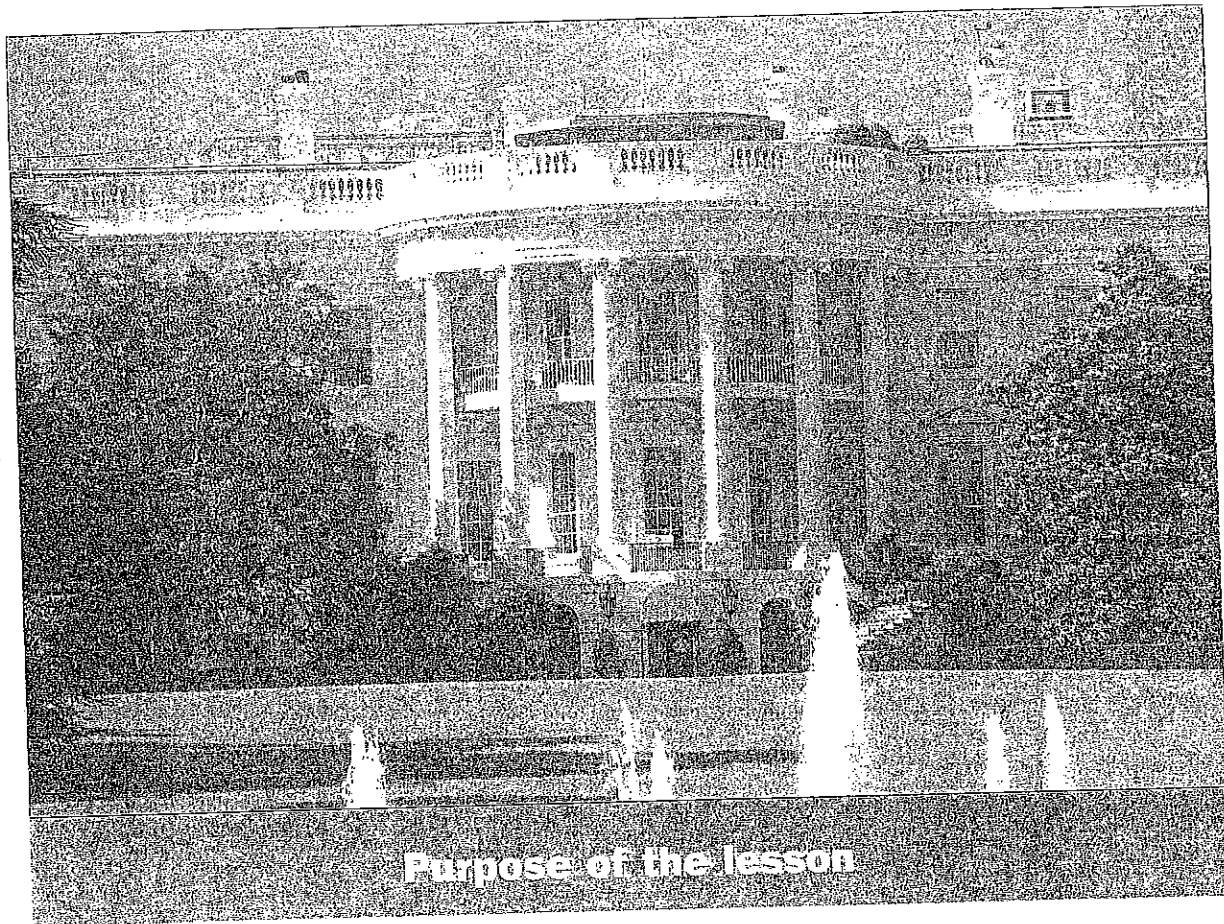


Lesson 14

Class Copy

What is the executive branch?

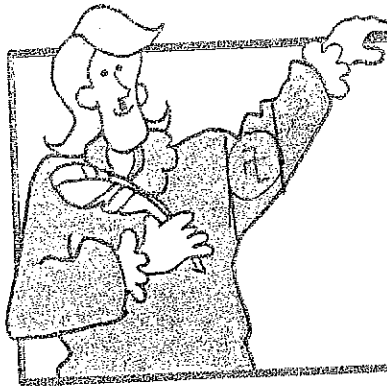


Purpose of the lesson

You already learned that the executive branch carries out and enforces the laws passed by Congress. The president is the head of the executive branch. In this lesson, you will learn about the powers of the president. You will also learn how Congress can check the powers of the president.

When you have finished this lesson, you should be able to describe how the executive branch is organized. You should be able to identify the powers of this branch. You should also be able to explain some of the limits on its powers.

Terms to understand



appoint

Article II

budget

commander in chief

impeach

treaty

How did the Framers create the executive branch?

The executive branch of our government carries out and enforces the laws passed by Congress. For example, Congress might pass a law to build a highway across the country. The executive branch has to carry out the law.

The president of the United States is the head of the executive branch. The Framers had many discussions about how much power to give to the president. They did not want to make the executive branch too weak or too strong.

The Framers wanted to do two things. They wanted to give the president enough power to carry out and enforce the laws. But, they did not want to give the president too much power. If they did, a president might be able to gain unlimited power. With unlimited power, the president might become a dictator.

Article II of the Constitution establishes the executive branch. Article II lists the duties and powers of the president.

What are the powers and duties of the president?

The Framers gave the president many powers and duties. Some of these powers and duties are listed below.

- The president has the power to
 - * act as the **commander in chief** of the armed forces. The military must obey the orders of the president.
 - * make treaties. A **treaty** is an official agreement between two or more countries. Treaties must have the advice and consent of the Senate.
 - appoint ambassadors, with the consent of the Senate. The job of an ambassador is to represent the



To what types of positions can the president appoint people?

Judge J. Harvie Wilkinson,
President George W. Bush
and Secretary of the Treasury
John Snow.

United States in another country.

To **appoint** means to choose or name someone for an office or duty.

