Making it

Ihe process of governing is not the duty or responsibility of one individual. It is shared by elected officials, various government employees, the voters, and you as a citizen. All are needed in order for our federal, state and local governments to work effectively and efficiently.
In this unit, you will learn about the workings of our federal government, whose offices are located in our national capital, Washington, D.C. This government is divided into three branches-executive (the president, vice president, and cabinet), legislative (Congress), and judicial (courts).

You will also read about our state government, whose offices are located in our state capital, Atlanta. Our state government has the same three branches as the federal government-the executive (governor and cabinet), legislative (General Assembly), and judicial (courts).

Finally, you will investigate the workings of your local government. Although the names are different, the jobs are similar to federal and state government. In your town, city, or county, there are a mayor or city manager (executive branch), a city council or board of commissioners (legislative branch), and a system of local law enforcement and courts (judicial branch).


Above: The White House. Right: Local government is represented by the Morgan County courthouse in Madison.


# Giapter 1780-2005 With Liberty and Justice, the Federal Government 



498 Georgia and the American Experience

The United States faced many challenges at the end of the American Revolution. One of the most important was the establishment of a stable national government. The first constitution, called the Articles of Confederation, was ratified by the states in 1781 . But there were problems with the government created under the Articles of Confederation. A number of national leaders called for its revision. The Constitutional Convention met in Philadelphia in 1787 and drafted a totally new document-the United States Constitution.


## Chaplor fivian

Georgia character word: Patriotism Terms: conservative, infrastructure, republic, proportional representation, Great Compromise, Three-Fifths Compromise, electoral college, Federalists, Antifederalists, sovereignty, electorate, constitutionalism, separation of powers, checks and balances, federalism, expressed powers, implied powers, elastic clause, bill, veto, judicial review People: Saxby Chambliss, Jack Kingston, Sanford Bishop, Jim Marshall, Denise Majette, John Lewis, Johnny Isakson, John Linder, Michael Collins, Charles Norwood, Nathan Deal, Phil Gingrey, Max Burns, David Scott Places: Washington, D.C.

## Section 1 Toward a New Constitution

Section 2 The Legislative Branch of Government

Section 3 The Executive Branch of Government
Section 4 The Judicial Branch of Government

Left: The U.S. Capitol building in Washington, D.C., is the seat of the legislative branch of the federal government.

## U.S. Population:; 281,421,,906 according to 2000 census

Wife Expectamcy: 74 for males; 80 for females

## Cost of Civing: The salary of the president in

 2003 was $\$ 400,000$. The salary of the vice president was $\$ 186, \mathbf{3 0 0}$. The salary of a member of Congress was $\$ 158,100$. The expenditures of the U.S. federal budget in 2003 were $\$ 1.8$ trillion.Literatyure: In 2003, the Librarian of Congress appointed Louise Glück as U.S. Poet Laureate.

## Art/ Arrchitecture: The u.s.

Capitol, built between 1783 and 1830, is a neoclassical style that resembles the Roman Pantheon with a circular domed rotunda.

## Religion: t

the U.S. Constitution stand amenament to "Congress shall mak stes, in part, establishment of make no law respecting an Commumication: In the United States, there are over 195 million telephone lines, over 75 million cellular phones, 575 million radios, over 10,000 radio stations, over 10,500 television stations, over 220 million televisions, and over 150 million Internet users.
free exercise theion, or prohibiting the free exercise thereof. . . ."

MWSSic: Our national anthem is "The StarSpangled Banner," adopted in 1931. Before 1931, the patriotic song "My Country, 'Tis of Thee" was the national anthem.

## Tramsporitation: The United States

 has 99,260 miles of railroad lines, $3,948,335$ miles of highways, 46,467 miles of interstates, 26,000 miles of navigable waterways, and 19,306 airports.
## Science l InVentions: In

Trademark Office. A patent gives its hider meg ir inventions with the U.S. Patent and for sale, or selling" the invention in the United "the right to exclude others from making, using, offering



1781 Articles of Confederation \& Perpetual Union ratified

Constitutional Convention drafted new constitution

## 1791

U.S. Bill of Rights ratified

## 1789

U.S. Constitution ratified

1913 Income tax established by Amendment 16 1920 Slavery abolished by Amendment 13

## 1861

Georgia seceded from Union

Figure 47 Timeline: 1750-2000

## sermen

As you read, look for:
reasons for calling for a constitutional convention, important issues at the Constitutional Convention, method of amending the Constitution, basic principles of our government, and vocabulary terms: conservative, infrastructure, republic, proportional representation, Great Compromise, Three-Fifths Compromise, electoral college, Federalists, Antifederalists, sovereignty, electorate, constitutionalism, separation of powers, checks and balances, and federalism.

## Section

## Toward a New Constitution

The colonists had just won the American Revolution. The founding fathers wanted to make sure that their new government would be very different from the government of Great Britain. The Articles of Confederation, ratified in 1781, intentionally established a weak national government. The new U.S. government consisted of a unicameral legislature-Congress-in which each state had one vote. There was no chief executive, and there was no national court system.

The weaknesses in the Articles of Confederation caused major problems for the new country. Under the Articles, the Confederation Congress that could not pay the colonial soldiers during, or even after, the Revolutionary War found that it also could not pay them after the war. Some soldiers threatened to revolt. The Confederation Congress asked the states for help, but many states rejected or ignored the request.

The new government did not have the power to regulate trade between the states or between the United States and foreign countries. Each state had its own money system, which also created problems with trade. The British reoccupied some of the forts in the Northwest Territory (the area north of the Ohio River), and the national government was powerless to do anything to stop them. As a result, foreign countries had little respect for the new country.

George Washington and others were alarmed at what they saw happening to the states under the Articles of Confederation. Some openly called for a change; others boldly called for a return to a monarchy. As a result, a movement began to examine and revise the Articles of Confederation.

However, the government leaders were afraid that the people might panic and chaos might result if they heard that the government was going to be changed. Therefore, the leaders decided that any change must take place quietly-without fanfare.

