

U.S. Government SLO/Final Exam Review Text 2

SSCG 4a What are the powers of the Executive Branch?

- **Article 2 Section 2** of the Constitution list the following powers and positions belonging to the President of the United States.
- **Chief Executive**; in charge of all the appointed organizations, officials, officers, and employees of the Executive Branch.
- 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; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to **grant Reprieves and Pardons** for Offenses against the United States, except in Cases of Impeachment.
- He shall have Power, by and with the Advice and Consent of the Senate, to **make Treaties**, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of
- the Senate, shall **appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States**, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

GSSCG 4b What is the purpose of the concept of checks and balances?

- The French philosopher Montesquieu said that the only way to stop a government from becoming tyrannical was to separate the powers of government. In writing the Constitution, the founder's separated power among the legislative, executive and judicial branches, but also that one or two of the branches of government be able to stop the actions of the one or two of the branches. This can be done even when that branch is exercising its specified powers. This is the system of **checks and balances**. While one or two branches can stop the actions of others, it also requires that all three branches must agree for any power to be acted upon.
- In the federal government there is a system of **specified and shared powers** that enable the branches to **checks and balances** the powers of each other. Specified powers designate who can take the action over the use of power, but for it to be completed the power is Shared among the branches. For Example, while the Legislative Branch (Congress) can write a bill to become a law (to legislate), this power is shared, in that it must be signed by the Executive (President) before it becomes a law. Thus the Legislative and Executive branch share the power to make a law.
- But this **balancing** of the power to legislate also requires that after the Executive (President) has signed the bill into law, the Judicial Branch (Courts) must agree that the law is Constitutional (in accordance with the Constitution). The system also allows the Branches to **check** (stop) the actions of the other branches' specified powers. Within the Legislative Branch (House and Senate) one house might not pass the bill passed by the other House. Even if the Bill passes both Houses, the Executive (President) can veto the bill, killing it unless the Congress votes to override the veto with a 2/3rd vote.
- Finally if the Legislative (Congress) and the Executive (President) both pass a bill it can be ruled by the Judicial Branch to be unconstitutional (null and void). Finally if the Congress wants to pass such a bill, they can propose and Amendment (Change) to the Constitution giving them power that the Judicial Branch said they didn't have. Even this power is subject to the checks and balances in that it must be approved by the states.

GSSCG 5b What are the differences between enumerated, expressed and implied powers?

- **Enumerated Powers** are those powers of the national legislature that are listed Article 2, Section 8 #s 1-18 and because they are specifically written they are also known as the **expressed powers**.
- **Implied Powers** or powers not listed or are expressed, arise out of Article 1 Section 8, #18, the necessary and proper clause, or the elastic clause, and are said to be implied because they allow powers that are not enumerated or expressed, but are necessary to carrying out those that are enumerated or expressed.

GSSCG 5c What is the concept of Federalism?

- **Federalism** is a system of government, constitutionally created, which divides the powers of government between the levels of government (national and state). In the U.S., under Federalism, power is divided between the National and State Governments by specifying power to the national government, sharing power between national and state, denying powers to both the national and state and by reserving power (10th Amendment) to the states. Since no one branch of government controls all the powers to make laws, Federalism forces the branches of government to compromise in order to get anything done.

GSSCG 5f What is the Supremacy Clause?

- Article 6 Clause 2 of the Constitution of the United States says: “This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the **supreme law of the land**; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.” This makes any law, made by the national government, under its specified or implied powers, that conflicts with any laws made by the state or local governments, to be higher in authority than those of state and local government.

GSSCG 6a Know the first ten amendments and the intention and purpose of the founding fathers to include the Bill of Rights in the US Constitution.

- The Bill of Rights, which became the first 10 amendments to the Constitution when ratified, limited the power of the national government by saying what government can’t do, it thereby establishes the individual rights of citizens.
- The First Amendment establishes the freedoms of the individual. “Congress shall make no law respecting an **establishment of religion**, or prohibiting the **free exercise** thereof; or abridging the **freedom of speech**, or of the **press**; or the right of the people **peaceably to assemble**, and to **petition** the Government for a redress of grievances.
- The Second through Fourth Amendment establishes protections from government. Right to bear Arms, the **Quartering of troops** on private property, and the protections from **unlawful searches and seizures**.
- Amendments Five through Eight are list the protections of a person suspected or accused of a crime and include rights to **trial**, right to remain **silent**, and freedom from **cruel and unusual punishments**.
- The Ninth and Tenth Amendments have a relationship to each other in that **rights not listed** belong to the people and **powers not listed** or denied belong to the states.

U.S. Government SLO/Final Exam; Review Activity 2

Directions; Using your SLO/Final Review Text Sheet, number and respond to the following in complete sentences, rewriting the question as part of the response. You can complete the sentences on the back or on an attached separate sheet of paper. All 6 review activities will be in stapled in order to the cover instructions sheet and turned in on Final Exam test day, for a summative grade.

1. What is specified in Article 2 of the Constitution? (SSCG 4)
2. What powers of the President are listed in Article 2 of the Constitution? (SSCG 4)
3. What are the separation of powers? (SSCG 4)
4. What are the enumerated powers and what other names do they have? What are implied powers and where do they come from? (SSCG 5)
5. What is specified, implied, and shared powers? SSCG 5)
6. Since power is separated among the branches of government what must the branches do accomplish their policies? (SSCG 5)
7. What did the Brown v Board of Education decision declare? (SSCG 6)
8. What individual freedoms are found and where in the Bill of Rights? (SSCG 6)
9. What amendment covers the protection from illegal searches and seizures? (SSCG 6)