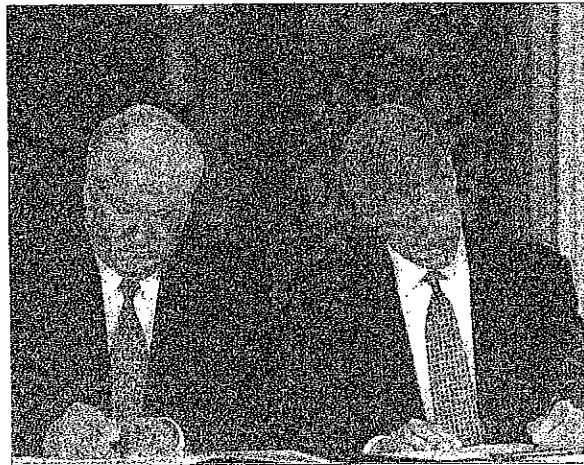
- appoint judges to the Supreme Court, with the consent of the Senate; appoint other officials of the United States.
- grant pardons for crimes against the United States.

The president must protect the Constitution. The president must also carry out the duties of the office. The president has the duty to

- act as the head of the executive branch. There are many

departments, or offices, within the executive branch. The president must make sure that these departments carry out and enforce the laws.

- suggest laws and policies. The president may ask the Congress to pass certain laws. Every year the president prepares a **budget**. The budget is a plan for how to spend the nation's money. The budget goes to Congress for approval.
- set policy for dealing with other countries in the world. The president is responsible for dealing with other countries.



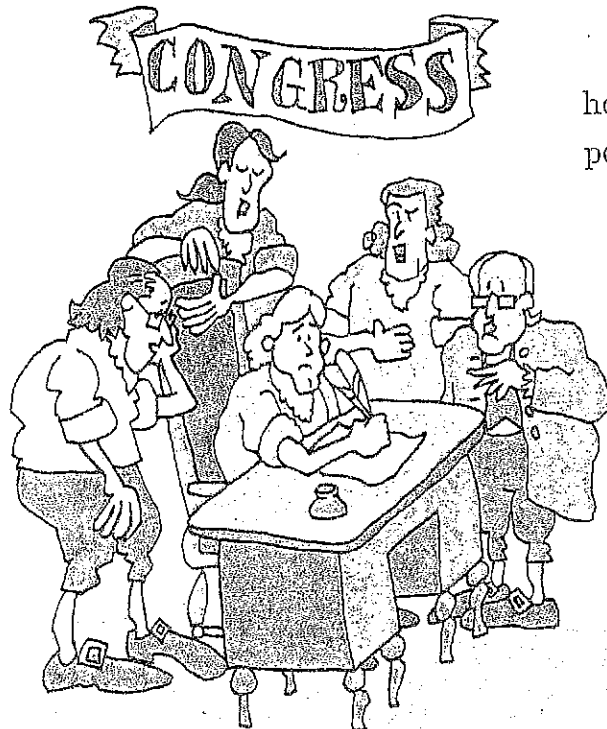
What types of treaties might a president sign with another country?

Boris Yeltsin (Russian President)
and President Bill Clinton.

How does the Constitution limit the powers of the president?

The Framers were careful to limit the powers of the president. They made the president share most powers with Congress. Here are some examples of how Congress can check the powers of the president.

- **Appointment.** The president has the power to appoint people to important jobs in the executive and judicial branches. The Senate has to approve the person before he or she may have the job.
- **Treaties.** The Senate must approve any treaty, agreed to by the president, before it can take effect.

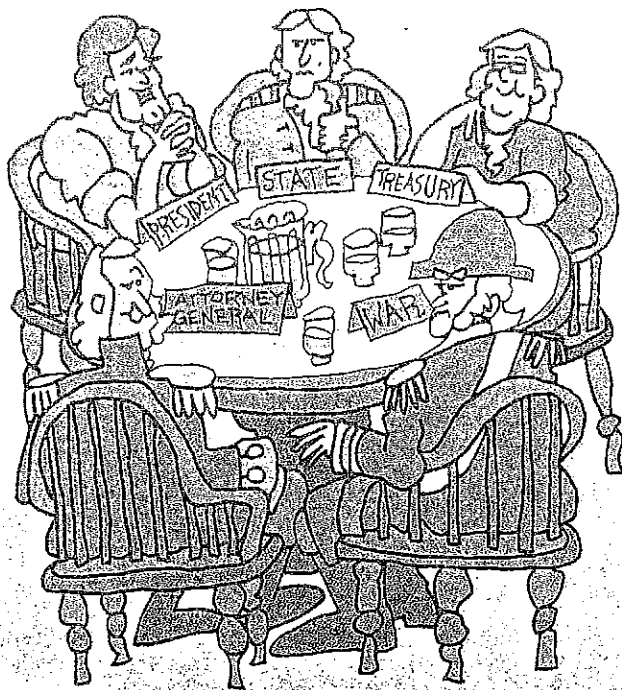


War. The president can conduct a war. Only Congress, however, can declare a war. The president commands the armed forces, but Congress controls the money needed to support the armed forces.

- **Veto.** The president has the power to veto a bill. Congress has the power to approve the same bill in spite of the president's veto, if two-thirds of each house agree.
- **Impeachment.** To impeach means to charge a public official with wrongdoing in office. It also means to bring the official to trial. The House of Representatives has the power to impeach the president. If tried and found guilty by the Senate, the president can be removed from office.

In the next lesson, you will learn how the Supreme Court checks the power of the president.

- *How can Congress limit the powers of the president?*



Why do you think departments were created to help the president?

How is the executive branch organized?

George Washington was elected the first president of the United States. The Framers knew that the president would need help in running the executive branch. But, the Framers did not have a plan. The Constitution does not say how the executive branch should be organized. Instead, the Framers left it up to President Washington and Congress to decide how to organize the executive branch.