An opportunity to address some of the problems arose in 1786 when Virginia asked for a meeting in Annapolis, Maryland, to discuss the continuing trade problems among the states. Nine of the thirteen states agreed to send delegates to the meeting, but representatives from only five states attended. Because of the low attendance, nothing was accomplished. The delegates at Annapolis did ask that a second convention meet in Philadelphia the next year. They broadened the goals for the Philadelphia meeting and, instead of focusing only on trade problems, asked to discuss all the problems of the Articles of Confederation. It was hoped that some changes could be made that would make the national government stronger.

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## The Constitutional Convention

In February 1787, the Confederation Congress gave its support to the Philadelphia Convention. Three months later, delegates began to arrive at Independence Hall. Seventy delegates were named by their state legislatures, but only fifty-five actually attended. Rhode Island, however, did not send any delegates to the Constitutional Convention because it opposed a stronger national government.

George Washington attended and was elected to preside over the meeting, but many other well-know figures from the American Revolution were not present. Only eight people who had signed the Declaration of Independence served as delegates. Thomas Jefferson and Thomas Paine were in Europe at this time, and fiery radicals like Samuel and John Adams, John Hancock, and Patrick Henry did not attend. When the convention ended four months later, thirty-nine delegates were present to sign the document -the United States Constitution.

## Convention Delegates

The fifty-five men who attended the Philadelphia Convention were for the most part well-educated, wealthy landowners. Forty-one of them had served in the Continental Congress, and a number of others had served in state government, including eight who were governors. The delegates were also relatively young. The average age was forty-two, but a number were under thirty.

Above: This painting of the members of the Constitutional Convention hangs in the east stairway in the House wing of the U.S. Capitol. Opposite pase: A statue of George Washington stands in front of Independence Hall in Philadelphia. Washington presided over the meeting.


The youngest delegate was Jonathan Dayton (26) of New Jersey. The oldest delegate was Benjamin Franklin (81) of Pennsylvania.

The delegates were more conservative (favoring traditional values and reluctant to make changes) than some others who supported widespread change. Charles Beard, a noted nineteenth-century historian, described the delegates as practical men who wanted to protect property and encourage business interests. Beard even suggested that the delegates might have been self-serving (more interested in furthering their own interests).

In reality, the delegates had experienced first-hand the problems of the weak national government under the Articles of Confederation. No one state was self-sufficient enough to fend for itself against a foreign foe. Nor could a single state build the infrastructure (basic facilities such as roads, bridges, and ports) to increase travel and commerce throughout the nation. However, a group of united states working together could accomplish these goals. Whatever their own agendas, the delegates put personal feelings aside and worked together to create an endurable form of government for all people-a form of government that has guided the United States for over two hundred years.

## Figure 48 The Virginia Plan

The specific provisions were:

- A national government would be composed of three brancheslegislative, executive, and judicial.
- A legislative branch would include a Congress of two houses. The House of Representatives was to be elected directly by the people of each state, and the Senate was to be elected by the members of the House of Representatives from persons nominated by each state legislature.
- Representation from each state in both the Senate and the House of Representatives would be based on population.


## A Republican Form of Government

Before the delegates could decide how to change the government, they discussed what they knew about theories and ideas from the past. They had read the writings of philosophers and adopted many of their ideas about government. They had studied and were influenced by philosophers who had written about government, particularly the government of the ancient Romans. In the Roman system, the common people and the aristocracy shared political power and were able to govern themselves without a king. Instead of a king, they had a republic, which provided for the common welfare of its citizens.

As the delegates struggled to form their own definition of a republic, James Madison provided a clear image. In a republic, according to Madison, all the powers of government are given to the people. The people elect representatives to make the laws. The representatives have their jobs for a limited amount of time. Madison insisted that a large number of people, not a small number of special interest groups, should elect representatives. He wanted the lawmaking body of the United States to be elected directly by the people and not by the state legislatures. Madison defined a republic as a representative democracy, which gets its right to govern from the people it governs.

## Organizing the Government

When the convention began, the delegates discussed their ideas on how the government should be organized. They wanted to make it strong enough
to handle the nation's needs, but they also wanted to be certain it did not abuse its power. There were two major plans submitted to the delegates for their consideration.

The Virginia Plan, called for a strong national government. Under this plan, drafted by James Madison before the convention began, the national government would have the power to collect taxes, make laws, and enforce the laws in its own courts. The legislative branch would have the power to make laws, strike down state laws that violated national laws, mobilize the armed forces, and elect people to serve in the executive and judicial branches.

The Virginia Plan did not please all the delegates. Most delegates agreed that representation in the House of Representatives should be based on population, an idea known as proportional representation. The larger states wanted representation in the Senate to also be based on population because that would give those states more voice in the

## Figure 49 The New Jersey Plan

The main provisions were:

- Congress would have a one-house legislature that could levy taxes, control interstate and foreign trade, and make laws and treaties with foreign nations. State laws could not override the laws made by the national Congress.
- An executive branch would be composed of several persons selected by Congress.
- The executive branch would appoint a Supreme Court, which would have the power to handle confilicts. government. The smaller states objected. They wanted each state to have the same number of representatives in the Senate. The smaller states feared that, if the larger states had more votes, they would control the national government and thus be able to pass laws for their own special interests.

William Patterson, a delegate from New Jersey, proposed the New Jersey Plan to protect the interests of the small states. The New Jersey Plan, although it contained suggestions for solving some weaknesses, would have continued the government as it had been under the Articles of Confederation.

## The Great Compromise

The small states continued to support equal representation (an equal number of delegates regardless of the population of the state), while the large states supported proportional representation. When it became evident that the two sides could not agree, the delegates established a special committee to work out a compromise. The result was the Great Compromise or, as it is sometimes called, the Connecticut Compromise.

The compromise called for a bicameral Congress. One house called the House of Representatives would be based on proportional representation; the second house called the Senate would have equal representation. It was also decided that all taxation and government spending bills would originate in the House, but they would have to be approved in the Senate.

After a bitter debate, the delegates passed the Great Compromise by a single vote.


Above: Edmund Randolph, governor of Virginia and a delegate to the Constitutional Convention, introduced Madison's Virginia Plan to the rest of the delegates.


## Compromises on Slavery

Slaves were a large percentage of the populations of the southern states. As a result, there was considerable debate over whether or not to include the slaves in the state's population to determine representation in the House of Representatives. Many northern states did not want to count slaves because that would give the southern states control of the House of Representatives.

