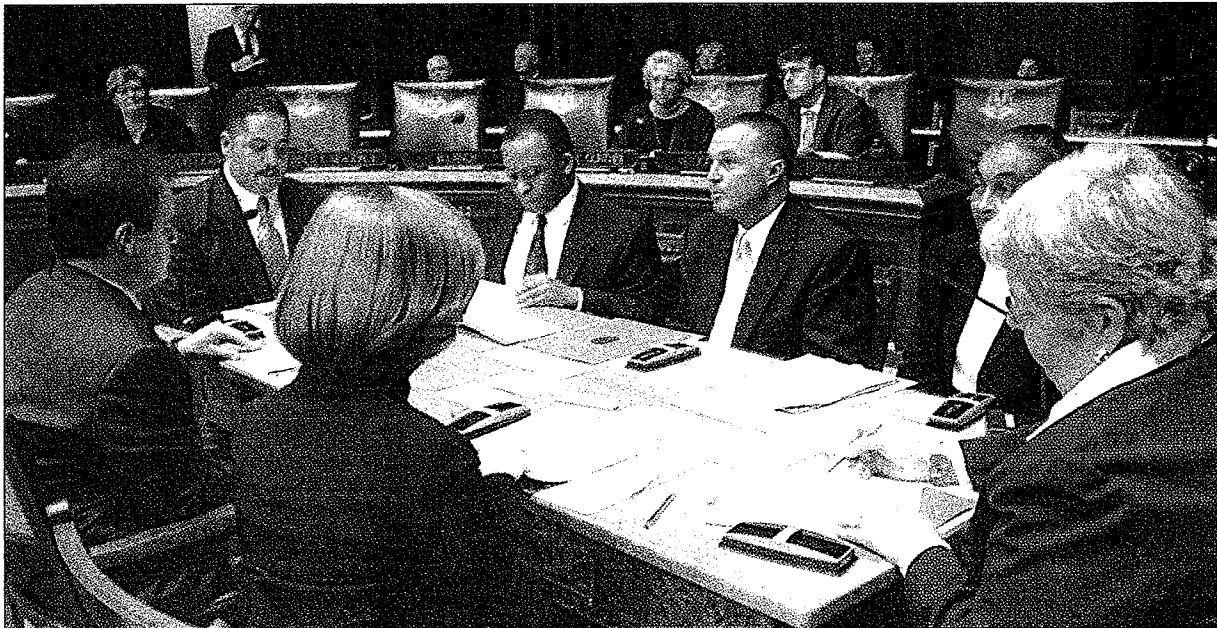
The Framers had given important powers to the president. It is not surprising that the Framers were concerned about how to select people to fill this position. The Framers took it for granted that George Washington would be the first president. Washington was patriotic, honest, devoted to the public good, and not interested in using power for his own advantage.

The Framers wanted a way of selecting future presidents who would be as qualified as Washington. The Framers discussed the problem for some time. They also discussed how long a president should be able to stay in office.

The Framers finally agreed that a president would serve for four years and



Why did the Framers allow presidents the power to veto laws passed by Congress?



Connecticut's electors cast their ballot during the 2004 presidential election. Do you agree with the reasoning of the Framers in their decision to establish an electoral college rather than have the people elect the president directly? Why or why not?

could be reelected any number of times. This was changed in 1951 by the **Twenty-second Amendment**. The president can now be reelected only once.

A few Framers wanted the people to elect the president directly. But James Madison thought that in such a large country the people would not know enough about the candidates to make good choices. Madison also believed that the people might not always have the wisdom to select the best person for president. Most Framers agreed with Madison.

In most states, the head of the executive branch was chosen by the state legislature. But the Framers thought that if Congress chose the executive, Congress would control the president. The result would be a weak executive branch. The Framers also thought that if the president were to be selected by the state governments, then the states would control the president. This too would result in a weak executive branch.