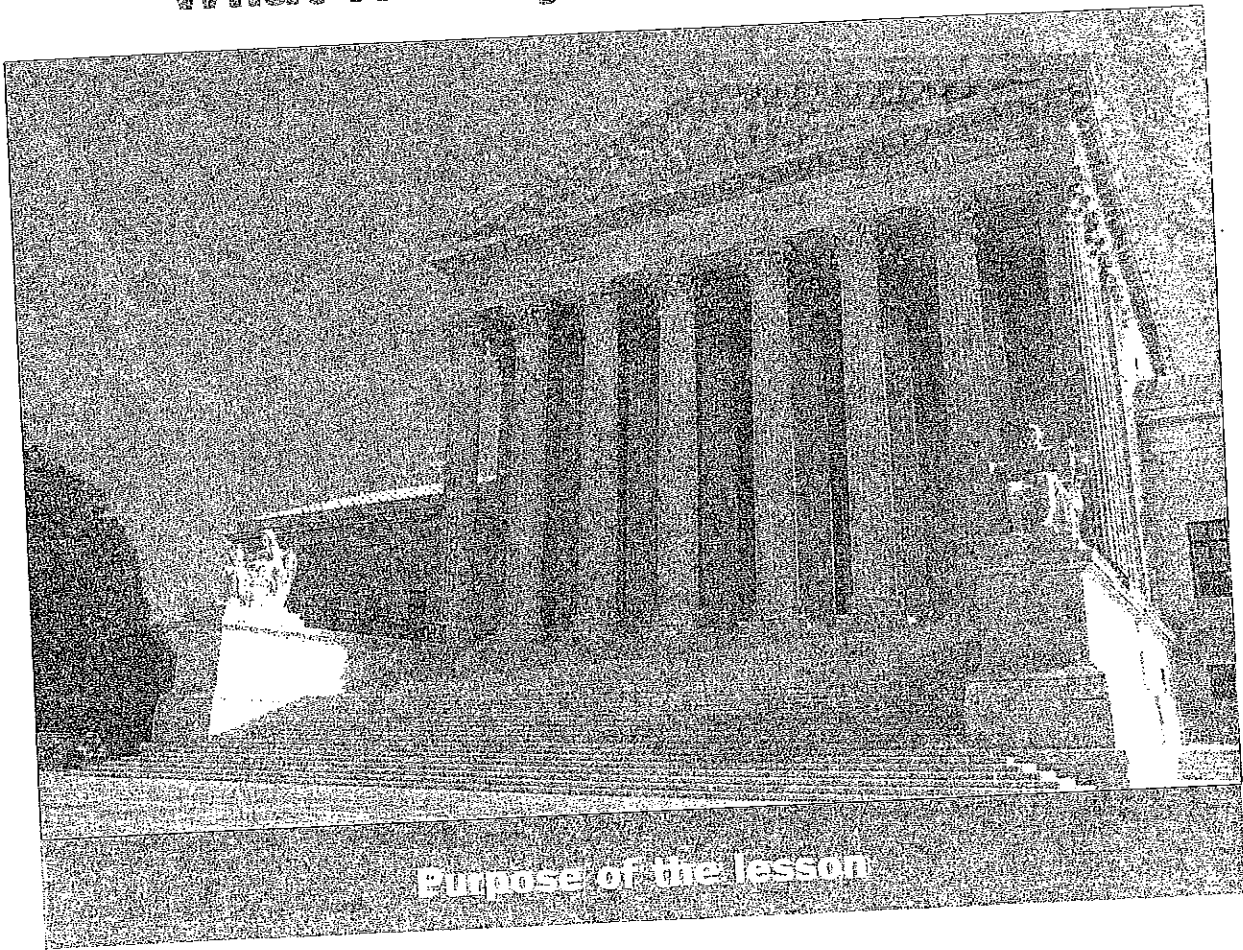
Washington and Congress worked together to decide what advisors the president would need. Congress created four departments to help the president.

- **Department of State** – to handle relations with other countries
- **Department of the Treasury** – to handle the money of the federal government
- **Department of War** – now called the **Department of Defense**, to handle the defense of the nation
- **Attorney General** – now the head of the **Department of Justice**, to be the chief law enforcement officer

The people in charge of these departments act as advisers to the president. These advisers became known as the president's cabinet. The cabinet now includes the vice president and the heads of fifteen executive departments.

LESSON 11

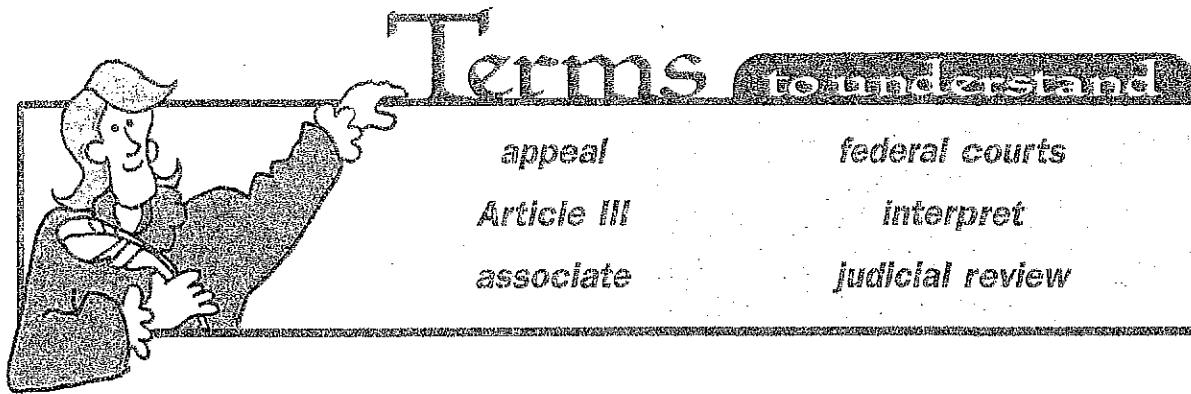
What is the judicial branch?