After considerable discussion, the delegates reached a compromise. According to the ThreeFifths Compromise, the total number of free persons would be counted, but only three-fifths of all other persons (slaves) would be counted. Georgia had about 29,500 slaves in 1790, but it would only be allowed to count threefifths of that number, or 17,700, in the state's official population.

The delegates also prohibited the importation of slaves after 1808 and agreed that fugitive slaves should be returned to their masters.

## Compromise on the Presidency

The last major compromise of the Constitutional Convention involved the issue of who should elect the president-the citizens or the Congress. The solution was the creation of an electoral college. Each state's legislature was allowed to select as many "electors" as it had members in Congress (House and Senate). These electors would be allowed to vote for two people. The person who received the highest number of votes (provided it was a majority of the votes cast) would be named president. The person who received the second-highest number of votes would be named vice president. In this way, Congress would not be selecting the chief executive of the new nation. The people would be indirectly selecting the president and vice president because their state representatives would choose people to vote on their behalf.

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This 1793 political cartoon, entitled "A Peep into the Antifederal Club," ridicules the Jeffersonian Republicans, a political party formed by the Antifederalists. They are depicted as an unruly mob who consort with the devil (lower left). Thomas Jefferson is in the center, standing on a table with a gavel in his hand.

## Ratification

The new United States Constitution was approved on September 17, 1787, by delegates from the twelve states present at the convention. On September 28, 1787, the new Constitution was sent to the states for ratification. Ratification was far from certain.

People who supported the strong national government established in the new constitution called themselves the Federalists; those who opposed a strong central government were called Antifederalists. Members of both groups had a strong sense of patriotism, a love and support of country and the Constitution.

The Antifederalists believed that the national government should not have too much power. They wanted the major powers left to state governments.


## Figure 50 The Bill of Rights

First Amendment Freedom of religion, of speech, of the press, and the right to assemble and petition government

Second Amendment Right to keep and bear arms

Third Amendment Prohibits stationing of troops in homes without consent

Fourth Amendment Protects against unreasonable searches and seizures and requires probable cause for search warrants

Fifth Amendment Establishes grand jury; protects against double jeopardy and self-incrimination; guarantees due process and eminent domain

Sixth Amendment Ensures right to speedy trial, to be informed of charges against defendant, to counsel

Seventh Amendment Provides for trial by jury
Eighth Amendment Prohibits excessive bail or fines and prohibits cruel and unusual punishment

Ninth Amendment Does not deny people any rights that are not specifically mentioned in the Constitution

Tenth Amendment Gives the states or the people all powers not specifically granted to Congress or denied to states

They also insisted that citizens' individual rights be specifically protected in the new Constitution. In order to gain their support, the first ten amendments to the Constitution were proposed in 1789 and approved in 1791. These amendments are called the Bill of Rights.

Nine states had to ratify the document before it could become the official Constitution of the young nation. Delaware was the first state to ratify the Constitution on December 7, 1787. Georgia was the fourth state to ratify the U.S. Constitution, as it voted its approval on a cold Wednesday morning, January 2, 1788. On June 21, 1788, New Hampshire became the ninth state to approve it.

## Amending the Constitution

The U.S. Constitution is a very brief document. It is only about 1,800 words in length, and it has been changed or added to only twenty-seven times since it was first adopted. What makes the Constitution so effective? First, our forefathers wrote in a very terse (brief) and general style. Had they tried to be too specific, the document would have been much longer and could not have withstood the changes our nation has undergone since the late 1700 s . Because it is so general, future generations of Americans

have been able to interpret the document.
Second, our forefathers planned for a way to amend the Constitution. An amendment may be proposed by a two-thirds vote in both houses of Congress or by a national constitutional convention called for by two-thirds of the state legislatures. Once an amendment is proposed, it is sent to the states to be ratified. A proposed amendment must be approved by three-fourths (38) of the state legislatures.

All of the amendments to our Constitution except one have originated in Congress and have been approved by three-fourths of the states. That one amendment was the Twenty-First Amendment, which repealed the Eighteenth Amendment on prohibition.

## Principles of the U.S. Government

The government of the United States is based on five principles. One principle is sovereignty, the idea of supreme power or source of authority. In
our government, power rests with the citizens. The people of the United States are sovereign, and the power to govern comes from the people. This form of government is called a republic.

In a direct democracy, each individual in the country would be directly involved in making decisions about what the government should and should not do. That seemed impractical to our founding fathers, so they made our government a representative democracy. The citizens elect or appoint others to represent them in making decisions about what the government should do. The electorate (voters) choose the individuals who will be a part of the government and represent the people.

The second basic principle of American government is constitutionalism. The representatives selected by the voters cannot just make up laws or rules as they see fit. They are bound by the federal and the state constitutions. These written documents-the U.S. Constitution and the constitutions of the states-describe the rights of the people and the framework of the government.

When the U.S. Constitution was ratified by the states, it established a national government that was made up of three branches-the legislative branch, the executive branch, and the judicial branch. Responsibilities for government were divided among the three branches in what is known as a separation of powers. Separating government powers creates a "limited government." In addition, each branch of government was given some power to control or prevent some actions of the other two branches. This process is known as a system of checks and balances. The checks and balances ensure that no one branch becomes too powerful.

The U.S. government is also based on the principle of federalism. A federal system is one in which the national government and state governments share authority over the same territory and the same people. Georgians are state citizens, but they are also U.S. citizens. They are subject to both state and federal laws. If there is a conflict between the laws, the national law takes precedence.

## Tis lounthura

1. What were the major weaknesses in the Articles of Confederation? Why do you think the delegates chose to write an entirely new constitution rather than fix the Articles?
2. Identify the major debates that resulted in compromises at the Constitutional Convention.
3. Who were the Federalists and the Antifederalists?
4. How did the Bill of Rights come into being?
5. What are the five basic principles upon which our government is based?
6. What is the difference between a representative democracy and a direct democracy?


James Madison kept extensive notes of the proceedings of the convention. They are the most complete record of the debates that took place.


