

Name:

3 Branches Packet Part 2: Executive and Judicial Branches



Executive Branch Intro (use page 390-392)

1. Why is Article II often called the Executive Article?

2. Give three reasons for the growth of presidential power.
 - a.
 - b.
 - c.

3. Summarize the two competing views of the constitutional phrase “executive power.”
 - a.
 - b.

4. Pick two quotes on page 391 (right side of page in the box), and restate them in your own words.
What do you think it would be like to be the president?

5. Use your text-book glossary or other resource to define the following words.
 - Reprieve: (813)
 - Pardon: (812)
 - Clemency: (808)
 - Bureaucracy: (807)
 - Amnesty: (807)
 - Foreign Policy: (810)
 - Domestic Policy: (809)
 - United Nations: (496)
 - NATO: (642)

Quick Write: What does the President do? Does he have a lot of power?

Executive Branch and Bureaucracy

Article II

1. Powers of the President: List and describe the power of the president below.

J

O

E

L

C

A

R

T

E

R

2. What are some ways that the President's powers are limited?

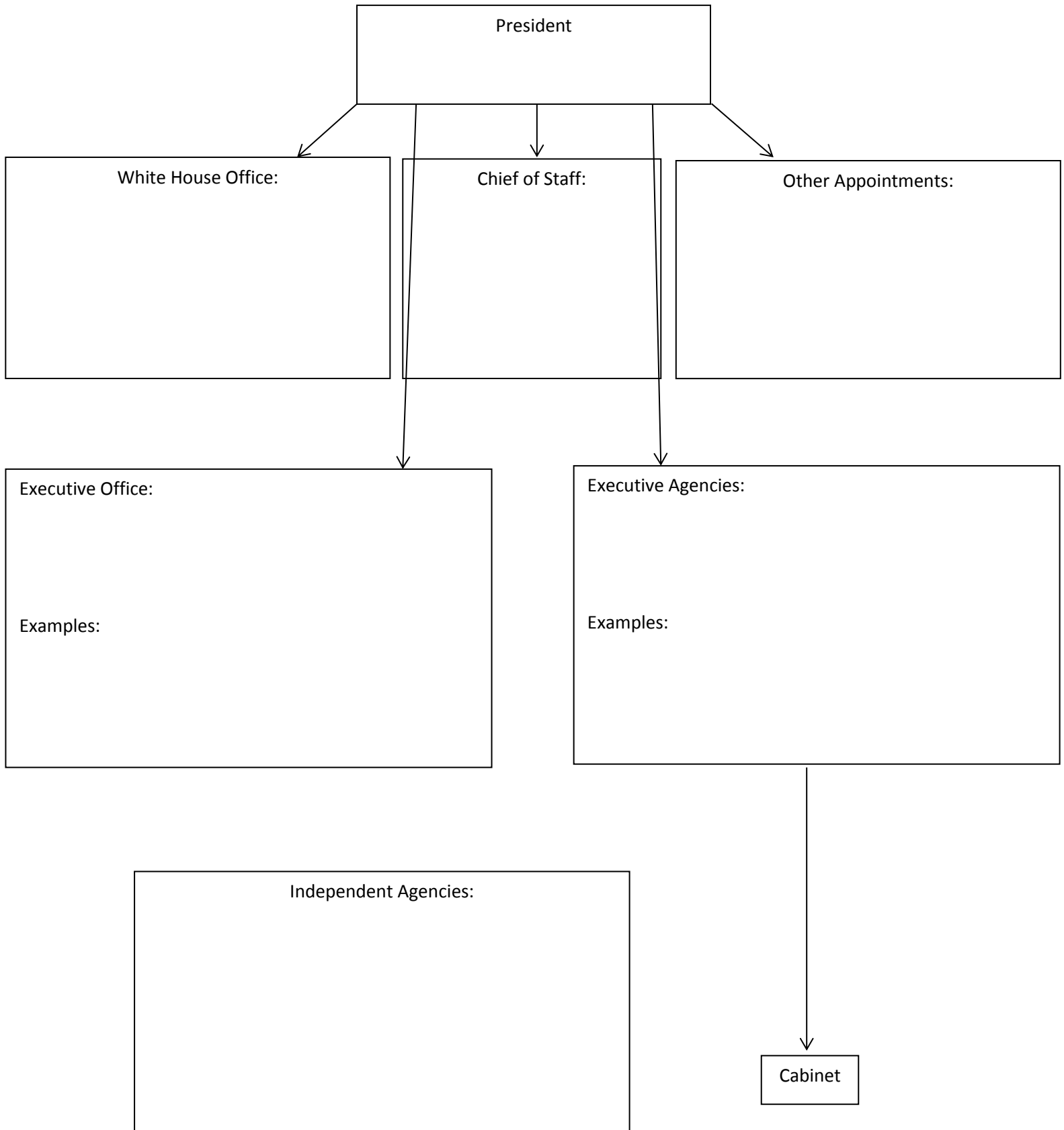
3. Look at the president's daily schedule. What do you notice? Which powers are being used?

4. What are the Constitutional requirements to be president? Informal?

5. What is the "situation room"? Why is it important?



6. What is the bureaucracy? Why are they important?



About the Cabinet

Who they are:



- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.