Purpose of the lesson

The judicial branch is the system of courts of law. The courts decide what laws mean and settle disagreements about them. In this lesson, you will learn about the duties and powers of the judicial branch. You will learn how this branch is organized.

When you have finished this lesson, you should be able to describe how the judicial branch is organized and some of its powers. You should also be able to explain some of the limits on its powers.



What does the judicial branch do?

The role of the courts is to interpret the law. To interpret is to decide the meaning of the law and the Constitution.

The courts settle conflicts between individuals and between the states. The courts also decide if someone is guilty of breaking the law. The courts are responsible for deciding how a guilty person should be punished.

The federal courts are the courts of the national government. The **federal courts** deal with problems between states. Federal courts also handle cases that deal with the Constitution and the laws made by Congress.

How is the judicial branch organized?

The judicial branch of the national government is composed of lower courts and the Supreme Court of the United States. The Supreme Court is the highest

court of our national government. We call the nine judges on the Supreme Court “justices.” The head of the Supreme Court is the Chief Justice of the United States. **Article III** of the Constitution describes the responsibilities and powers of this branch.

How are judges in the federal courts selected?

The Framers believed that if the people elected federal judges, the judges might not make fair decisions. They might favor the people who voted for them. For this reason, federal judges are appointed to office. The president appoints all the judges in the federal courts. The Senate must approve each appointment.

Federal judges usually serve in office until they retire or die. Congress has the power to remove federal judges if they are found guilty of serious crimes.



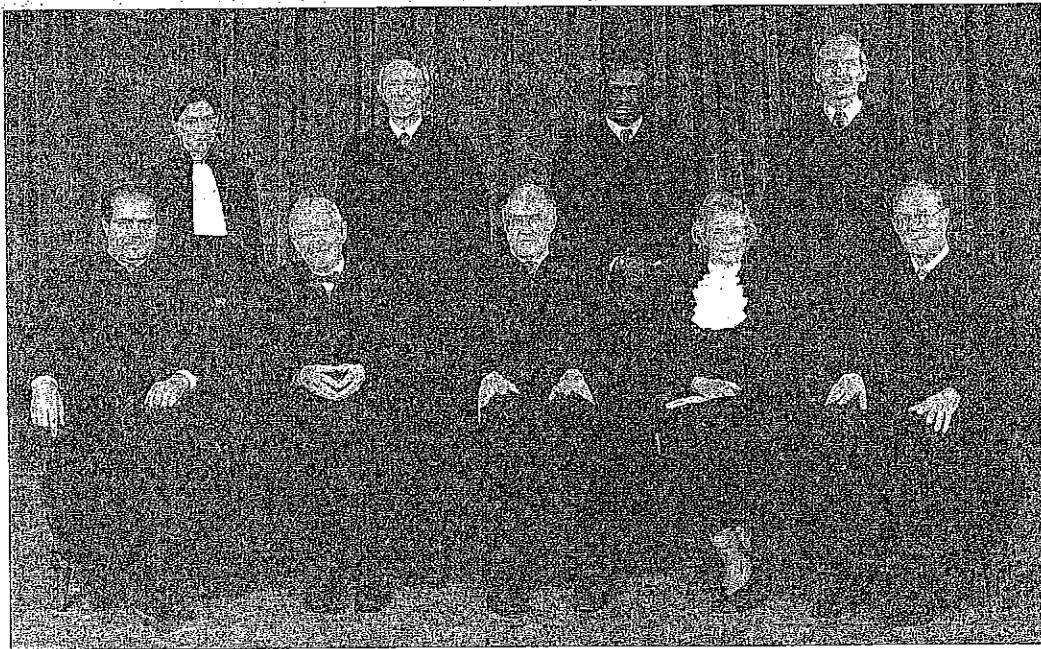
Ideas to discuss



What could you do if the government took away some of your rights?

Suppose you thought that one of your rights guaranteed by the Constitution was being abused by government officials. What could you do about it? In what ways might the courts help protect your rights?

What could you do if you felt you were unfairly sent to jail?



What does the United States Supreme Court do?

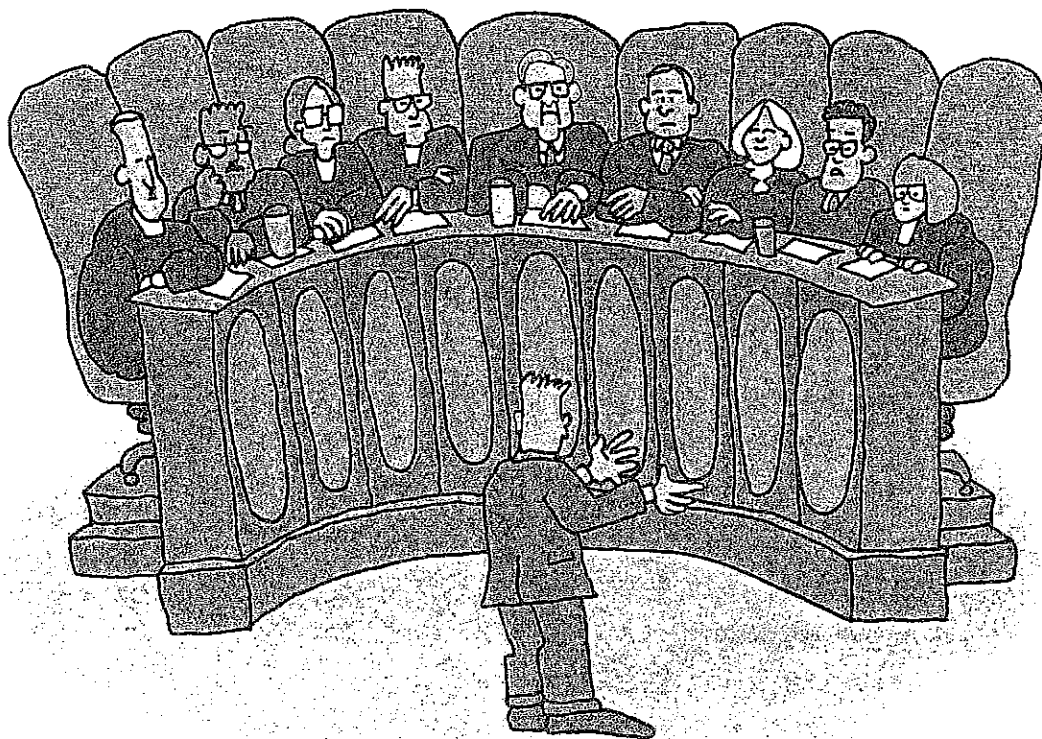
What is the power of judicial review?

