

**Q46 – The executive branch has many parts. Name one .**

**DOUGLAS GINSBURG, Federal Judge, U.S. Court of Appeals, D.C. Circuit:**

The executive branch of the United States has three main components. The first, of course, is the president.

The president nominates the members of his Cabinet, who are confirmed by the Senate. Cabinet officers advise the president and oversee their departments – from State to Treasury to Agriculture.

The oldest departments date to the birth of the republic, to George Washington's administration. But over the last century, there arose another part of the executive branch that the Founders never imagined.

So-called independent federal agencies. They regulate everything from trade to communications. Hardly any aspect of life is untouched by a federal agency. Americans debate whether the executive branch has become too large – beyond the ability of the president to manage and of the Congress to oversee. Regardless, federal agencies have become all-powerful.

The principal architect of the Constitution, James Madison, warned in Federalist Paper No. 47 that "the accumulation of all powers – legislative, executive, and judiciary – in the same hands ... may justly be pronounced the very definition of tyranny." Even though federal agencies form part of the executive branch, in practice, they've evolved to become a fourth branch of government – with little accountability to the elected representatives of the people.

Just as Madison warned, federal agencies now perform the duties of all three branches of government. They write their own laws. They enforce those laws. And they sit in judgment of who has violated those laws. No separation of powers. No checks and balances.

When you think about the executive branch – the president, the Cabinet, and the departments and agencies – remember that all of them are supposed to be accountable to We the People.