> As you read, look for:
> the two houses of the national legislature,
> the powers of Congress, how a bill becomes law, and vocabulary terms: expressed powers, implied powers, elastic clause, bill, and veto.

## Figure 51 <br> Georgia's Congressional Representatives (2003)

| District 1 | Jack Kingston (Republican) |
| :--- | :--- |
| District 2 | Sanford Bishop (Democrat) |
| District 3 | Jim Marshall (Democrat) |
| District 4 | Denise Majette (Democrat) |
| District 5 | John Lewis (Democrat) |
| District 6 | Johnny Isakson (Republican) |
| District 7 | John Linder (Republican) |
| District 8 | Michael Collins (Republican) |
| District 9 | Charles Norwood (Republican) |
| District 10 | Nathan Deal (Republican) |
| District 11 | Phil Cingrey (Republican) |
| District 12 | Max Burns (Republican) |
| District 13 | David Scott (Democrat) |

## The Senate

The Senate is made up of two representatives from each state, for a total of 100 members. A senator must be at least thirty years old, a citizen of the United States for at least nine years, and a resident of the state he or she represents. Originally, senators were chosen by their state legislatures to serve a six-year term. In 1913, the Seventeenth Amendment to the Constitution provided that the members of the Senate be elected by the people. Senate terms are now staggered so that only one-third of the entire Senate is elected in any one election year.

In 2003, Georgia's two U.S. senators were Zell Miller (a Democrat) and Saxby Chambliss (a Republican). Both senators represent the entire state of Georgia.

The vice president of the United States serves as the president of the Senate and presides over sessions. The vice president does not vote on any issues before the Senate unless there is a tie vote. The president pro tempore of the Senate (the senior member of the majority party) presides over the Senate in the absence of the vice president. There are also majority and minority leaders in the Senate. These individuals are the political leaders of the country's two dominant political parties-the Democratic and the Republican parties. These leaders work to promote and control legislation supported by their parties.

## House of Representatives

A member of the U.S. House of Representatives must be at least twenty-five years of age, a citizen of the United States for at least seven years, and a resident of the state he or she represents. Representatives are elected to two-year terms and are chosen in November of even-numbered years.

## When the U.S. House of

 Representatives was first created, there was one representative for every 30,000 people. If that proportion were still being used, the House would have more than 8,000 members today!Each state's population determines the number of representatives it has in the House of Representatives. The more populated states have more representatives. The Reapportionment Act of 1929 set a limit of 435 members in the U.S. House of Representatives. Every ten years, the 435 seats are reapportioned (divided) among the states according to federal census figures.

The political party that holds a majority of seats in the House (218 or more) is said to "control the House." The Speaker of the House is the leader of the House and is always a member of the majority party. The Speaker is responsible for the day-today functions of the House. At the beginning of each session of Congress, the two political parties select their leaders. The controlling party selects the majority leader, who controls the legislative agenda.

Based on its population in the 2000 census, Georgia has thirteen representatives. The state is divided into thirteen Congressional districts, and the voters of each district elect one member to the U.S. House of Representatives.

## The Powers of Congress

The U.S. Constitution gives certain powers to Congress. These powers are both expressed and implied. Expressed powers are those powers specifically given to Congress in the U.S. Constitution. Implied powers are not specifically stated in the Constitution but are derived from Congress's right to make all laws necessary to carry out its expressed powers. This statement comes at the end of Article I, Section 8 of the Constitution, which is known as the elastic clause because it stretches the powers of Congress.


## Figure 52 <br> Expressed Powers of Congress

## The expressed powers of Congress include:

- Regulating commerce with foreign nations and among the states
- Levying and collecting revenues or taxes
- Coining and issuing money
- Borrowing money on the credit of the United States
- Establishing bankruptcy rules
- Establishing the naturalization procedure for citizenship
- Establishing post offices and post roads (routes used for the delivery of mail)
- Issuing copyrights and patents, which protect the rights of authors and inventors
- Regulating weights and measures
- Establishing federal courts, defining and punishing piracy on the high seas, and defining and punishing offenses against the law of nations (to punish for treason)
- Punishing counterfeiters of federal money and securities
- Providing legislation for territories of the United States, such as the District of Columbia, and providing for and maintaining national parks, federal buildings, and other federally owned lands
- Declaring war and making rules for warfare and the operation of the armed services

The Constitution gives each house of Congress some powers not given to the other. The House of Representatives has the power to impeach; the power to try that impeached official, however, rests with the Senate. All bills to raise revenue must originate in the House of Representatives. The Senate has the sole power to ratify treaties and to confirm the president's selection of individuals to serve as cabinet members or in other high-ranking government positions.

## How Congress Operates

The legislative work of Congress is accomplished primarily through committees. There are four basic types of committees: standing committees, select committees, conference committees, and joint committees.

Standing committees monitor the work of federal agencies and departments that fall under their areas. For example, the Department of Agriculture falls under the Agriculture Committee. Committees also control the progress of bills (proposed legislation). Committees can send legislation under their jurisdiction to the full House or Senate or they can kill the legislation. The House of Representatives has twenty-two standing committees, and the Senate has sixteen standing committees.

All members of Congress sit on several different committees. Their committee appointments are determined by their party's leadership and power, their personal interests, and the special needs and interests of their constituents (the voters they represent). For example, Georgia has a large number of federal military bases and receives significant federal military dollars. Georgia's congressional representatives seek seats on the powerful armed services committees. Since much of Georgia's economy is based on agriculture and agribusiness, Georgia's delegates also seek appointments to the agriculture committees.

At any time, Congress can form select committees to deal with specific issues, such as the Select Committee on Aging or the Select Committee on Narcotics Abuse and Control. Select committees usually have a limited life.

A bill must pass both houses of Congress in identical form before it is sent to the president. When the House and the Senate have approved different versions of a bill, they are sent to a conference committee. The committee con-
tains representatives of both bodies. Committee members work to develop a compromise version of the bill that both the House and the Senate can support. If both bodies of Congress adopt the compromise version, it is sent to the president to be approved or vetoed. (To veto is to refuse to sign a bill.)

The fourth type of committee is the joint committee. Joint committees have members from both the House and the Senate and focus on issues of national concern. However, they do not propose legislation.

