

Government 9: The US Constitution

April 6-April 9

Time Allotment: 20 minutes per day

Packet Overview

Date	Objective(s)	Page
Monday, April 6	1. Define executive power. 2. Define federative power. 3. Compare executive power to legislative power.	2
Tuesday, April 7	1. Define the terminology used by Alexander Hamilton in <i>Federalist 70</i> .	5
Wednesday, April 8	1. Describe an effective executive according to the Founders.	9
Thursday, April 9	1. Outline Hamilton's argument for a singular executive (as described by the COTUS in Article II).	10

Additional Notes: I miss y'all! Happy reading, writing, and thinking! Holler if you have questions. 😊

Academic Honesty

I certify that I completed this assignment independently in accordance with the GHNO Academy Honor Code.

Student signature:

I certify that my student completed this assignment independently in accordance with the GHNO Academy Honor Code.

Parent signature:

Monday, April 6

Unit: Executive Power: Decision, Activity, Secrecy, and Dispatch

Lesson 1: Energy in the Executive

Lesson 1 Socratic Question: Keep these questions in mind as you study this lesson!
Why do we need an executive? Why only one? Why not a council of national leaders?

Objectives: Be able to do this by the end of this lesson.

1. Define executive power.
2. Define federative power.
3. Compare executive power to legislative power.

Introduction to Lesson 1

This week, we're leaving the legislative branch behind us and moving on to the subject of Article II, the executive branch. Executive power is the power of implementing or putting into effect the laws passed by the legislature. Executive power puts the laws into action. The most visible piece of the executive branch is the Office of the Presidency, but the federal bureaucracy (e.g., The Department of Education) and the President's Cabinet are also included as part of the executive branch. Recall the basic outline of the first three Articles of the COTUS we reviewed earlier this semester. Article I describes the legislative branch. Article II describes the executive branch. Article III describes the judicial branch. The three powers of government are best understood in comparison to each other. In the United States, we base our *definition* of executive power on John Locke's *Second Treatise on Government* and we find our most robust defenses of the executive branch structure in the *Second Treatise* and *The Federalist Papers*. In *Federalist* 70, Alexander Hamilton compares the active, energetic character of the executive to the deliberative, methodical nature of the legislature. Hamilton argues that we need these two, very different powers, to prevent our government from becoming tyrannical. More on that a little later.

Read and annotate: John Locke's *Second Treatise on Government*

Read and annotate the following excerpt from John Locke's *Second Treatise on Government*.

The legislative power is that which has a right to direct how the force of the commonwealth shall be employed for preserving the community and the members of it. Because those laws which are constantly to be executed, and whose force is always to continue, may be made in a little time, therefore there is no need that the legislative should be always in being, not having always business to do. And because it may be too great temptation to human frailty, apt to grasp at power, for the same persons who have the power of making laws to have also in their hands the power to execute them, whereby they may exempt themselves from obedience to the laws they make, and suit the law, both in its making and execution, to their own private advantage, and thereby come to have a distinct interest from the rest of the community, contrary to the end of society and government. Therefore in well-ordered commonwealths, where the good of the whole is so considered as it ought, the legislative power is put into the hands of divers persons who, duly assembled, have by themselves, or jointly with others, a power to make laws, which when they have done, being separated again, they are themselves subject to the laws they have made; which is a new and near tie upon them to take care that they make them for the public good. 144. But because the laws that are at once, and in a short time made, have a constant and lasting force, and need a perpetual execution, or an attendance thereunto, therefore it is necessary there should be a power always in being which should see to the execution of the laws that are made, and remain in force. And thus the legislative and executive power come often to be separated...

145. There is another power in every commonwealth which one may call natural, because it is that which answers to the power every man naturally had before he entered into society. For though in a commonwealth the members of it are distinct persons, still, in reference to one another, and, as such, are governed by the laws of the society, yet, in reference to the rest of mankind, they make one body, which is, as every member of it before was, still in the state of Nature with the rest of mankind, so that the controversies that happen between any man of the society with those that are out of it are managed by the public, and an injury done to a member of their body engages the whole in the reparation of it. So that under this consideration the whole community is one body in the state of Nature in respect of all other states or persons out of its community. 146. This, therefore, contains the power of war and peace, leagues and alliances, and all the transactions with all persons and communities without the commonwealth, and may be called federative if any one pleases. So the thing be understood, I am indifferent as to the name. 147. These two powers, executive and federative, though they be really distinct in themselves, yet one comprehending the execution of the municipal laws of the society within itself upon all that are parts of it, the other the management of the security and interest of the public without with all those that it may receive benefit or damage from, yet they are always almost united. And though this federative power in the well or ill management of it be of great moment to the commonwealth, yet it is much less capable to be directed by antecedent, standing, positive laws than the executive, and so must necessarily be left to the prudence and wisdom of those whose hands it is in, to be managed for the public good. For the laws that concern subjects one amongst another, being to direct their actions, may well enough precede them. But what is to be done in reference to foreigners depending much upon their actions, and the variation of designs and interests, must be left in great part to the prudence of those who have this power committed to them, to be managed by the best of their skill for the advantage of the commonwealth. 148. Though, as I said, the executive and federative power of every community be really distinct in themselves, yet they are hardly to be separated and placed at the same time in the hands of distinct persons. For both of them requiring the force of the society for their exercise, it is almost impracticable to place the force of the commonwealth in distinct and not subordinate hands, or that the executive and federative power should be placed in persons that might act separately, whereby the force of the public would be under different commands, which would be apt some time or other to cause disorder and ruin...