Judicial review is one of the most important powers of the judicial branch. **Judicial review** is the power of the courts to decide whether the United States Constitution allows a certain law or action of government. Judicial review gives the federal courts the power to

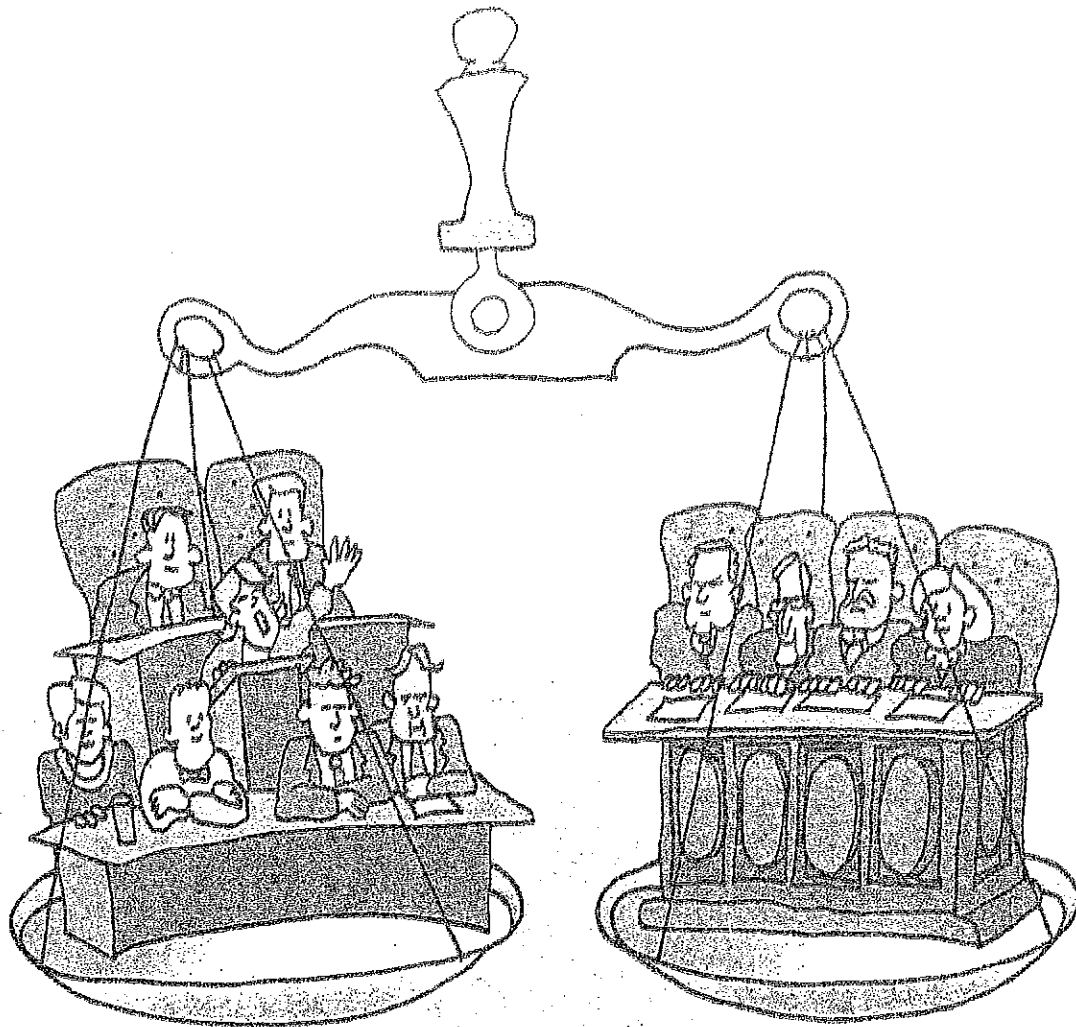
- declare that a law made by Congress is not constitutional
- declare that an action taken by the president is not constitutional

- declare a state law unconstitutional, if it conflicts with the laws made by Congress or with the Constitution

Suppose Congress passed a law that said you must practice a certain religion. The Constitution says Congress cannot do this. You would go to federal court and say that Congress has no right to tell you to belong to a certain religion. The court would review your case. The court has the power to say that the law made by Congress is unconstitutional. If the court does this, the law would not be enforced.



How does the United States Supreme Court check the powers of Congress?



Legislative Branch

Judicial Branch

How is the idea of judicial review related to the idea of separation of powers and checks and balances?

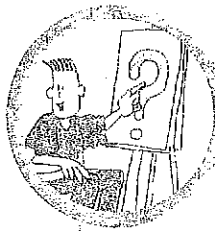
What are the limits on the power of the federal courts?

The Constitution says that judges shall hold their offices "during good behavior." Congress has the power to impeach, try, and remove judges from office.

The Constitution does not give the courts the power to enforce

their decisions. The president is responsible for enforcing the decisions of the courts.

The Constitution also says that judge's salaries cannot be reduced during their time in office. This means that they cannot be punished for the decisions they make.



How would you decide this case?