Executive Agency

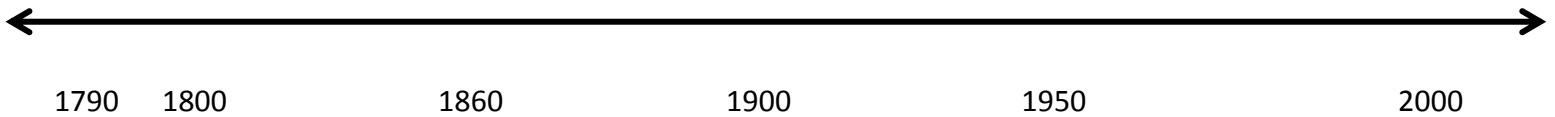
Read the article about your Executive agency. Then answer the following questions below to help you become an expert about your assigned Executive agency. These questions will help prepare you for the second part of this assignment in which you will be teaching your peers about the agency.

1. What is the name of the executive agency?
2. What year was this executive agency created, and who was President at this time?
3. Why was the executive agency created and what is its purpose? Describe any particular events that were occurring that might have influenced the agency being created.
4. Explain the work that has been done by this agency through history? Provide 3 clear examples.
5. What work is being done by this executive agency today? Provide 2 clear examples.
6. How might the work of this agency affect your own life? How might it affect citizens of our state? Citizens of our nation?

						
<p>Why was the executive agency created? What events influenced the agency being created?</p>	<p>What work has been done by the agency through history?</p>	<p>What work is being done by the agency today?</p>	<p>How does the agency affect our lives?</p>	<p>How does the agency demonstrate themes of the U.S Preamble?</p>	<p>What is something interesting about the agency? Or something you didn't already know?</p>	

Quick Write: How has presidential power changed over time?

Answer quick write then take notes on the timeline below and indicate major changes in presidential power.



Foreign Policy

Use chapter 17 section 3 (pages 481-89) to complete the following assignment.

1. Define Foreign Policy.



Event or Era	Description of Policy	Why is it important to understanding our foreign policy?
Independence	George Washington	Isolationism! Very little political connection
Monroe Doctrine	James Monroe, 1823	

Event or Era	Description of Policy	Why is it important to understanding our foreign policy?
Continental Expansion	Beginnings through Lincoln,	Our “Manifest Destiny” to take land!
Good Neighbor Policy/ Roosevelt Corollary	Or bad neighbor? 1900s	
WWI		Led to isolationism again, as totalitarian governments rose to power
WWII	(Presidents FDR and Truman) Isolationism OVER!... continue to fight the Axis powers, genocide	
(Cold War) Collective Security		UN created (1945) NATO (1949)
(Cold War) Deterrence	Strategy of maintaining military might of US at so great a level that its very strength will deter (keep away) any attack	
(Cold War) Truman Doctrine		Support free people who are resisting communism
Cuban Missile Crisis	JFK 1962	

Korean War	Truman and Eisenhower. "Forgotten War"...US tried to stop communism from spreading to South Korea	
Vietnam War	Johnson, Nixon, Ford. Vietnam wanted freedom from France, US wanted to stop communism from spreading... US "lost", many died, US started doubting its government	
Détente		1980s saw an end to Détente Cold War policies ended with the fall of the Berlin Wall in 1989, starting a new, undefined era of foreign policy
Bush Doctrine: Preemption		War on Terror
Obama	Ending of foreign wars, proliferation of drones	

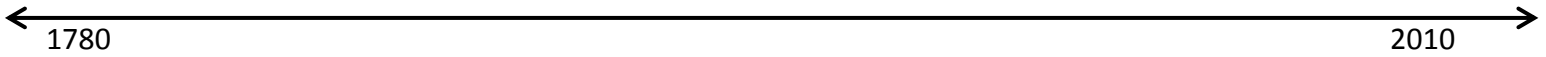
Use section 4 of your textbook to help you answer the following questions.

2. What is NATO?

3. What is the UN?

4. Should the US base its foreign policy more on these two groups? Why or why not?

5. On the timeline below, label and describe the top 5 most important turning points (in your opinion!) in US foreign policy history.



Electoral College Turns Presidential Election into State to State Combat

While voters might think they're voting for Barack Obama or Mitt Romney on Election Day, they're not. They're voting for a member of the Electoral College—a uniquely American institution responsible for George W. Bush's win in 2000 despite his losing the popular vote to Al Gore, and the reason the campaigns have spent over \$25 million on ads in Ohio and nothing in Utah.

The Electoral College is a process, not a place. The founding fathers established it in the [Constitution](#) as a compromise between election of the President by a vote in Congress and election of the President by a popular vote of qualified citizens. It has had a profound effect on presidential elections, leading candidates to focus on so-called battleground states instead of winning over the most total voters.

When voters cast their ballots, they're actually selecting electors set up by each state who are pledged to one of the candidates selected in primaries or caucuses around the nation.

The Electoral College consists of 538 electors. A majority of 270 electoral votes is required to elect the President. Your state's entitled allotment of electors equals the number of members in its Congressional delegation: one for each member in the House of Representatives plus two for your Senators.

Under the [23rd Amendment](#) of the Constitution, the District of Columbia is allocated 3 electors and treated like a state for purposes of the Electoral College. For this reason, in the following discussion, the word "state" also refers to the District of Columbia.