In addition to these four committees, much of the work of Congress is accomplished by subcommittees, which are smaller groups that examine issues and draft bills. All of the different committees make the work of Congress a complex, decentralized, and sometimes fragmented process.

Committees accomplish their work through two main activitieshearings and investigations. These activities are a part of Congress's "oversight power," meaning that hearings and investigations are used to oversee the activities of the executive branch of government and the federal bureaucracy.


## How Laws Are Made

Bills can be introduced in either the House or the Senate; sometimes bills are introduced at the same time in both bodies. A bill must be introduced or sponsored by a member of the House or the Senate, and it may have more than one sponsor.

A bill is given a number and a prefix- $H R$ in the House and $S$ in the Senate. Bills are then sent to committees for consideration. The Speaker of the House or the presiding officer of the Senate decides which committees will receive which bills. Typically, bills are then referred to subcommittees, which investigate the issue, hold hearings, and hear evidence for and against a bill. The subcommittees report back to the full committees, either recommending action on a bill or offering a revised version of a bill. At that point, the committees either support the bill by allowing it "out of committee" or allow the bill to "die in committee."

Bills that reach the floor of the House or the Senate are debated and discussed. If a bill is passed by one house of Congress, it is then sent to the other house where it goes through the same procedures. If different versions of a bill are approved by the two house of Congress, a conference committee receives the two versions and works out a compromise. That compromise bill is sent back to both houses and must be voted on again. If a bill passes the House and the Senate in the same form, it is sent to the president who may sign or veto it.

If the president vetoes a bill, the bill is returned to Congress, along with the reasons for vetoing it. A two-thirds vote by both houses of Congress is required to override a presidential veto. If the president does not sign a bill into law within ten days and if Congress is still in session, the bill becomes law without the president's signature. However, if Congress adjourns during this ten-day period, the bill does not become a law and is dead. This type of inaction is often called a pocket veto.

Above: Congressional committees often hold hearings and ask people to testify on an issue they are investigating. Here, Lieutenant Colonel Oliver North is testifying at the Iran-Contra hearings in 1987.


1. What are the basic requirements to be elected to Congress?
. How often are the seats in the U.S. House of Representatives reapportioned?
2. How many Congressional districts does Georgia have?

## sermen

As you read, look for:
the process of electing a president,
the parts of the executive branch, and
the powers of the president.

# The Executive Branch of Government 

Our founding fathers wanted to give the executive branch of government enough power to carry out its duties, but not so much power that it might become abusive. They decided upon a single chief executive, a president. Next, the framers of our Constitution had to decide how the president should be elected. They believed that whoever chose the

## Figure 53 <br> Important Dates in Electoral Process

Presidential election — Tuesday after the first Monday in November in years divisible by four

Electoral college meets to cast votes — Monday following the second Wednesday of December

President of U.S. Senate reads results of electoral vote — January 6

President inaugurated - January 20 president would have a great deal of influence. They feared having the president elected by Congress or by the states, but they were not sure that the people had the knowledge to make the best choice. Finally, they decided that the president should be selected by a special committee known as the electoral college.

## The Electoral College

Members of the electoral college (electors) are selected from each state. The number of electors from any given state equals the number of its representatives in the Senate (always 2 ) and the House of Representatives. There are 538 electors in the electoral college because there are 100 U.S.
 senators, 435 representatives, and 3 electors from the District of Columbia. It takes 270 votes in the electoral college (a majority) to be elected.

Earlier you learned that, in the beginning, each elector voted for two people. The person who received the majority of the votes (at least one more than one-half of the votes cast) became president and the person who received the second-highest number of votes became vice president. If no one received a majority of electoral votes, the decision was given to the House of Representatives. In the House, each state had one vote and a candidate had to receive a majority of those votes to win.

Today, the electoral college operates somewhat differently. On the Tuesday following the first Monday of November in

Above: On January 6, 2001, Senators Mitch McConnell (left) and Christopher Dodd monitor the counting of the electoral college votes for the 2000 presidential election. years divisible by four (2004, 2008, 2012, and so on), the people in each state cast their ballots for the candidates of their choice for president and vice president. In effect, a vote for a candidate is actually a vote for the candidate's electors. The candidate who wins the popular vote in a state usually wins all of that state's electoral votes. Although this is historically what happens, the electors are not legally bound to vote for the candidate who wins the popular vote in their state. There have been instances where an elector has

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chosen to vote for a candidate other than the individual who won the popular vote in his or her state.

The electoral college meets on the Monday following the second Wednesday of December. Each state's electors meet in their respective state capitals and cast their electoral votes-one for president and one for vice president. The electoral votes are then transmitted to the president of the U.S. Senate who, on the following January 6, opens and reads them before both houses of Congress. The candidate with the majority of votes is declared the winner for the presidential and vice presidential races. These two individuals are sworn into office at noon on January 20 (Inauguration Day).

## The Parts of the Executive Branch

The executive branch of government consists of far more than just the offices of the president and the vice president. First, let us look at those two individuals.

Qualifications for the president and vice president are the same. Both the president and the vice president must be at least thirty-five years of age, natural-born citizens, and residents of the United States for at least fourteen years. They are elected to serve four-year terms of office. The Twenty-second Amendment (ratified in 1951) limited the president to two consecutive terms.

The powers of the president are clearly spelled out in the Constitution and listed in Figure 54.

The vice president assumes the presidency if the president dies in office, resigns, or is removed by the impeachment process. If the vice president cannot assume those duties, the line of succession falls to the Speaker of the House of Representatives, followed by the president pro tempore of the Senate. The line of succession then follows through the cabinet officers, beginning with the secretary of state and continuing in the order each cabinet position was created.

The Twenty-fifth Amendment to the Constitution sets the procedure for the vice president to become "acting" president if the president is too ill to perform his or her duties. That

## Figure 54 The Powers of the President

## The president can:

- Appoint and dismiss thousands of federal employees including ambassadors, federal judges, judges of the Supreme Court, ministers and consuls, cabinet officers, and those who serve under them; major presidential appointments are made with the consent of the U.S. Senate
- Act as commander-in-chief of the nation's armed forces
- Call extra sessions of Congress
- Recommend legislation
- Veto bills or sign bills into law
- Receive diplomatic representatives
- Enter into treaties or compacts with foreign governments, with the approval of the Senate
- Issue proclamations, such as recognizing a sports team, honoring astronauts, or congratulating a 4-H group
- Pardon all offenses against the United States except in cases of impeachment, where a pardon can never be granted

Franklin D. Roosevelt was the only president to be elected for more than two terms.