Suppose that you are a justice of the United States Supreme Court. This case has come to you on appeal from a lower court. Appeal means to request that a case from a lower court be heard again. Work in a group of five students. First, read the case. Then consider the arguments made by both sides. When you finish, the group should decide



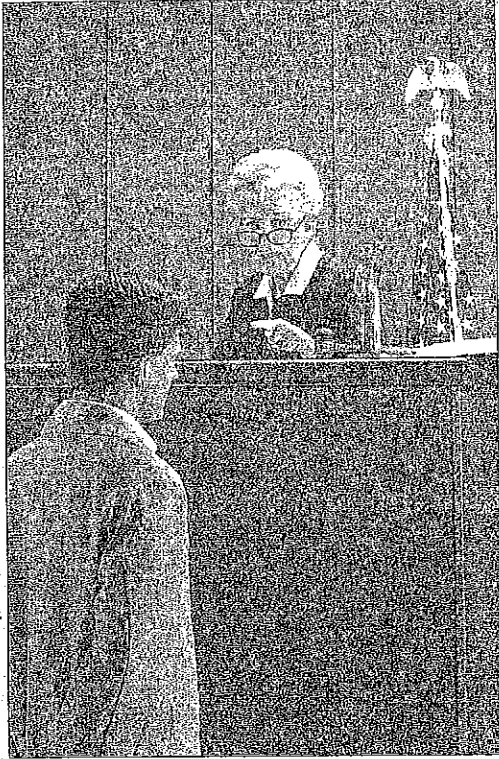
Do you think that laws against loitering violate a person's rights? Why?

how it would rule. Not every member of the group has to agree with the decision. The members who agree should write their ideas on a sheet of paper. The members who disagree should do the same. Be prepared to share your decision with the class.

Chicago v. Morales

Police may not arrest people until they commit a crime. In Chicago, the city government was trying to deal with an increase in gang activity. To help the police, the city government passed a law. The new law made loitering by gang members a crime. The law stated that loitering meant, "to remain in one place with no apparent purpose."

If a police officer saw two or more people loitering, the officer was to order them to move away from the area. Anyone who did not move was in violation of the city law. The person could be put in jail for up to six months. The person might also have to pay a fine or do community service. A person who was able to prove that he or she was not a gang member was to be set free.



➤ *What issues should the court consider in this case?*

A police officer saw Jesús Morales standing with six other people who might be gang members. The officer ordered them all to move on. When the officer came back a little later, the people were still there. The officer then arrested them.

Jesús Morales took his case to the state courts. He claimed that the law violated his rights to move

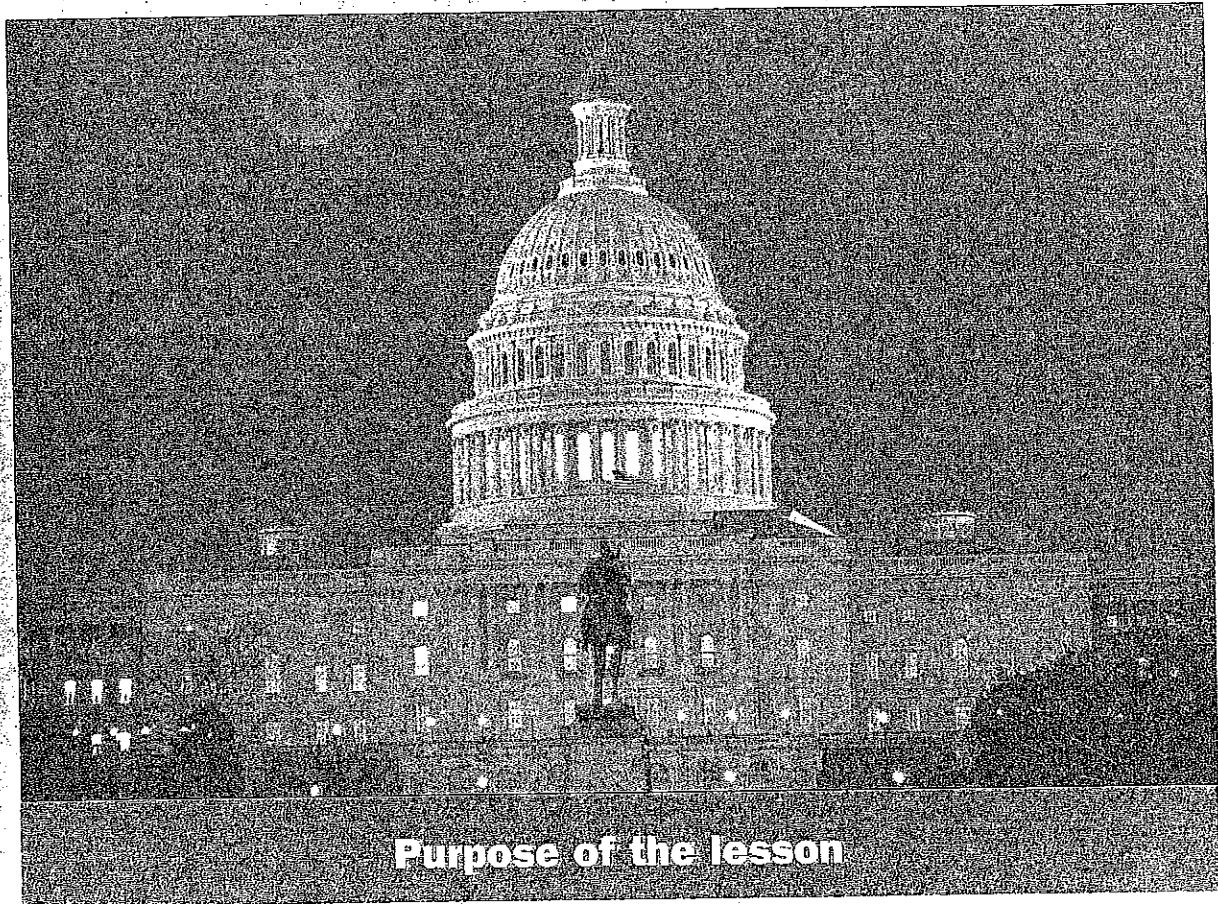
about freely and to associate with others. To **associate** means to join with others as a partner, member, or friend. Morales also argued that the law was unfair. It punished people not for what they have done but for who they are. The state courts ruled in favor of Morales.