Swing States are Battleground States

Each campaign divides the electoral map into states firmly Republican (“red”), firmly Democrat (“blue”), and swing states. These swing states can be further divided into “leading” or “battleground” states, which are just too close to call.

This year, some of the hottest battleground states are Nevada, Indiana, Virginia, North Carolina, and Florida.

Both major party campaigns spend almost all of their time and money on battleground states.

What ACTUALLY happens when we vote

Each candidate running for President in your state has his or her own group of electors. The electors are generally chosen by the candidate’s political party, but state laws vary on [how the electors are selected](#) and what their responsibilities are.

The presidential election is held every four years on the Tuesday after the first Monday in November. You help choose your state’s electors when you vote for President because when you vote for your candidate you are actually voting for your candidate’s electors.

The popular vote is not important on the national level, but it is at the state level. Most states have a “winner-take-all” system that awards all electors to the winning presidential candidate. However, Maine and Nebraska each have a variation of “proportional representation.”

After the presidential election, your governor prepares a “Certificate of Ascertainment” listing all of the candidates who ran for President in your state along with the names of their respective electors. The Certificate of Ascertainment also declares the winning presidential candidate in your state and shows which electors will represent your state at the meeting of the electors in December of the election year. Your state’s Certificates of Ascertainments are sent to the Congress and the National Archives as part of the official records of the presidential election.

The meeting of the electors takes place on the first Monday after the second Wednesday in December after the presidential election. The electors meet in their respective states, where they cast their votes for President and Vice President on separate ballots. Your state’s electors’ votes are recorded on a “Certificate of Vote,” which is prepared at the meeting by the electors. Your state’s Certificates of Votes are sent to the Congress and the National Archives as part of the official records of the presidential election.

Each state’s electoral votes are counted in a joint session of Congress on the 6th of January in the year following the meeting of the electors. Members of the House and Senate meet in the House chamber to conduct the official tally of electoral votes.

The Vice President, as President of the Senate, presides over the count and announces the results of the vote. The President of the Senate then declares which persons, if any, have been elected President and Vice President of the United States.

The President-Elect takes the oath of office and is sworn in as President of the United States on January 20th in the year following the Presidential election.

Critics

Critics of the system still argue that the system can privilege the voters of swing states as candidates will campaign harder for their votes.

The system is weighted to benefit smaller states. For example, Wyoming, the least-populated state, gets 3 votes, giving it one Electoral College vote per 172,000 people, while California, the largest state, has 55 votes, making it one vote per 655,000 people.

Other critics say that the system is inherently undemocratic as it is possible for a candidate to win the popular vote and still lose the election as happened in 1876, 1888, and 2000.

While many proposed constitutional amendments have been written to adopt a direct popular vote instead of the indirect Electoral College system, none have successfully made it through both houses of Congress.

Qs to answer:

1. What are the requirements to vote? (4)
2. How many electors does the Electoral College consist of? Why is it this number?
3. How many Electoral College votes does a candidate have to receive to win the Presidency?
4. What do the “red” and “blue” states represent on the Electoral map?
5. Why are swing states so important in elections?

6. When you vote for your candidate, who are you actually voting for?

7. Is the popular vote more important on the national level or state level? Why might this be? Include in your answer “winner-take-all” system.

8. Why do some people criticize the Electoral College system?

9. Comparing small states to large states, do you think the Electoral College is a fair system?

10. Why do you think that none of the proposed Constitutional amendments that have been written made it successfully through both houses of Congress?

Quick Write: What would be your strategy as a candidate visiting a swing state?

How do we really elect the president? The Electoral College!

What is the Electoral College?

E-lec-tor-al College- A body of electors chosen to elect the President and Vice President of the United States (_____)

As people vote in a presidential election they do not cast a vote _____ for one of the contenders for the presidency.

Instead, they vote to elect _____.

History of Electoral College

- Why did our founders design the Electoral College?
- Many different theories:
Protect small states-

Wanted electors to come to a decision to nominate a selection of good candidates-

How do you “win” the Electoral College?

- There are currently _____ electoral votes in the United States
- _____ Senators + _____ Representatives + _____ votes for D.C = **538 electoral votes**
- Therefore, a candidate must receive _____.
- If a tie occurs (269/269), the election is given to the _____.

All but 2 states are “_____” (Maine and Nebraska)

- If MI has 16 Electoral College points, Barack Obama earns all 16 if he gets MORE popular votes than Mitt Romney. Like this:
51% people vote for O...winner takes _____!
49% people vote for R...loser gets _____!

How do states get their points?

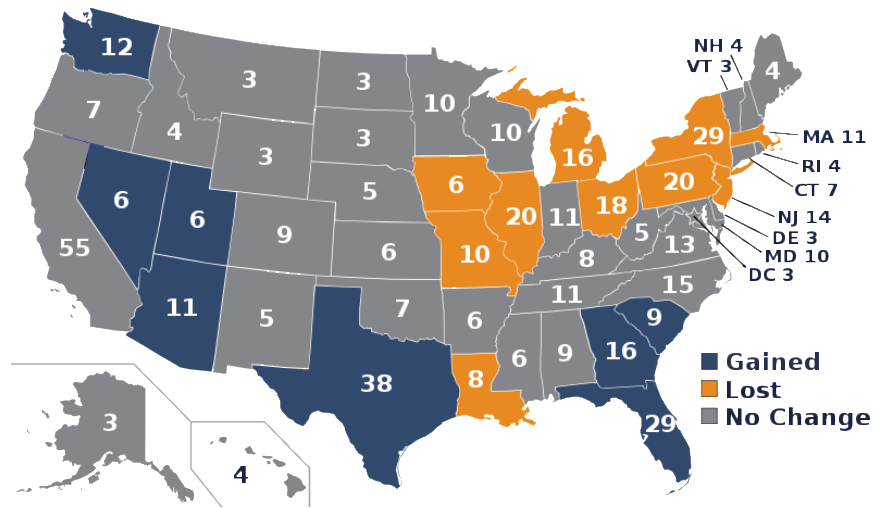
- The Constitution provides for the election of the President by the Electoral College in which each state has as many electors as it has _____
Number of Senators (_____) + Number of Representatives (_____))
Ex. Michigan- 2 Senators + 14 Representatives = _____ electors

