

We the People

THE CITIZEN & THE CONSTITUTION



Third Edition

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We the People: The Citizen & the Constitution, Level 1.

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LESSON 14



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 know

appoint

Article II

budget

commander in chief

Electoral College

impeach

popular vote

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.

How is the president selected?

Every four years on the Tuesday following the first Monday in November, voters go to their polling places and cast their votes for the president and vice president of the United States. Their votes will be counted, but the results will not guarantee that the candidate with the most votes will become the president.

To select the president and vice president, the Framers of the Constitution proposed what is now called the **Electoral College**.

When people vote for the president, they are actually voting for electors who are pledged to vote for the candidate who wins most of the people's votes.



What is the system for selecting the president of the United States?

Each state has a number of electors equal to the number of U.S. senators, two for each state, plus the number of U.S. representatives, which varies according to the state's population. For example, Indiana has two senators and nine representatives. Indiana therefore has eleven electoral votes.

The Electoral College includes 538 electors, 535 for the total number of members in Congress, and three electors who represent Washington, D.C. States with large populations have more electoral votes than states with small populations. A candidate must have 270 of the total 538 electoral votes to become president.

There have been three times in our history when the candidate with the most popular votes did not win the election. The **popular vote** is the number of actual votes cast by the people during a presidential election, rather than the votes cast by members of the Electoral College.

But what if no candidate gets a majority of votes in the Electoral College? In that case, the House of Representatives selects the president by majority vote. Each state is allowed one vote.

Although the Electoral College is complicated, the Framers thought it was the best solution for selecting the president.



Ideas to discuss

Should the candidate with the most votes win?

Many people in our country believe that the candidate with the most votes should automatically become president. Some people want to change the electoral system. Do you agree or disagree? Explain why or why not.

A meeting of Virginia's electoral college during the 2008 presidential election. Do you think we should change the electoral system? Why or why not?



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 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



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

- 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.

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.

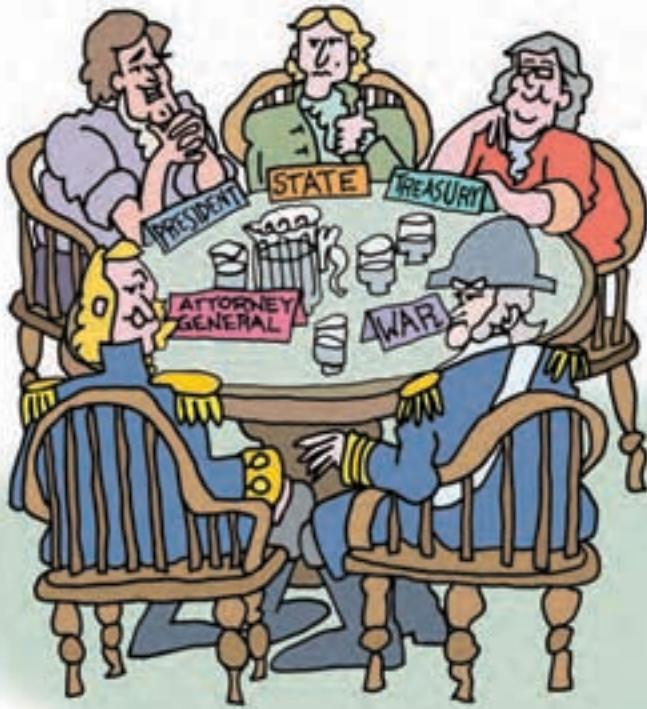
- **Appointment** The president has the power to appoint people to important jobs in the executive and judicial branches. The Senate has to approve the person before he or she may have the job.
- **Treaties** The Senate must approve any treaty agreed to by the president before it can take effect.
- **War**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

Review the lesson

- 1 Explain the process for selecting a president.
- 2 What are some duties and powers of the president of the United States?
- 3 Explain four ways that Congress can check the power of the president.
- 4 What does the president's cabinet do?
- 5 Who holds each of these offices in the United States today: the president, the vice president, the secretary of state, the secretary of the treasury, the secretary of defense, and the attorney general?

Activities to do

- 1 What are the qualifications for being president of the United States? To answer this question, see the Constitution, Article II, Section 1.
- 2 Article I, Section 1, says that the president is to be elected by "electors" appointed in each state. How many electors does your state have? How are they chosen? Find more information about the process for electing the president. Share what you learn with the class.
- 3 Today there are fifteen members of the president's cabinet. Find the names of the fifteen cabinet offices. Create a chart that shows the president's cabinet. On the chart, explain what each member does.
- 4 Find newspaper articles about a duty that the president is carrying out. Be prepared to share the articles with your class. Use the articles to create a class bulletin board.
- 5 Find newspaper articles about Congress or the Supreme Court checking something the president wants to do. Write a report that explains what is happening. Use quotes from the article. Present the report to the class.
- 6 When in our history did the candidate who won the popular vote not win the Electoral College vote?