Either of these choices would not have helped the Framers create a stronger national government.

The method the Framers finally created for electing the president is complicated. They decided that an **electoral college** would be created once every four years to choose the president. Each state would have electors equal to the number of senators and representatives it had in Congress. Each state would decide how to select persons to serve as their electors in the college. The candidate who received a majority of votes in the electoral college would become president.

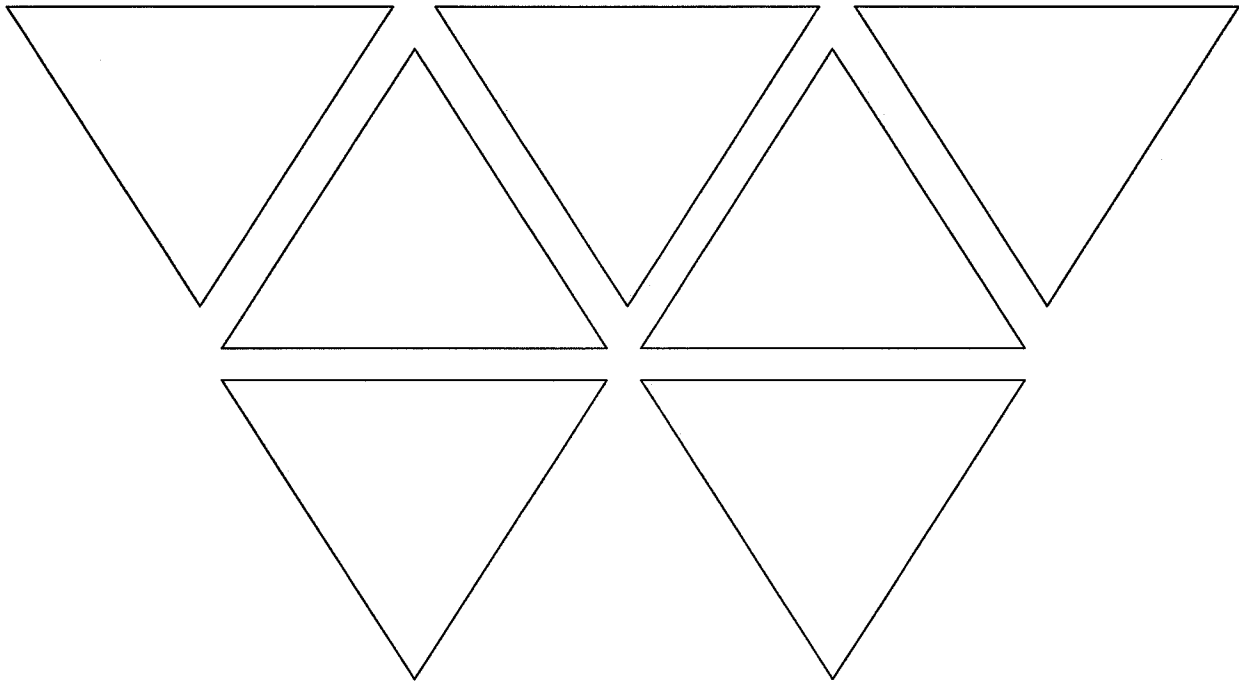
But what if no candidate got a majority of votes in the electoral college? In that case, the House of Representatives would select the president by majority vote. Each state would have one vote.

We still use the electoral college today. But it does not work the way the Framers originally planned.

The Executive Branch

1. What challenges did the Framers face in creating the executive branch?

2. What powers does the president have?



3. What are five ways the President's power is limited?

Exploring the Executive Branch

The Constitution names just two members of the executive branch — the president and the vice president. Unlike the specific tasks the Constitution lists for Congress, it describes the president's job in very general terms. Mainly, according to Article II of the document, the president must "take care that the laws be faithfully executed." The president also is commander in chief of the armed forces. In addition, he names **diplomats**, grants pardons, and makes other major appointments to his administration.