Amendment also sets the procedure for choosing a new vice president if the regular vice president becomes president.

Clearly, the job of administering the federal government in a nation as large and complex as ours requires more than just the two officials elected as president and vice president. The administrative groups that make up the executive branch of our government are generally known as the executive bureaucracy. It can be divided into five main groups: the Executive Office of the President, the Cabinet, independent agen-

## Figure 55 Presidential Line of Succession

## 1. Vice President

## 2. Speaker of the House of Representatives

## 3. President pro Tempore of the Senate

## 4. Secretary of State

## 5. Secretary of the Treasury

## 6. Secretary of Defense

## 7. Attorney General

## 8. Secretary of the Interior

## 9. Secretary of Agriculture

## 10. Secretary of Commerce

## 11. Secretary of Labor

## 12. Secretary of Health and Human Services

13. Secretary of Housing and Urban Development
14. Secretary of Transportation
15. Secretary of Energy

## 16. Secretary of Education

## 17. Secretary of Veterans Affairs

## 18. Secretary of Homeland Security

 cies, regulatory commissions, and government corporations.
## The Executive Office of the President

The Executive Office of the President includes major offices or agencies whose directors are appointed by the president with the consent of the Senate. These government leaders serve at the pleasure of the president and can be fired or asked to resign at any time by the president. Agencies in the Executive Office of the President include the Office of Management and Budget, the National Security Council, and the Council of Economic Advisors.

## The Cabinet

Members of the Cabinet serve as official advisors to the president and as the heads of executive departments. The Cabinet members are appointed by the president, but they must be confirmed by the Senate. There are currently fifteen Cabinet positions.

## Independent Agencies

Congress has created independent agencies to serve the public interest and keep the government and the economy working smoothly. The nature and purpose of independent agencies varies widely. The Environmental Protection Agency (EPA) is an example of an independent federal agency. It supervises national laws and programs involving clean air and water, waste disposal, radiation, and toxic substances. Another example of an independent agency is the General Services Administration. This agency oversees spending by all other government agencies. The heads of independent agencies in our federal government are appointed by the president with the consent of the Senate.

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Dr. Antonia Novello was the first female and the first Hispanic to be appointed surgeon general of the United States. The surgeon general is the nation's official spokesperson on all matters of public health. Dr. Novello served a three-year term from 1990 to 1993. As a practicing pediatrician, Dr. Novello's focus was on the health needs of the children and young people of America.

Novello was born in Puerto Rico in 1944. As a child, she suffered from a painful and serious illness of the colon, which was not corrected by surgery until she was eighteen. She had a second surgery two years later. She learned early what it felt like to be a helpless patient because she was hospitalized every summer for treatments of her colon disease. Her experiences led to an interest in medicine and a strong desire to help people. In an interview, Dr. Novello said, "I thought, when I grow up, no other person is going to wait 18 years for surgery."

Dr. Novello earned her medical degree from the University of Puerto Rico in 1970. She moved to Ann Arbor, Michigan, where she continued her medical training at the University
 of Michigan and, later, at Georgetown University in Washington, D.C. She joined the U.S. Public Health Service and, in 1982, earned a master's degree in public health from Johns Hopkins University.

As surgeon general, Dr. Novello was a strong advocate for preschool immunization programs, restraints on alcohol and tobacco advertising aimed at young people, and programs to increase AIDS awareness. She attacked the "Joe Camel" advertising campaign as a lure for teenage smokers. She initiated a "Spring Break '91" campaign against binge drinking among American college students.

Above: As Surgeon General, Dr. Novello focused her attention on the health of women, children, and minorities.

Dr. Novello felt that her time in office could be a signal of empowerment for women, children, and minorities. Her successes as surgeon general are evidence that she met that purpose. After leaving office, Dr. Novello accepted a position as New York Health Commissioner and also served as a representative for UNICEF (United Nations International Children's Emergency Fund). She lives in New York.

The only Georgain elected tolead our country as president was James Earl Carter, known more affectionately as "Jimmy" Carter. When you traye throughout our state, be sure to visit Carter's hometown of Plains. The historical marker for President Carter at the Old Train Depot in Plains marks the location from which he launched his successful bid for the White House.


PRESIDENT JMMY CARTER
From this depot in 1975 . James Earl Carter. Jr. Iaunched a two
year campaign for the presidency of the United States. At first year Campaign for the presidency of the United Sates. At first an unknown referred to as Jimmy who." Carter was inaugurated as
Americas 39 th President on January 20 . 1977 . mericas 39 th President on vanuary 20. 1977 James Earl Carter, Jr. was born October 1. 1924. in Plains. He graduated from the U. S. Naval Academy and married Rosalynn Smith in a family agribusiness. meare years naval service he returned to run Georgia Senate and in In 1962, Jimmy Carter was elected to the reorganized state government, reformed the budgetary process. improved race relationships. health care, education. and environmental qualliy votable achievements of his presidency (1977-1981) were based on he values he considered most important "... human rights, environmental quality, nuclear arms control. and the search for justice and peace. Successes included the resolution of the Panama Canal issue, signing the Strategic Arms Limitation Treaty, the Camp David accords and peace treaty between Isrde and Egypt. normalizing relations with and surrounding historic district symbolize the culture of this small rural community which produced a highly respected international leader.

## $\sqrt{\text { ial low knows }}$

The Department of Homeland Security, established in 2003, is the newest Cabinet position. It was established after the terrorist attacks of September 11, 2001.

## Federal Regulatory Commissions

Federal regulatory commissions have the power to make rules and to punish people or industries who break those rules. The heads of regulatory commissions are appointed by the president and must be approved by the Senate. Some regulatory commissions are a part of Cabinet departments, while others are separate from the major Cabinet divisions.

Examples of regulatory commissions are the Federal Communications Commission, the Securities and Exchange Commission, the Food and Drug Administration, and the National Labor Relations Board.