The city of Chicago took the case to the United States Supreme Court. The city argued that street gangs scare people and they make the community unsafe. Giving the police power to arrest loitering gang members helps to prevent crime. The law, the city said, does not violate the right to associate with others: It is directed only at loitering. Otherwise, people may associate with whomever they want.

In this case, the Supreme Court has to weigh the rights of individuals against the need of the city to prevent crime. If you were a member of the Supreme Court, how would you decide this case?

Lesson 13

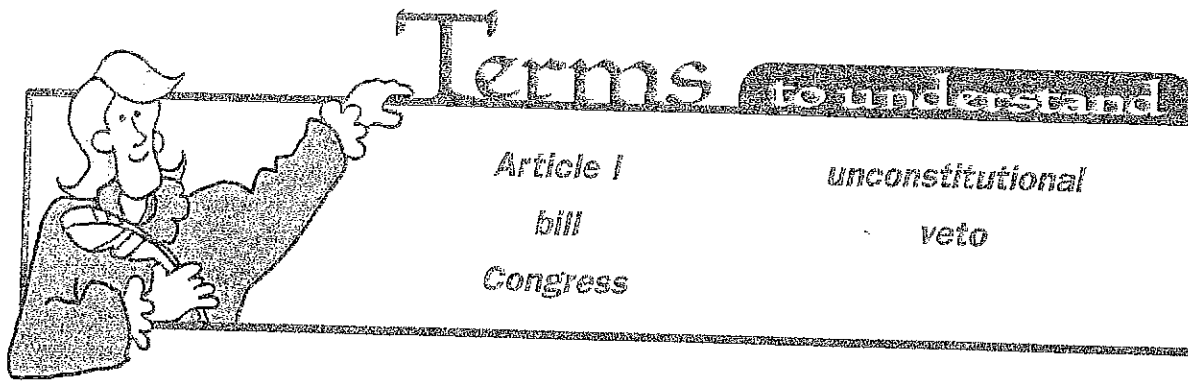
What is the legislative branch?



Purpose of the lesson

You have learned that the legislative branch makes our laws. Our national legislature is Congress. In this lesson, you will learn about the powers of Congress. You will learn something about how Congress makes laws. You will also learn how our Constitution limits the powers of Congress.

When you have finished this lesson, you should be able to describe how Congress is organized, what powers it has, and how its powers are limited. You should also be able to explain how a law is made.



What is Congress?

Congress is the legislative branch of our national government. It makes our nation's laws. As you have learned, the Framers created two houses of Congress. The two houses are the Senate and the House of Representatives.

Senate

Senators must be at least thirty years old. They must have been citizens of the United States for at least nine years, and they must live in the state that they represent. Senators are elected to serve for six years.

Each state sends two persons to the Senate. Today, the United States Senate has 100 senators.

House of Representatives

Representatives must be at least twenty-five years old. They must have

been citizens for at least seven years, and they must live in the district they represent. Representatives are elected to serve for two years.

The number of representatives each state can send to the House is based on its population. Currently, each member of the House represents about 650,000 people. When the Constitution was written, each member represented 30,000 people. The total number of representatives is now limited to 435. There are five representatives from other parts of our country: the District of Columbia, American Samoa, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands. In 2003, California had the most people. California sent fifty-two representatives to the House. Wyoming had the smallest population. Wyoming and six other states each sent one representative to the House.

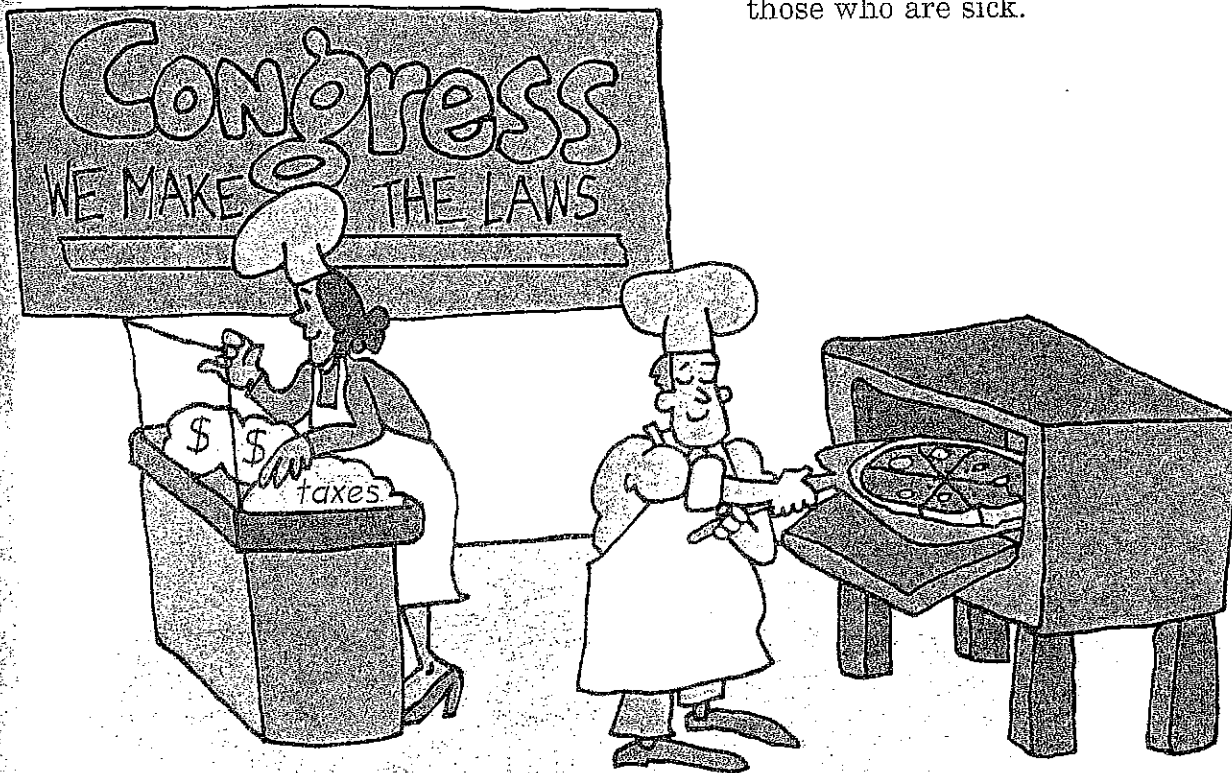
What powers does Congress have?