Reading Questions

Complete the reading questions using Locke's work. Cite the paragraph number.

1. Why, according to Locke, do we need executive power?

2. What is executive power, for Locke?

3. What is federative power? How does it differ from executive power?

4. Should the executive and federative powers be combined or separated? Why?

Tuesday, April 7

Unit: Executive Power: Decision, Activity, Secrecy, and Dispatch

Lesson 2: Energy in the Executive

Lesson 2 Socratic Question: Keep these questions in mind as you study this lesson!

Why do we need an executive? Why only one? Why not a council of national leaders?

Objectives: Be able to do this by the end of this lesson.

1. Define the terminology used by Alexander Hamilton in Federalist 70.

Read and Annotate

Read and annotate the following excerpt from *Federalist 70* by Alexander Hamilton.

...Energy in the Executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign attacks; it is not less essential to the steady administration of the laws; to the protection of property against those irregular and **high-handed** combinations which sometimes interrupt the ordinary course of justice; to the security of liberty against the **enterprises** and assaults of ambition, of faction, and of anarchy. Every man the least **conversant** in Roman story, knows how often that republic was obliged to take refuge in the absolute power of a single man... A **feeble** Executive implies a feeble execution of the government. A feeble execution is but another phrase for a bad execution; and a government ill executed, whatever it may be in theory, must be, in practice, a bad government... what are the ingredients which constitute this energy? How far can they be combined with those other ingredients which constitute safety in the republican sense? The ingredients which constitute energy in the Executive are, first, unity; secondly, **duration**; thirdly, an adequate provision for its support; fourthly, **competent** powers. The ingredients which constitute safety in the republican sense are, first, a due dependence on the people, secondly, a due responsibility. Those politicians and statesmen who have been the most celebrated for the **soundness** of their principles and for the justice of their views, have declared in favor of a single Executive and a numerous legislature. They have with great **propriety**, considered energy as the most necessary qualification of the former, and have regarded this as most applicable to power in a single hand, while they have, with equal propriety, considered the latter as best adapted to deliberation and wisdom, and best calculated to conciliate the confidence of the people and to secure their privileges and interests. That unity is conducive to energy will not be disputed. Decision, activity, secrecy, and dispatch will generally characterize the proceedings of one man in a much more **eminent** degree than the proceedings of any greater number; and in proportion as the number is increased, these qualities will be diminished. This unity may be destroyed in two ways: either by vesting the power in two or more **magistrates** of equal dignity and authority; or by vesting it ostensibly in one man, subject, in whole or in part, to the control and co-operation of others, in the capacity of counsellors to him....

The experience of other nations...teaches us not to be enamored of plurality in the Executive. We have seen that the Achaeans, on an experiment of two **Praetors**, were induced to abolish one. The Roman history records many instances of mischiefs to the republic from the dissensions between the **Consuls**, and between the military Tribunes, who were at times substituted for the Consuls....But quitting the dim light of historical research, attaching ourselves purely to the dictates of reason and good sense, we shall discover much greater cause to reject than to approve the idea of plurality in the Executive....Wherever two or more persons are engaged in any common enterprise or pursuit, there is always danger of difference of opinion. If it be a public trust or office, in which they are clothed with equal dignity and authority, there is peculiar danger of personal **emulation** and even animosity....the most bitter dissensions are apt to spring. Whenever these happen, they lessen the respectability, weaken the authority, and distract the plans and operation of those whom they divide....they might impede or frustrate the most important measures of the government, in the most critical emergencies of the state. And what is still worse, they might split the community into the most violent and irreconcilable factions, adhering differently to the different individuals who composed the magistracy....Upon the principles of a free government, inconveniences from the source just mentioned must necessarily be submitted to in the formation of the legislature; but it is unnecessary, and therefore unwise, to introduce them into the constitution of the Executive. It is here too that they may be most **pernicious**. In the legislature, **promptitude** of decision is oftener an evil than a benefit. The differences of opinion, and the jarring of parties in that...[branch] of the government...often promote deliberation and **circumspection**, and serve to check excesses in the majority. When a resolution too is once taken, the opposition must be at an end. That resolution is a law, and resistance to it punishable. But no favorable circumstances **palliate** or **atone** for the disadvantages of **dissension** in the executive department. Here,...They constantly counteract those qualities in the Executive which are the most necessary ingredients in its composition, **vigor** and **expedition**, and this without any counterbalancing good. In the conduct of war, in which the energy of the Executive is the bulwark of the national security, everything would be apprehended from its plurality. It must be confessed that these observations apply...to a plurality of magistrates of equal dignity and authority...but they [also] apply... to the project of a council, whose concurrence is made constitutionally necessary to the operations of the ostensible Executive. An artful cabal in that council would be able to distract and to enervate the whole system of administration. If no such **cabal** should exist, the mere diversity of views and opinions would alone be sufficient to tincture the exercise of the executive authority with a spirit of habitual **feebleness** and **dilatoriness**. But one of the weightiest objections to a plurality in the Executive, and which lies as much against the last as the first plan, is, that it tends to conceal faults and destroy responsibility. Responsibility is of two kinds: to **censure** and to punish...