The Framers expected electors to use their own judgment in selecting a President.

- **Today, electors are expected to vote _____ from his/her state.**

Which states have gained electors?

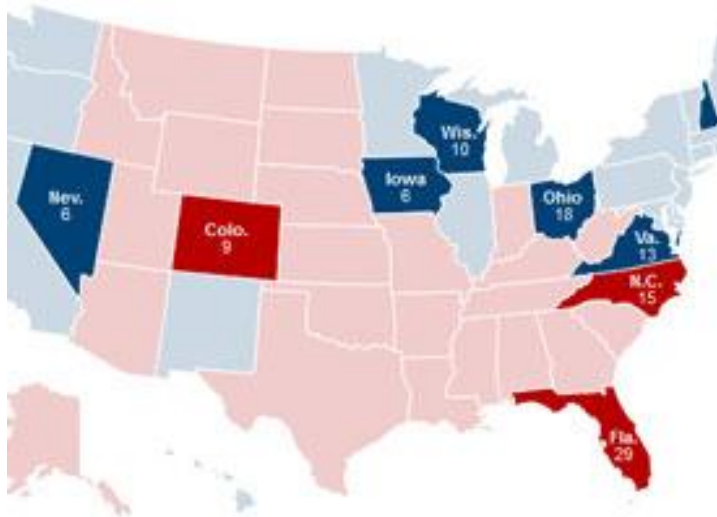
- 1.
- 2.
- 3.
- 4.



Which states have lost electors?

- 1.
- 2.
- 3.
- 4.

Electoral College-updated since 2010 census



Remember the “Swing States”? Why do these matter?

Quiz Time!!!

- If Michigan has 16 electoral college votes...
 How many Senators does Michigan have? _____
 How many Representatives does Michigan have? _____
 What about for California, 55 electoral votes, how many Senators _____ and Representatives _____?

How the EC works: Take notes below.

<http://www.youtube.com/watch?v=OUS9mM8Xbbw>

Problems with the Electoral College

- The possibility that the winner of the popular vote will not win the presidency.

1824- Jackson and **John Quincy Adams**

1876- **Hayes** and Tilden

1888- Cleveland and **Harrison**

2000- **Bush** and Gore

Gore- 50,996,039 popular votes, 540,098 more than Bush. Bush won 271 electoral votes, one more than needed to win the majority.

- Watch video clip, and take notes below:

<http://www.youtube.com/watch?v=7wC42HgLA4k&feature=fvwrel>

How Can we Fix it? Direct Popular Election!!

- The most popular reform is to do away with the Electoral College system and allow direct popular election.
 - Each vote would count equally in the national result.
 - The winner would always be the one with the most popular votes
- But this would require a Constitutional Amendment ☹

Should we “dump the old school”? What do you think?

Quick Write: What is 1 pro and 1 con to our current Electoral College system?

Executive Branch Practice Questions

- _____ 1. How is the number of electoral votes per state calculated?
- a. based on population
 - b. their senators plus their representatives
 - c. based on the census every ten years
 - d. all of the above
- _____ 2. True or False: The President can declare war.
- _____ 3. If a presidential candidate gets 51% of a States votes, they get
- a. 51% of the electoral votes
 - b. all of the electoral votes
 - c. 50% of the electoral votes
 - d. 49% of the electoral votes
- _____ 4. Which of the following is a characteristic of the Cabinet?
- a. once appointed Cabinet members serve for life
 - b. no Senate approval is necessary for confirmation
 - c. not mentioned in the Constitution
 - d. 35 years or older
- _____ 5. Which is an advantage of the Electoral College?
- a. promotes bicameralism
 - b. makes sure that everyone values higher education
 - c. keeps small states from being ignored
 - d. makes sure the popular vote is heard

Judicial Branch Vocabulary

Use your text-book glossary or other resource to define the following words.