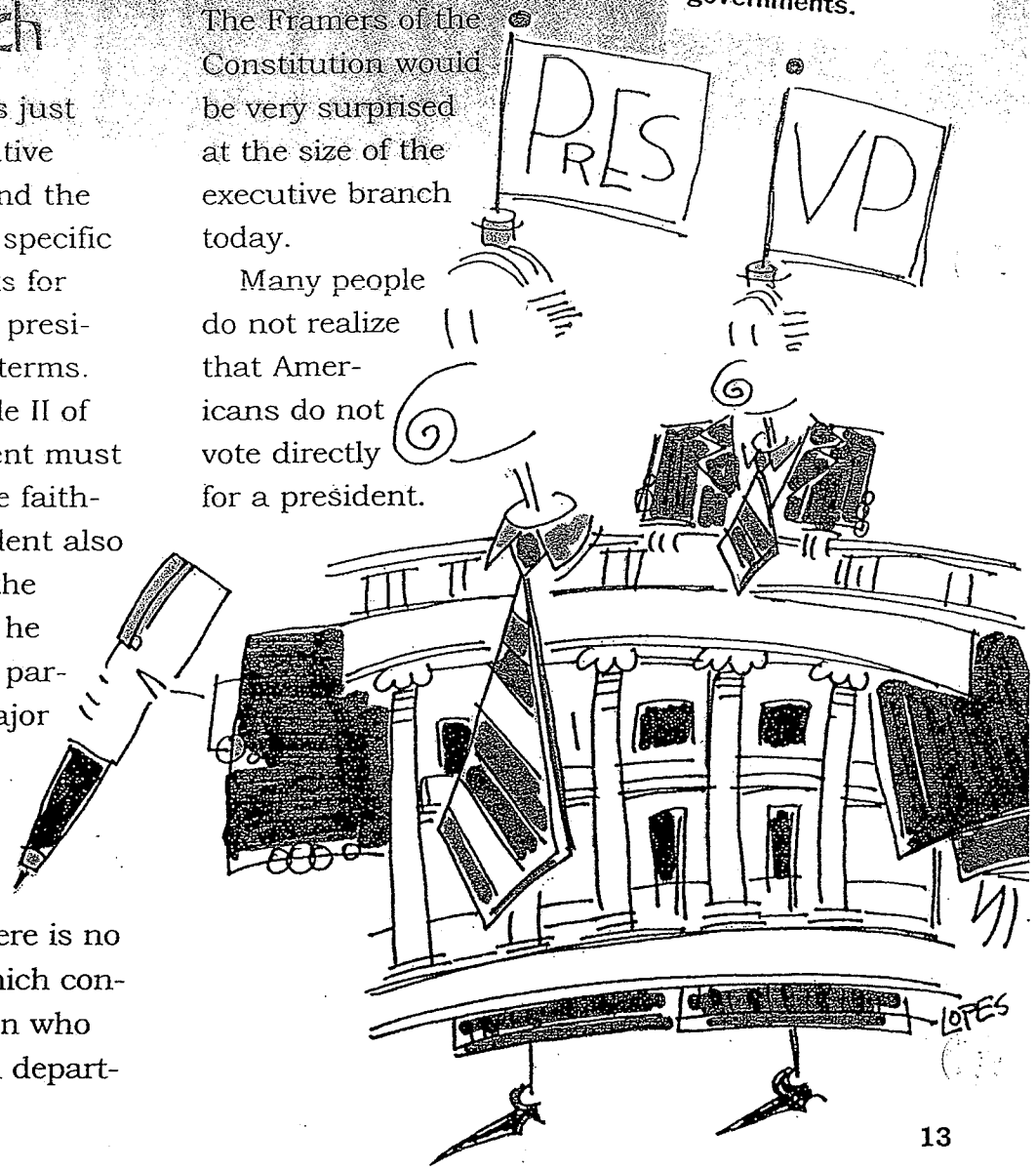
The Constitution says even less about the job of the vice president. And, there is no mention of the Cabinet, which consists of the men and women who head various governmental depart-

ments and advise the president.

