

Name: \_\_\_\_\_

20 points

## **Creating the Constitution: Organizing the Power to Govern**

Governments must do THREE things:

- Make laws
- Execute laws
- Judge laws

The question of the “framers”: how best to organize the power for these three functions in order to PROTECT NATURAL RIGHTS as well as PROMOTE THE COMMON GOOD?

**Directions:** Read Chapter 11 in We the People—answer the questions (in note form) as you go. Please work in study groups of 3 or 4—each student will hand in notes, but please work together to answer the questions.

1. Why did the framers “enumerate” the powers of Congress?
  - Why do you think they did not enumerate the powers of the Executive or the judicial in as much detail?
2. What issues did the framers have to resolve regarding the organization of the executive branch?
  - How did the framers ensure the executive would have enough power to fulfill responsibilities, but not so much that it would dominate other branches?
3. What is the electoral college and why did the framers create it?

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4. How does the Constitution set up "judicial independence" (keeping judges free from politics)?
  
  
  
  
  
  
  
  
  
  
5. List and describe the "shared powers" (checks and balances) of the 3 branches

Discuss in your small group (jot down answers of group members):

- What are some weaknesses of the system of separation of powers and checks and balances? How would you amend the constitution to rectify these weaknesses?
  
  
  
  
  
  
  
  
  
  
- Should the Constitution be amended to put term limits on judges? To make judges be elected? Explain!
  
  
  
  
  
  
  
  
  
  
- Throughout American history, war and national emergency have dramatically increased the power of the executive. Do you think the Constitution should be amended to make war powers of the President more enumerated (specific) , or should executive war powers remain vague? Explain and support.