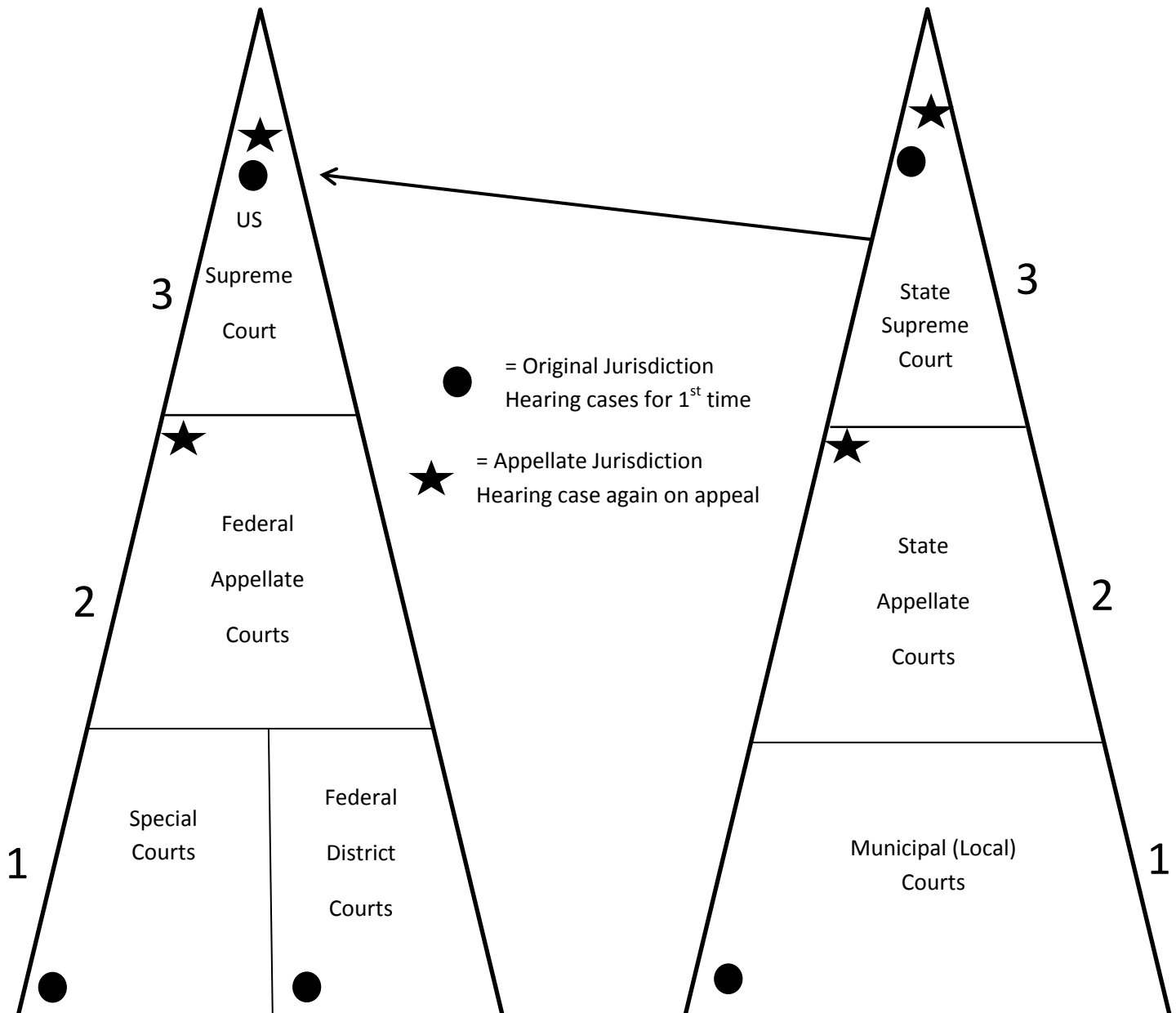
- Civil Case:
- Criminal Case:
- Appellate Jurisdiction:
- Exclusive Jurisdiction:
- Concurrent Jurisdiction:
- Majority Opinion:
- Concurring Opinion:
- Dissenting Opinion:
- Judicial Review:

The Judicial Branch

1. What does the judicial branch do?
2. Why is the role of the judicial branch particularly important to a democracy?

Complete the following chart as we talk in class.

Dual Court System



Practice Scenarios

Based on the Dual court system visual, figure out where each case should be heard. (Who has jurisdiction?)

1. Employees of Chester Carpet Company sued their employer for failing to make pension contributions as required by the Employee Retirement Income Security Act.
2. Thomas was convicted in a federal district court for kidnapping a 23-year-old woman. He decided to appeal the court ruling.
3. Joe was arrested for burglary. He is tried and convicted in a municipal court but appealed his case based upon a question of the validity of eyewitness accounts.
4. The state appeals court refused to overturn a conviction of Alex for murder. He decided to appeal to a higher court.
5. Frances is being deported for lack of a proper visa. She sues the Department of Immigration.
6. Frederick is suing his former employer for back pay.
7. Mr. Smith believes he was not hired by a fast food restaurant because of his age. He sues the restaurant.

The Supreme Court: Powerpoint

Current Supreme Court

- Chief Justice of the United States: JOHN G. ROBERTS, JR.

Associate Justices: ANTONIN _____
 ANTHONY M. KENNEDY
 CLARENCE THOMAS
 _____ BADER GINSBURG
 STEPHEN G. BREYER
 SAMUEL A. _____, JR.
 SONIA SOTOMAYOR
 ELENA _____

Retired Justices: SANDRA DAY O'CONNOR
 DAVID H. SOUTER
 JOHN PAUL STEVENS

Why do we have a Supreme Court?

How do you get to be on the Supreme Court?

Step 1:

Step 2:

Step 3:

Step 4:

What power does the court have?