The Framers of the Constitution would be very surprised at the size of the executive branch today.

Many people do not realize that Americans do not vote directly for a president.

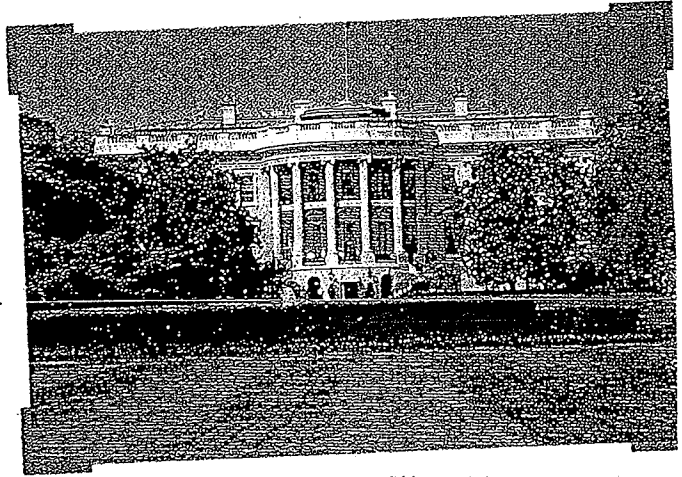
Diplomats are those who have been appointed to represent a government in its dealings with other governments.



The Constitution sets up a complicated system called the Electoral College. Voters in each state actually choose electors, who are pledged to support a certain candidate (though legally they can change their vote). The electors then meet, cast their votes, and choose a president.

According to the Constitution, a president must be at least thirty-five years old and must have been born an American citizen. A candidate is elected to a four-year term. Constitutional amendments have changed some aspects of electing and replacing

the chief executive. For example, a 1951 amendment ruled that a person can be elected only twice to the presidency.



The White House

Exploring the Executive Branch

1. What are the two members of the executive branch that the Constitution mentions?

2. What is the Cabinet?

3. What is the Electoral College?

4. What are the two qualifications for becoming president?

5. How long is a term for president?

WHY does the PRESIDENT have a Cabinet?

Being President of the United States is a tough job.

But many people assist the chief executive in governing the country. One important group of advisers is known as the Cabinet. The U.S. Cabinet is part of the executive branch of government. It is made up of the Vice President and the heads of 15 departments, as well as other advisers. The group meets regularly with the President to help him make important decisions.

Cabinet members are typically called Secretaries. Each Secretary heads a department that deals with a particular aspect of running the country (*see chart at right*). For instance, the Secretary of State oversees ambassadors and diplomats who are stationed around the world.

After being chosen by the President, Cabinet members must be approved, or confirmed, by a majority vote in the Senate. These top advisers serve for varying lengths of time. The President can replace a Cabinet official at any time during his term. The replacement must also be confirmed by the Senate.

Creating the Cabinet

The U.S. Constitution does not refer specifically to a Cabinet. Instead, it says that the President "may require the Opinion, in writing, of the principal Officer in each of the executive Departments." In 1789, Congress established three departments—State, Treasury, and War (now Defense)—and the Office of Attorney General. New departments were added as the role of the federal government grew.

In addition to advising the President, Cabinet members head up vast bureaucracies. The Department of Veterans Affairs, for instance, has more than 250,000 employees. The Department of Health and Human Services runs many programs, including Medicare, which funds health care for 43 million seniors. As you can see, it is not just the President who has a big job to do. JS

Which Cabinet Secretary is in charge of protecting national parks?

YELLOWSTONE NATIONAL PARK

Think About It!

Which Cabinet post would you want? Why? What would be the top issue you'd bring before the President?