Article I of the Constitution lists the powers of Congress. Some of these powers are very specific. For example, Congress has the power to

- tax the people
- raise an army and navy to defend our nation
- declare war
- create a court system
- coin money

Other powers of Congress are very general. The Constitution gives Congress the power to

- pass all laws that are necessary and proper to carry out its responsibilities. For example, Congress passed the Civil Rights Acts to prevent unfair discrimination against some citizens.
- provide for the general welfare of the United States. For example, Congress created the National Institutes of Health to support medical research on health issues and to find cures for those who are sick.

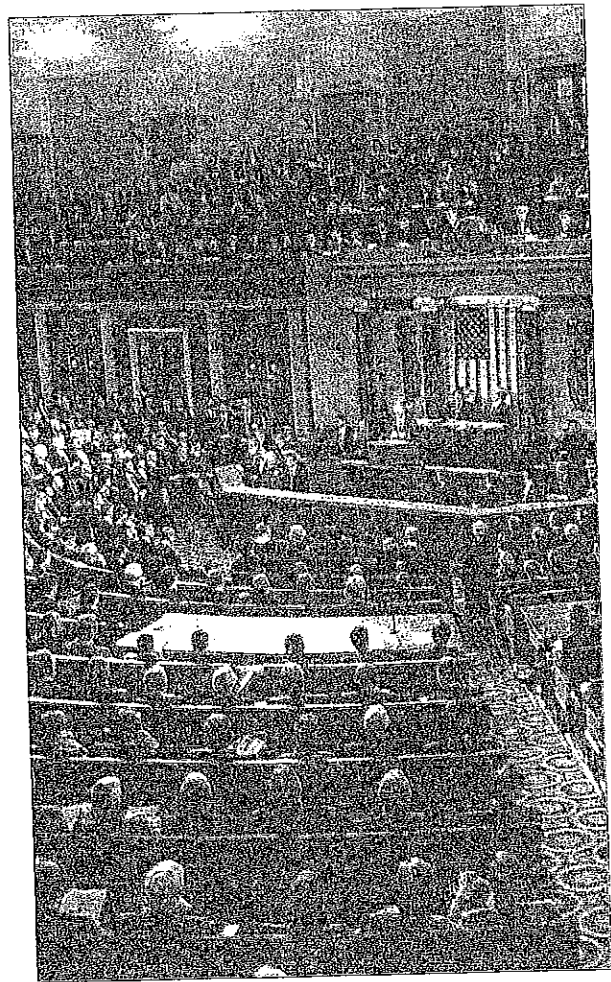


What does the legislative branch do?

How does Congress make a law?

Congress provides for the general welfare by passing laws that help people. Suppose that you, a member of Congress, the president, or some group with an interest, has an idea for a new law. How does the idea become a law? Here are the basic steps that must be followed.

1. **Write a bill.** A member of Congress must agree that the idea is good. Then, he or she writes a proposal for the law, which is called a bill. A **bill** is a proposed law.
2. **Go to committee.** Congress has committees that deal with different areas of the people's needs. A committee will examine the bill. The members of the committee discuss the bill, and then, they might rewrite it, change some parts, or decide that it is not a good bill.
3. **Get a majority vote of Congress.** When the bill is ready, the member of Congress who wrote the bill must get a majority of members to vote for it. If the member is a senator, the bill goes to the Senate first. If she or he is a representative, it goes to the House of Representatives first. Then the bill goes to the other house for a vote.
4. **Get the president to approve the bill.** If the bill passes in both houses, Congress must send the bill to the president. If the president approves the bill and signs it, it becomes a law. If the president refuses to sign the bill and sends it back to Congress, this is a veto. The bill can still become a law, if two-thirds of all the members of Congress vote to pass it over the president's veto.



What steps does Congress need to follow to make a new law?



▶ Why are the powers of Congress limited by the Constitution?

How does the Constitution limit the powers of Congress?

The Constitution and Bill of Rights limit the powers of Congress. They list the kinds of laws that Congress may not make. For example, Congress may not make a law that unfairly and unnecessarily limits your freedom to speak.

Suppose Congress passed a bill saying you cannot criticize the national government. Then the president signed the bill and it became a law. How might this law be overturned? How are your rights protected?

The Supreme Court has the power to declare a law made by Congress unconstitutional. **Unconstitutional**

means that the Constitution does not give Congress the right to pass such a law. If the Supreme Court says this, then the law cannot be enforced. It is no longer a law. This is another check on Congress.

What are the responsibilities of senators and representatives?

Members of Congress are responsible for making laws that protect our rights and promote our welfare. To make laws, members of Congress first must learn about the problems of our country. There are groups with special interests that try to convince members of Congress to make laws that benefit their groups. Congress must find ways to deal with the problems that concern these groups, as well as the people as a whole. Senators and representatives talk to the people in their states and districts. They read letters sent by citizens. They listen to debates and attend committee meetings.

Making good laws is not easy. A bill might help some people while it hinders others. Members of Congress must decide whether to vote for or against each bill. The next class participation activity will help you understand how difficult it can be to decide if a bill deserves support.