Man, in public trust, will much oftener act in such a manner as to render him unworthy of being any longer trusted... the multiplication of the Executive adds to the difficulty of detection....It often becomes impossible, amidst mutual accusations, to determine on whom the blame or the punishment of a **pernicious** measure...ought really to fall. It is shifted from one to another withmso much **dexterity**, and under such plausible appearances, that the public opinion is left in suspense about the real author. The circumstances which may have led to any national miscarriage or misfortune are sometimes so complicated that, where there are a number of actors who may have had different degrees and kinds of agency, though we may clearly see upon the whole that there has been mismanagement, yet it may be **impracticable** to pronounce to whose account the evil which may have been incurred is truly chargeable....It is evident from these considerations, that the plurality of the Executive tends to deprive the people of the two greatest securities they can have for the faithful exercise of any delegated power, first, the restraints of public opinion, which lose their **efficacy**, as well on account of the division of the **censure** attendant on bad measures among a number, as on account of the uncertainty on whom it ought to fall; and, secondly, the opportunity of discovering with **facility** and clearness the misconduct of the persons they [elected]....The idea of a council to the Executive...has been derived from that **maxim** of republican jealousy which considers power as safer in the hands of a number of men than of a single man.... But I do not think the rule at all applicable to the executive power. I clearly concur in opinion...that ``the executive power is more easily confined when it is ONE"...that it is far more safe there should be a single object for the jealousy and watchfulness of the people; and, in a word, that all multiplication of the Executive is...dangerous...to liberty.

...prior to the appearance of the Constitution, I rarely met with an intelligent man from any of the States, who did not admit, as the result of experience, that the UNITY of the executive of this State was one of the best of the distinguishing features of our constitution. --- PUBLIUS.

Define

List and define the highlighted terms.

[illegible]

Wednesday, April 8

Unit: Executive Power: Decision, Activity, Secrecy, and Dispatch

Lesson 3: Energy in the Executive

Lesson 3 Socratic Question: Keep these questions in mind as you study this lesson!

Why do we need an executive? Why only one? Why not a council of national leaders?

Objectives: Be able to do this by the end of this lesson.

1. Describe an effective executive according to the Founders.

Read and Annotate

Reread the excerpt from *Federalist 70* above.

Reading Questions

Complete the following reading questions using Federalist 70.

1. List and define the characteristics of the executive. I've provided an example to help.
 - a. *Energy – Hamilton argues an energetic and active executive can help protect the nation, create consistency in law enforcement, and unify the people as a single symbol of strength and decisiveness.*
 - b. _____

 - c. _____

 - d. _____

 - e. _____

 - f. _____

 - g. _____

Thursday, April 9

Unit: Executive Power: Decision, Activity, Secrecy, and Dispatch

Lesson 4: Energy in the Executive

Lesson 4 Socratic Question: Keep these questions in mind as you study this lesson!

Why do we need an executive? Why only one? Why not a council of national leaders?

Objectives: Be able to do this by the end of this lesson.

1. Outline Hamilton's argument for a singular executive in *Federalist 70*.

Reread with a Different Eye

Reread Hamilton's *Federalist 70*.

Reading Questions

Answer the following Reading Questions

1. What are the four "ingredients" of an effective, energetic executive? See page 5.

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

2. In a minimum of six sentences, describe Hamilton's argument against having an executive committee or council (as opposed to our singular president). This exercise will be graded as a minor assessment.

[illegible]

Take the day off! 😊