## Government Corporations

The final branch of the federal bureaucracy is a group of government corporations that were established to provide a product or service for the American people. An example of a government corporation is the Federal Deposit Insurance Corporation (FDIC). The FDIC insures bank deposits to protect banking customers. Another well-known federal corporation is the United States Postal Service.


Where does the federal government get its money? How does the federal government prepare a budget (a plan for receiving and spending money)?

The federal government plans the year's budget in much the same way the typical family plans its budget. First, government financial planners estimate the amounts of money that they expect to take in. Most of the money that the federal government uses to pay the nation's bills comes from taxes.

Second, the federal government determines how much money it needs to spend for the year. Programs that the government must spend money on are called mandatory programs. Mandatory programs include social security, Medicare, and Medicaid, Other programs involve discretionary spending, where the amount of money allocated to a

## Figure 56

Federal Revenue Sources, 2001

Excise Taxes, 4\% Ccorporate Income Taxes, 10\%

program changes from year to year. Discretionary spending programs include national defense, housing, transportation, education, foreign aid, and science and technology. Finally, the government must set aside some money to pay for interest payments on monies that the government has borrowed during previous years. In fiscal year 2001, the federal government spent \$1.8 trillion.

In some years, the federal government has a surplus; that is, it takes in more money than it spends. In other years, the federal government has a deficit, which means that the government spends more money than it takes in.

What does the federal government do when a budget flares out of control? It operates at a deficit, borrows money, and raises the long-term interest rates for borrowed monies, until the next period of budget planning

## Figure 57

Federal Expenditures, 2001


## As you read, look for: <br> the structure of the judicial branch, <br> the system of checks and balances, and <br> vocabulary term: judicial review.

## Section ${ }^{4}$

## The Judicial Branch of Government

The Supreme Court and all lower federal courts make up the judicial branch of the federal government. The duties of this branch include deciding on the meaning or interpretation of the Constitution and laws. The judicial branch protects individual citizens from mistreatment by other branches of government.


## The Supreme Court

The U.S. Constitution established the Supreme Court as the highest court in the land. Currently, the Court has a chief justice and eight associate justices. There are no set qualifications for Supreme Court justices; they usually serve for life or until they choose to retire. The president, with the consent of the Senate, makes appointments to the Supreme Court.

The Supreme Court has both original and appellate jurisdiction. The Court has original jurisdiction in cases involving a foreign country or in disputes between states and the federal government. It has appellate jurisdiction when reviewing decisions of lower-ranking federal courts and the decisions of the highest-ranking state courts. When the Supreme Court decides a case on constitutional grounds, that decision becomes the precedent (guideline) both for all lower courts to follow and for laws that deal with similar issues.

The greatest power of the Supreme Court is that of judicial review, the ability to set aside the actions of the legislative or executive branches of any government agency. By its decision in Marbury v . Madison, the Court established the principle that it could declare laws


George Washington appointed the greatest number of U.S. Supreme Court justices (11). or presidential acts unconstitutional. The Court can also prevent executive action through injunctions (court orders) that forbid the action. In addition, the chief justice of the Supreme Court presides over impeachment proceedings against a president.

The Supreme Court decides which cases it will hear. This authority allows the Court to keep its case-load manageable and set its own constitutional priorities.

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## Other Federal Courts

The Constitution gave Congress the power to establish courts lower than the Supreme Court. In the Judiciary Act of 1789 , Congress established circuit courts of appeal and district courts. Over time, other courts have been added.

Congress divided the nation into eleven judicial areas called circuits plus the District of Columbia. Each circuit has between one and twenty-four judges depending on the workload in a given area. Georgia is in the 11th Judicial Circuit, which includes all of Georgia, Florida, and Alabama.

The U.S. Court of Appeals for the 11th Circuit is based in Atlanta. The court has appellate jurisdiction for cases tried in lower courts or the judgments of administrative agencies. The Court of Appeals does not have juries or witnesses; only opposing lawyers appear to explain their positions.

Below the circuit courts of appeals are the ninety-four district courts, which have original jurisdiction. District courts are the federal trial courts and hear cases of civil and criminal violations of federal laws. District courts are the only federal courts that have juries and witnesses in trials. Georgia is divided into three district courts regions: the Northern District, the Middle District, and the Southern District.

In each district court region, there is also a U.S. Bankruptcy Court. Bankruptcy is a legal judgment that a person or an organization cannot pay its debts; the property of the bankrupt is administered to pay off creditors.



## Special Courts

The final part of the federal judicial system is a series of courts created by Congress to deal with special kinds of cases. The U.S. Tax Court, for example, hears disputes between citizens and the Internal Revenue Service. The U.S. Court of Appeals for the Armed Forces reviews military court-martial convictions. The U.S. Court of International Trade decides civil suits against the United States involving trade with other nations. The U.S. Court of Federal Claims handles suits against the United States because of acts of Congress or contracts with the government.

Above: The U.S. Courthouse in Gainesville is one of Georgia's oldest federal buildings.

## The System of Checks and Balances

The men who wrote our Constitution provided for a system of checks and balances to keep the branches of equal importance. For example, the power to pass a bill was given to the legislative branch, but the executive branch

## Figure 58 Checks and Balances

## Legislative Checks

As a check on the executive branch, Congress:

## - Approves presidential appointments

- Controls the budget and money appropriations
- Can impeach and remove a president from office
- Can pass laws over the president's veto

As a check on the judicial branch, Congress:

- Votes to confirm the president's judicial appointments
- Can impeach and remove federal judges from office
- Can change laws overturned by the courts and can initiate a Constitutional amendment
- Can restrict the jurisdiction of courts to deal with certain types of cases
- Can create more court systems or do away with existing ones
- Can determine the times and places where federal courts hold sessions


## Executive Checks

As a check on the legislative branch, the president has the power to:

- Veto Congressional legislation

As a check on the judicial branch, the president has the power to:

- Appoint or remove federal judges

Judicial Checks

As a check on the legislative branch, the Supreme Court can:

## - Declare laws unconstitutional

As a check on the executive branch, the Supreme Court can:

- Declare presidential acts unconstitutional
- Prevent executive actions through injunctions
- The chief justice of the Supreme Court presides over impeachment proceedings against a president
must either sign the bill into law or veto it to keep it from becoming law. The judicial branch cannot write bills or sign them into law, but it can declare a law unconstitutional. In that way, each branch of government has a check on the power of the other two.