Judicial Review:

Appellate Jurisdiction:

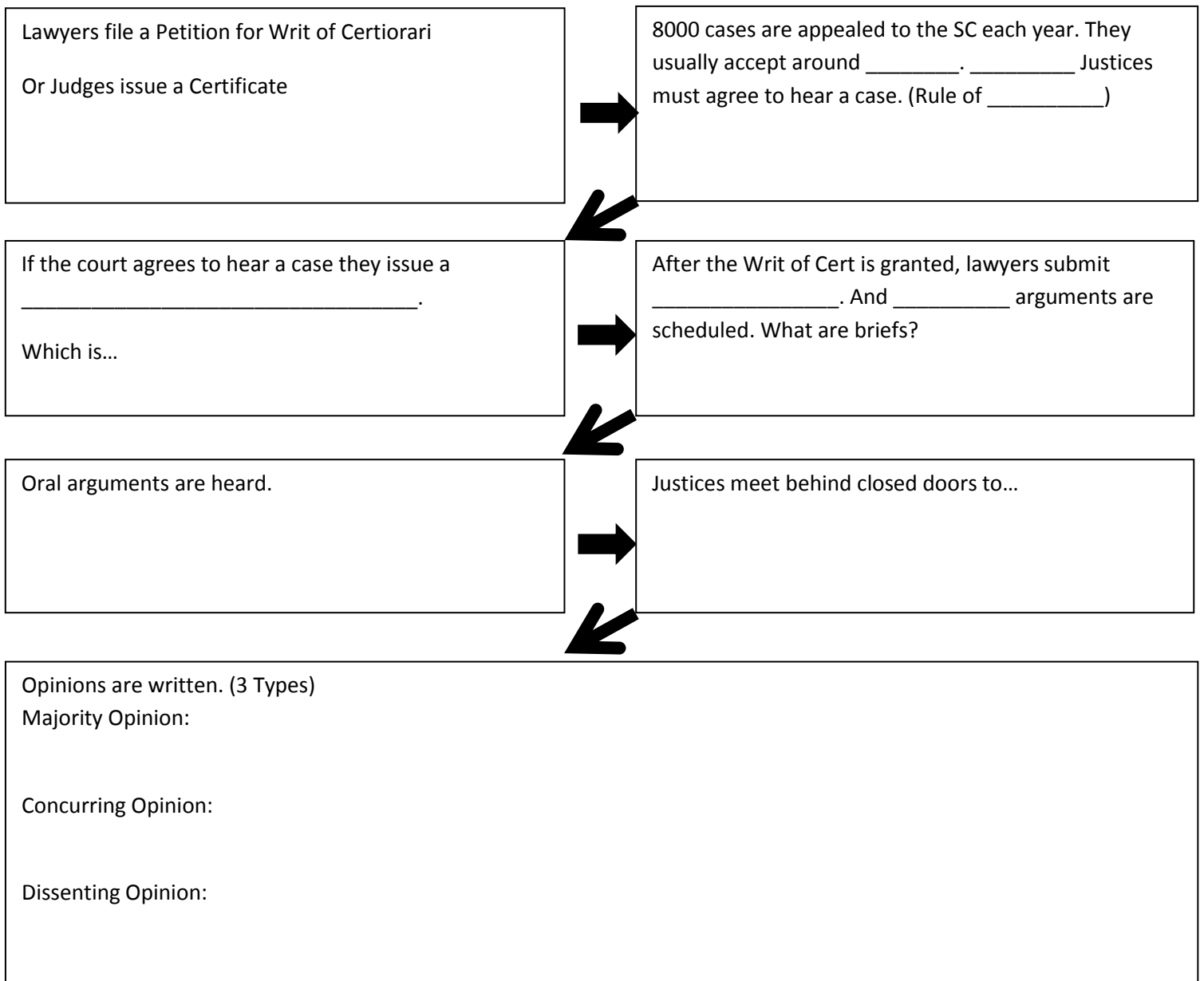
Original Jurisdiction:

Why are the court's rulings so important?

What is the difference between a liberal and conservative judge?

What is the role of the Solicitor General?

What process does a case go through to get to and through the Supreme Court? (Fill in the flow chart)



Tinker v. Des Moines (1969)

Background Summary ♦♦♦

John and Mary Beth Tinker were public school students in Des Moines, Iowa, in December of 1965. As part of a group against American involvement in the Vietnam War, they decided to publicize their opposition by wearing black armbands to school. Having heard of the students' plans, the principals of the public schools in Des Moines adopted and informed students of a new policy concerning armbands. This policy stated that any student who wore an armband to school would be asked immediately to remove it. A student who refused to take off his or her armband would be suspended until agreeing to return to school without the band.

Two days later and aware of the school policy, the Tinker children and a friend decided to wear armbands to school. Upon arriving at school, the children were asked to remove their armbands. They did not remove the armbands and were subsequently suspended until they returned to school without their armbands. The children returned to school without armbands after January 1, 1966, the date scheduled for the end of their protest. However, their fathers filed suit in U.S. District Court. This suit asked the court for a small amount of money for damages and an injunction to restrain school officials from enforcing their armband policy. Although the District Court recognized the children's First Amendment right to free speech, the court refused to issue an injunction, claiming that the school officials' actions were reasonable in light of potential disruptions from the students' protest. The Tinkers appealed their case to the U.S. Court of Appeals but were disappointed when a tie vote in that court allowed the District Court's ruling stand. As a result they decided to appeal the case to the Supreme Court of the United States.