Cabinet Posts



SECRETARY OF AGRICULTURE:

Helps plan government policy related to farming, food, and aid to farmers and ranchers.



THE ATTORNEY GENERAL:

Heads the Department of Justice, which includes the Federal Bureau of Investigation (FBI); enforces federal law.



SECRETARY OF COMMERCE:

Leads the department that works to further American business interests in the U.S. and around the world.



SECRETARY OF DEFENSE:

Helps the President decide when and how to use the military and what weapons to buy.



SECRETARY OF EDUCATION:

Focuses on improving public schools and ensuring that all children have access to them.



SECRETARY OF ENERGY:

In charge of policy on oil, coal, and electricity, and research into new technology. Also builds and maintains nuclear weapons.



SECRETARY OF HEALTH AND HUMAN SERVICES:

Runs programs that fund health care for the elderly and poor, supports medical research, and ensures that food and drugs are safe.



SECRETARY OF HOMELAND SECURITY:

Enforces immigration laws, responds to natural disasters, and helps prepare for and respond to terrorist attacks.



SECRETARY OF HOUSING AND URBAN DEVELOPMENT:

Runs programs that assist people in buying and renting affordable homes.



SECRETARY OF THE INTERIOR:

Works to preserve natural resources, national parks, and wildlife.



SECRETARY OF LABOR: Helps to improve working conditions, provide more job opportunities, and protect workers.



SECRETARY OF STATE:

Guides U.S. relations with countries around the world.



SECRETARY OF TRANSPORTATION:

Oversees interstate highways, railroads, and air travel.



SECRETARY OF THE TREASURY:

The President's chief economic adviser; recommends financial and tax policy.



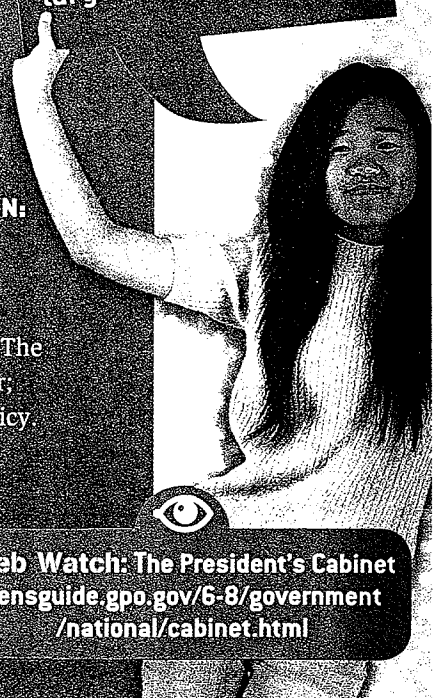
SECRETARY OF VETERANS AFFAIRS:

Helps U.S. veterans and their families by providing health care, job support, and other aid.



Did You Know?

Without the Cabinet, Alaska might not be part of the U.S. In 1867, Secretary of State William H. Seward agreed to buy Alaska from Russia for \$7.2 million. At the time, Americans ridiculed the purchase as "Seward's Folly." But, in 1959, Alaska became the nation's 49th and largest state.



Web Watch: The President's Cabinet
bensguide.gpo.gov/6-8/government/national/cabinet.html



Teachers, for a skills reproducible on President Obama's Cabinet, go to www.scholastic.com/juniorscholastic.

Why does the President Have a Cabinet?

1. What is a member of the Cabinet usually called?

2. Why do you think the President gets to choose his Cabinet instead of having the people of the country elect them?

3. Besides advising the president, what else does a member of the Cabinet do?

4. Match the job description with the Cabinet position:

_____ Secretary of State	A. economic policies
_____ Secretary of the Treasury	B. immigration, terrorist attack prevention
_____ Attorney General	C. business interests
_____ Secretary of Homeland Security	D. relations with foreign countries
_____ Secretary of Commerce	E. enforces the laws of the country