

III. Applying What You've Learned

The Constitutional Division of Power

The Constitution is designed to prevent tyranny and ensure individual liberties. The division of power between the branches of government is one of the chief instruments for accomplishing these twin goals. Delineating the authority of each of the branches is therefore critical in comprehending the American form of government. The Constitution divides power within the government at the national level in two ways: (1) the separation of powers and (2) the system of checks and balances.

The Constitution is far from precise, however, in defining the authority possessed by each branch. Certain powers are clearly shared, whereas the assignment of others to the different branches is ambiguous. It would be helpful to untangle the constitutional division of powers before proceeding further in the text.

A. Shared Powers

Some powers defined in the Constitution cannot be implemented without cooperation between the branches. Turn to the text of the Constitution at the end of the book in responding to the following questions.

1. Who is the presiding officer (president) of the Senate?

2. Who presides at an impeachment trial of the president of the United States?

3. What are the roles of the president, Senate, and House of Representatives in enacting legislation?

4. What is a presidential veto, and how can it be overridden?

5. What are the roles of the president, Senate, and House of Representatives in concluding treaties with foreign countries?

6. How does a person become a member of the U.S. Supreme Court?

B. Ambiguous Powers

The Constitution does not enumerate all powers, nor is it always specific about authority. Wrestle with the following questions. Don't be surprised if some answers elude you.

1. On the death, resignation, or impeachment of the president, does the vice president assume all powers of the president or merely serve as acting president? Can a senile president be removed from office?

2. Must the president obey a law he believes to be in conflict with the Constitution?

3. Can the courts declare acts of the government to be in violation of the Constitution and therefore void? Do all federal courts possess this power or only the Supreme Court?

4. Can members of Congress be removed from office through the impeachment process?

5. Can the president fire any or all officers of the executive branch?

6. Can the president as commander in chief of the armed forces invade a country without the prior approval of Congress? Must the president await a declaration of war by Congress before resisting an armed invasion of the country? Can the president veto a declaration of war approved by Congress?

C Separation of Powers and Checks and Balances

The Constitution is based on the assumption that overlapping areas of authority among the different branches protect the U.S. system of representative government. Answer the following questions to illustrate this point:

1. Can the president influence the content of legislation *before* it is submitted for his signature?

2. How can the Supreme Court's interpretation of the Constitution be altered?

3. Do the courts have any authority over the behavior of the president? Does the Constitution mention any such power?

4. What authority does Congress have over lower (inferior) federal courts?