The case came down to this fundamental question: Do the First Amendment rights of free speech extend to symbolic speech by students in public schools? And, if so, in what circumstances is that symbolic speech protected? The First Amendment states "Congress shall make no law . . . abridging the freedom of speech." The Fourteenth Amendment extends this rule to state governments as well, of which school systems are a part. The First Amendment, however, does not identify which kinds of speech are protected. For example, it is not clear whether hate speech against an individual or group is protected. Neither does the First Amendment specify what types of expressive actions should be considered as speech.

The Supreme Court of the United States has made many attempts to determine what types of symbolic speech are protected under the First Amendment. In 1919, the Court decided in *Schenck v. United States* that the right of an individual to protest World War I by distributing pamphlets urging draftee non-compliance was unconstitutional because the distribution "create[ed] a clear and present danger that . . . will bring about . . . substantive evils." The Court wrestled with the issue of the right to symbolic speech again in the case of *Thornhill v. Alabama* (1940) when the Court ruled that picketing was a form of symbolic speech protected by the First Amendment because no clear and present danger of destruction of life or property or of breach of the peace was inherent in the action. Three years later in *West Virginia v. Barnette* (1943), the Court extended the First Amendment protection of symbolic speech to students in public schools. In *Barnette*, the Court held "[i]f there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion. . . ."

In 1968 the Supreme Court of the United States agreed to hear the Tinkers' case and consider the constitutionality of the Des Moines principals' anti-armband policy. The Court's decision in *Tinker v. Des Moines* was handed down in 1969.

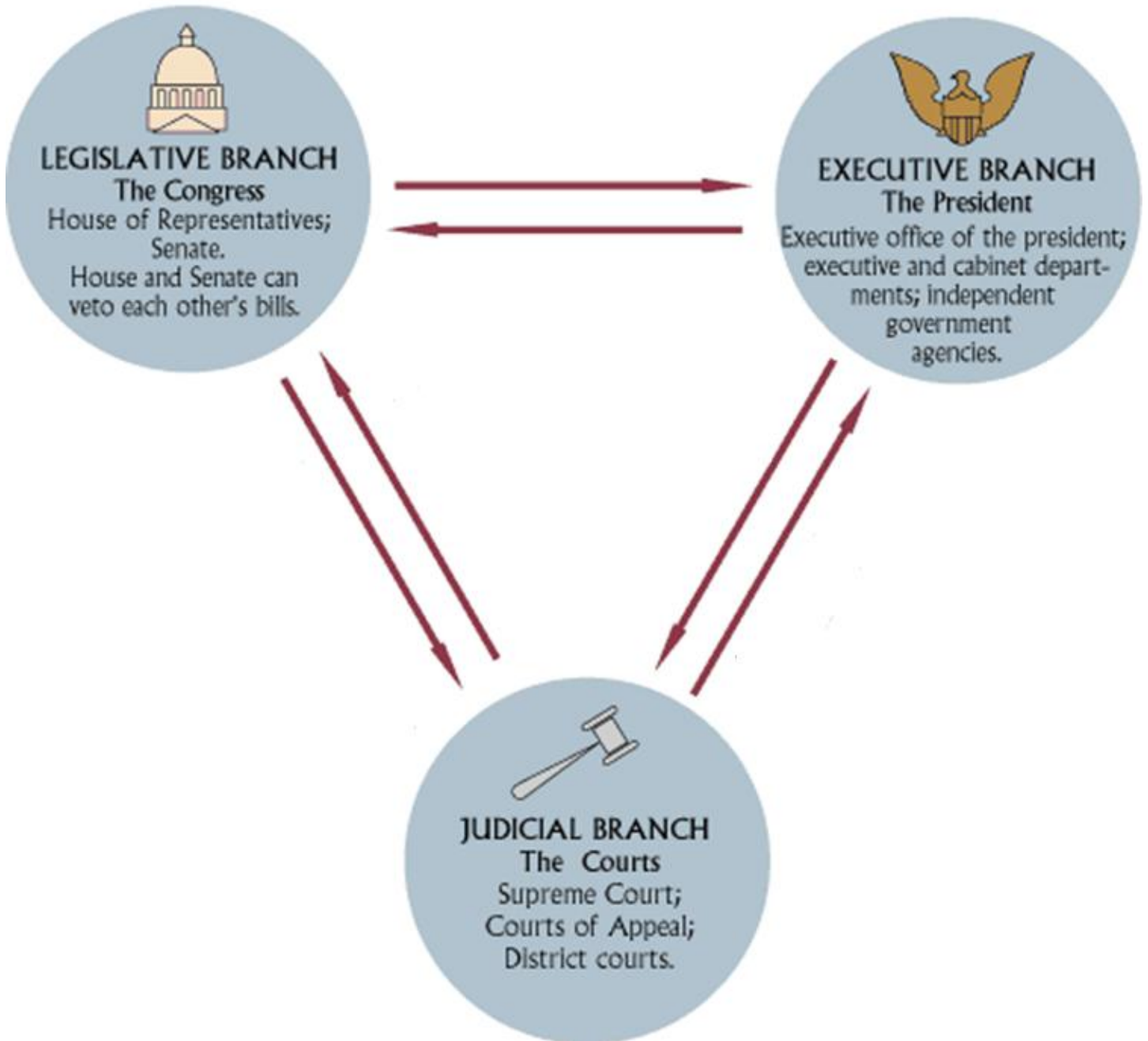
The majority of the court decided in favor of the Tinkers stating, "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." Secondly, the Court decided that public schools are an appropriate place to exercise "symbolic speech" as long as normal school functions are not "unreasonably" disrupted.

