Power Across Branches

Indiana officials and the limits of national power

IS.2.6 "Analyze the service of people from Indiana to national offices such as the presidency, vice-presidency, judiciary, and legislature including their ideas about the relationship between the three branches of government."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB As you read, underline each Indiana official's national office. Circle words showing how one branch of government works with or limits another.

Four Hoosiers, Three Branches

1. In 1890, President Benjamin Harrison, an Indiana lawyer and former U.S. senator, signed the Sherman Antitrust Act. Large business combinations had raised fears that competitors could be shut out. Congress wrote and passed the law; Harrison's signature made it law, and the executive branch could then enforce it. His role shows a limit as well as a power: a president can urge lawmakers to act, but cannot write a bill into law alone. When one company controls a market, the way Congress and the president work together can affect the choices available to everyone.

2. Senator Birch Bayh of Indiana worked on the Twenty-Fifth Amendment after President John F. Kennedy's assassination raised urgent questions about succession. Ratified in 1967, it sets a process for filling an empty vice presidency: the president nominates someone, and majorities in both houses of Congress must confirm the choice. Decades later, Indiana's Mike Pence served as vice president under President Donald Trump. A vice president belongs to the executive branch but can also break tie votes in the Senate. Bayh's plan shows shared power: the executive chooses a candidate, but legislators must agree before that person takes office.

3. Indiana's Sherman Minton took a different path from the Senate to the U.S. Supreme Court. In 1952, the justices heard a case about President Harry Truman's seizure of steel mills during the Korean War. The Court's majority ruled that Truman lacked authority to take the mills without Congress. Minton dissented, arguing that the emergency supported the president's temporary action. Both sides considered the same question: how far can executive power reach when lawmakers have not granted a specific power? Unlike Harrison, who signed a law Congress passed, Minton had to judge a president's action when no such law authorized it.

2 ANSWER WITH EVIDENCE

Use the passage

1. How did Harrison's role in the Sherman Antitrust Act show both presidential power and a limit on that power?

2. How does Bayh's amendment divide power between the president and Congress when the vice presidency is empty?

3. How did Minton's view of Truman's steel mill seizure differ from the Supreme Court majority's view?

4. Compare the role of Congress in Harrison's action with its role in the steel mill case. Why did that difference matter?

3 YOUR TURN

Your own words

Imagine a president orders factories to make emergency supplies, and Congress has passed no new law about the order. In four or five sentences, advise a newly elected Indiana senator how Congress and the courts might respond. Use Bayh's plan and the steel mill case, and name one fact you would still need to know.

Power Across Branches

PART 1 · READ AND MARK

As you read, underline each Indiana official's national office. Circle words showing how one branch of government works with or limits another. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How did Harrison's role in the Sherman Antitrust Act show both presidential power and a limit on that power?	**Harrison signed the act and could enforce it, but Congress had to write and pass it.**
2	How does Bayh's amendment divide power between the president and Congress when the vice presidency is empty?	**The president nominates a vice president, but majorities in both houses of Congress must confirm the choice.**
3	How did Minton's view of Truman's steel mill seizure differ from the Supreme Court majority's view?	**Minton argued that the emergency supported Truman's temporary action. The majority ruled that Truman lacked authority to seize the mills without Congress.**
4	Compare the role of Congress in Harrison's action with its role in the steel mill case. Why did that difference matter?	**Harrison acted after Congress passed a law, which he signed. No law authorized Truman's seizure, so the Court had to decide whether the president could act without that authority.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

The senator could propose a law that sets limits on the factory order. Bayh's plan shows one way Congress can have a defined role in an executive decision, though its confirmation process does not apply to factories. The senator should ask whether an existing law authorizes the order. A court might reject an unauthorized order, as the Court's majority rejected Truman's seizure, while Minton's dissent suggests an emergency could support presidential action. The passage does not say whether an existing law covers this new order.

Accept answers that accurately distinguish a president acting under a law from acting without clear congressional authority. For Part 3, students should treat Bayh's plan as an example of shared power, not as a rule governing factory orders.