Checks and balances are meant to keep branches of government equal, but sometimes people find ways around them. For example, it is said that President Theodore Roosevelt wanted to send the U.S. Navy around the world so that the sailors would gain experience and other nations would see the strength of our naval forces. Congress did not like Roosevelt's plan and refused to provide the money. Roosevelt is said to have replied, "Very well, the existing appropriation will carry the navy halfway around the world and if Congress chooses to leave it on the other side, all right."

## A Final Note

Every day, millions of people all over the world look at the United States and the actions of our government. What do they see?

They see a government based on a written constitution that has survived over 200 years by protecting the rights of its citizens. This is not true of most of the world's countries.

They see a government that is a representative democracy, where power rests with the citizens and the citizens elect representatives to manage the nation's affairs. This is not true of most of the world's countries.

They see a government that guarantees freedom of speech, freedom of religion, freedom to assemble peacefully, freedom to petition the government, freedom of the press, and the right to due process protections. These freedoms are not typical of most of the world's countries.

They see a government where almost anyone can be elected to public office at local, state, and national levels. A government where every citizen's vote counts, where each individual is important and is a part of the political process. This is not true of most of the world's countries.

To sum it up, they see liberty and individual freedom in a government that can disagree without violence and that can change without revolution. That is not true of most of the world's countries, and that makes us the envy of most of the world.

1. What is the age requirement for Supreme Court justices?
2. When would the U.S. Supreme Court have original jurisdiction over an issue? Which federal judicial circuit includes Georgia?
3. Name one way the president checks Congress. Name one way the president checks the judicial branch.
4. Name one way the judicial branch checks Congress. Name one way the judicial branch checks the president.

- The U.S. Constitution established three branches of government: legislative, executive, and judicial.
- The United States is a republic.
- The United States has a bicameral legislature.
- Congress operates through a system of standing committees and select committees.
- A system of checks and balances ensures that no one branch of government becomes more powerful than the other branches.
- Georgia has two senators and thirteen representatives in Congress.
- Representation in the U.S. House of Representatives is based on population. Representation is recalculated every ten years after the federal census has been taken.
- Congress has both expressed and implied powers.
- The executive branch, headed by the president, also includes the vice president, major agencies, the Cabinet, independent agencies, federal regulatory commissions, and government corporations.
- The judicial branch includes the U.S. Supreme Court, circuit courts, district courts, bankruptcy courts, and special courts.


## Chapter Review

## Reviewing People and Terms

Use each of the following terms in a sentence that focuses on the U.S. Constitution or the federal government.

1. checks and balances
2. constitutionalism
3. elastic clause
4. electoral college
5. expressed powers
6. federalism
7. implied powers
8. judicial review
9. republic
10. separation of powers
11. sovereignty

## Understanding the Facts



1. How did James Madison define a republic?
2. What was the difference between the Virginia Plan and the New Jersey Plan?
3. What are the three branches of the federal government?
4. Name four expressed powers given to Congress under the Constitution.
5. Who actually elects the president of the United States?
6. List four powers given to the president by the Constitution.
7. How many justices serve on the U.S. Supreme Court?
8. Discuss the basic principles on which our government is based.

## Developing Critical Thinking



1. What were some of the problems with the Articles of Confederation and the unicameral legislature that led to the Constitutional Convention in 1787? How did those problems get resolved in the new Constitution?
2. Why do you think the men who drafted our Constitution set the particular age requirements for senators, representatives, presidents, and vice presidents that they did? Do you think these qualifications should be changed? Argue your position with specific examples.
3. Do you think the electoral college should be discontinued? Why or why not?
4. Do you think the U.S. Supreme Court should have the authority to select its own cases? Why or why not?
5. How effective do you think the system of checks and balances is in our federal government?

## Checking It Out



1. Use your research skills to determine how many people are employed by our federal government. What is the annual payroll of federal government workers?
2. Symbols representing feelings and ideas are printed on the paper money of the United States. Look at a $\$ 1$ bill and list the patriotic symbols that you find on it. Make a list of the patriotic pictures of leaders that are printed on all denominations of our paper money.
3. Use a dictionary or encyclopedia to find out the meaning of the term Kitchen Cabinet. Where did this term originate?

## Writing Across the Curriculum



1. Who were Georgia's representatives at the Constitutional Convention? Prepare a short biography on each delegate to share with your classmates. Add pictures if you can locate them.
2. Write letters to your Congressional representative and your senators. Find out how they maintain contact with the voters in your community. Find out where their local offices are located and how those offices are staffed. Find out what to do if you have a problem and need assistance from them.

## Exploring Technology



1. When our founding fathers came together to form a new government, the only model any of them had was the royal government in Great Britain. Where did the ideas the new government was based upon come from? Could the

American Indians have contributed to our nation in this way? Using your favorite search engine, examine the "Iroquois Confederacy" and compare it to our government. Prepare a chart to show your comparison.
2. Using your favorite search engine, locate the websites of Georgia's Congressional delegation. Find out what committee assignments each delegate received. Why do you think Georgia's delegates serve on those particular standing committees? Are there standing committees that have no participation from any of Georgia's delegation? Why do you think Georgians were not appointed to these committees?
3. Go to Internet site www.usconstitution.net/ elecvotes.html to learn how many electoral votes Georgia has. Click on "2004" to see how those votes were cast in the 2004 election. You may also want to look at Georgia's electoral votes in other elections.

## Applying Your Skills

1. Thirty-nine of the fifty-five delegates who attended the Constitutional Convention had also served in the Continental Congress. What percentage of the delegates to the Constitutional Convention also participated in the Continental Congress?
2. Look up your Congressional district representative to the U.S. Congress. What is his or her voting record? Find out the person's background and some of his or her accomplishments since being elected to Congress. Share your findings with your classmates.
3. Find an example of an action by the federal government in a newspaper or news magazine. Identify which branch of government performed the action.
