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Age 12
Grade 7
September 17, 2019

Constituting America

The Framers carefully constructed our Constitution that allows us the freedom to protect individual liberty and to restrain the power of the federal government. Within our Constitution, we have different powers vested in the three branches of government. These powers enable a system of checks and balances so that no one branch is more powerful than another. These checks and balances are vital to the preservation of our government.

Each branch of government performs their own duties and checks the other branches functions in different ways. The Legislative, Judicial, and Executive Branches share powers and challenge one another. Each branch has an effect on the other. This is what the system of checks and balances is all about.

The Legislative Branch, Congress, has two houses that check each other in passing bills. In addition, they provide checks and balances on Judicial and Executive Branches. Congress includes the House of Representatives and the Senate. Congress has the ability to override a presidential veto of a bill that they submitted with a two-thirds vote. Congress can impeach and remove the President, and Federal employees that the Senate has confirmed, including Cabinet Officials, Federal Judges, and even Supreme Court Justices. In the impeachment process, the House acts as the prosecutor, the Senate acts as the jury voting, and the Chief Justice acts as the judge.

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The Judicial Branch makes sure the laws are obeyed and helps to interpret whether or not the decisions or the laws themselves conform to our Constitution. This branch includes the Supreme Court. The Supreme Court has the power of judicial review to rule whether laws, presidential actions, and treaties are constitutional. This review helps to limit the powers of the Legislative and Executive Branches.

The Executive Branch carries out the laws. Included in this branch are the President, Vice President, Executive Office of the President, the Cabinet, and all federal agencies. It is the President's job to implement and enforce the laws written by Congress as well as appoint the leaders of the federal agencies. The President often turns to an executive order when he/she feels Congress is not being responsive or the court is being ruled incorrectly. These orders almost always get challenged by Congress or other interested parties. The United States President leads our country and is Commander-in-Chief of the United States Armed Forces. The President gets help from the Vice President and members of the Cabinet. Should something happen to where the President can not fulfill his duties, the Vice President would take over.

To illustrate the system of checks and balances, let's discuss the U.S. vs Alvarez case, where the branches acted in a cooperative manner. Xavier Alvarez lied in a public meeting saying he was a retired U.S. Marine who was wounded in combat and had received the Congressional Medal of Honor. When the FBI heard about it and collected the evidence, the federal prosecutors charged Alvarez for violating the Stolen Valor Act. After being tried, in the United States District Court, he was sentenced to probation for three years and ordered to pay a \$5000 fine.

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Under the Stolen Valor Act, Alvarez was the first person to be convicted. After the punishment was given, Alvarez took it back to court saying his conviction was unlawful because of the freedom of speech in the First Amendment. The Supreme Court of the United States, in the Judicial Branch, ruled that the conviction given to Alvarez violated the right to free speech protected by the First Amendment. The Executive Branch took action, after the Supreme Court had made their decision, and established a database system to verify all military honors given. Lastly, the Legislative Branch worked to improve the Stolen Valor Act so that it does not violate the First Amendment.

The preservation of our government lies within the powers vested in the three branches. The Framers of our Constitution realized that just like having a perfect union, having a perfect Constitution would be elusive. Knowing this, they set out the framework for a better union.

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