Questions to Consider:

1. Do you think that the school policy banning armbands was fair? Why or why not?
2. The students knew they would be suspended if they wore armbands to school and chose to do so anyway. Why do you think they ignored the rule?
3. The First Amendment says “Congress shall make no law . . . abridging the freedom of speech.” Why do you think the Supreme Court of the United States has ruled that certain actions should have the same protection as verbal speech? Are these reasons valid?
4. In both Schenck and Thornhill, the Court seemed to make a rule that certain actions were guaranteed as long as these actions did not . . . What rule or test did the Court seem to make?
5. Make a list of the strongest arguments for each side—the School and the kids. Who should win? Cite evidence.

Connections

In the space below create a flow chart that includes all three branches. Using arrows, indicate as many relationships or interactions between branches that you can think of.



Three Branches Review Sheet

This should be completed for your test. Write your answers here or if you need more space on a separate sheet of paper. Please also review your Legislative Branch packet and review section in the back. Your test will be on ALL 3 BRANCHES, not just the information in this packet.

Executive Branch

1. Article _____ of the Constitution outlines the executive branch. The job of the executive branch is –

2. The Constitutional requirements to be President? (3) –

3. Remember the President is **not** the only one in the executive branch! The executive branch is made up of millions of employees, they are part of our **federal bureaucracy**. This includes; **The Cabinet** - which consist of 15 _____ (or executive agencies). The _____ **of Staff** - decides how much contact people will have with the President. “**The White _____ Office**” - the West Wing, the closet advisors and no Senate approval necessary.

The President appoints some of the heads of agencies but they don't “work for him”. These **independent agencies** (non-executive agencies) are technically **NOT** in the executive branch. The Federal _____ Board (a.k.a FED) is an example of an independent agency. The job of the FED is to regulate _____.

4. U. S Foreign Policy – Describe/define:

- a. Monroe Doctrine:

- b. Continental Expansion:

- c. Open Door Policy:

- d. Cuban Missile Crisis:

- e. Vietnam War:

f. NATO:

5. Presidential power over time - why have powers increased?

6. Know the powers of the President (JOEL CARTER) – Be able to define each power (what does it allow the President to do)?

Base your answer to the question below on the quotation:

“... It is our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I

hold the maxim [principle] no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them....”

— President George Washington, Farewell Address, 1796

7. President Washington was offering this advice because he believed

- a. the destiny of the United States was to rule other countries – As a result, the U.S should have a foreign policy of colonialism.
- b. the United States should seek alliances with other nations - As a result, the U.S should have a foreign policy of internationalism.
- c. alliances could draw the United States into wars and the U.S. As a result, the U.S should have a foreign policy of isolationism.

Judicial Branch

1. Article _____ of the Constitution outlines the judicial branch. The job of the judicial branch is –
2. The U.S Supreme Court consist of one Chief Justice + _____ Associate Justices = _____ total justices on the U.S Supreme Court.

3. What are the steps to how justices are appointed to be on the Supreme Court? (4 steps)

- a.
- b.
- c.
- d.

4. Types of jurisdiction – Explain/Define:

- a. original jurisdiction:

- b. appellate jurisdiction:

5. Understand State vs. federal cases - (look at dual court visual, and scenarios) – be able to know what court would have jurisdiction (where cases should be heard). For example:

Read the following scenario. Decide which court has jurisdiction.

“Nicki was driving in downtown Detroit and receive a citation from a police officer for running a red light and for speeding.

- a. Michigan Appellate Court
- b. Michigan Supreme Court
- c. Municipal Court
- d. Special Courts

6. Understand how the Supreme Court structures its time (how cases get to it). Describe/Define:

- a. Rule of Four:

- b. Writ of certiorari:

- c. Briefs:

- d. Majority opinion:

e. Concurring opinion:

f. Dissenting opinion:

7. The "free exercise clause" of the First Amendment refers to

- a. religious liberties.
- b. voting rights.
- c. speech and press liberties.

8. The data in the table illustrate the operation of?

- a. executive privilege
- b. checks and balances
- c. congressional immunity
- d. federal supremacy

Congressional Bills Vetoed: 1961 to 1993

Period	President	Total vetoes	Regular vetoes	Pocket vetoes	Vetoes upheld	Bills passed over veto
1961–63	John F. Kennedy	21	12	9	21	0
1963–69	Lyndon Johnson	30	16	14	30	0
1969–74	Richard Nixon	43	26	17	36	7
1974–77	Gerald Ford	66	48	18	54	12
1977–81	Jimmy Carter	31	13	18	29	2
1981–89	Ronald Reagan	78	39	39	69	9
1989–93	George H. W. Bush	44	29	15	43	1

Source: U.S. Senate

9. Which statement regarding the United States Congress is best supported by the information in this cartoon?

- a. Congress must meet at least once every year.
- b. Members of the House of Representatives must be chosen every two years.
- c. Each house of Congress must publish a journal of its proceedings.
- d. Representation in the House of Representatives is based on state population.

