

Three Branches of Government

Separation of Powers

American History 11R

3 Branches of Government

- **Legislative Branch**
 - To Make the Laws
- **Executive Branch**
 - To Enforce the Laws
- **Judicial Branch**
 - To Interpret the Laws

Legislative Branch

- **Article I** of the Constitution. **Senate and House of Representatives.**
- **Main roles and powers:**
 - To pass legislation (laws)
 - Declare war
 - Regulate trade
 - Regulate money
 - Impeach federal officials
 - Override presidential vetoes (2/3 vote in each house)

Special Powers & Responsibilities

- **Senate:**

- Approve presidential nominations to the federal courts (including the Supreme Court, by majority vote)
- Approve presidential appointments to federal positions (by a majority vote)
- Approve treaties (by 2/3 vote)
- Serve as jury in impeachment trials
- Select a Vice-President if the electoral college fails to

- **House of Representatives:**

- Originate all spending (\$\$) bills
- Serve as prosecution in impeachment trial
- Select a President if the electoral college fails to

Requirements and Terms of Service

- **Senate:**
 - **Term:** Senators serve **unlimited 6 year terms**, elected by popular vote (**note: The original Constitution called for Senators to be elected by the state legislatures, the **17th amendment** changed this to a popular vote)
 - **Requirements:** Senators must be over 30, 9 year citizens of the US and a resident of the state
- **House of Representatives:**
 - **Term:** Representatives serve **unlimited 2 year terms**, elected by popular vote
 - **Requirements:** Representatives must be over 30, 9 year citizens of the US and a resident of the state

Representation

- **Senate:**
 - Each state has **2** Senators
- **House of Representatives:**
 - Each state's number of representatives is **proportional to population**. The number of Representatives is fixed at **435** and division among the states is determined by the **census** (population count) conducted ever 10 years as required by the Constitution.

Executive Branch

- Article II of Constitution - **Main roles and powers:**
- **Chief Executive**
 - Issue executive orders, enforcing the law
 - Act as the head of the federal bureaucracy and all federal agencies
 - Nominate judges (including those to the Supreme Court, requiring Senate confirmation)
 - Appoint government officials (some requiring Senate confirmation, some not)
- **Chief Diplomat**
 - Act a representative of the United States to foreign governments
 - Make treaties with foreign nations (**require 2/3 vote in Senate for approval**)
- **Chief Legislator**
 - Propose a federal budget
 - Recommend proposed laws to Congress
 - **Veto** legislation
 - Approve legislation passed by Congress
- **Commander-in-Chief of Armed Forces**
 - Supreme commander of all branches of US military
 - Authorize use of US military for up to 60 days (without approval of Congress or declaration of war)
- **Chief of State**
 - Serve as ceremonial head of US Government

Special Powers & Responsibilities

- **Judicial**

- Grant **pardon** (forgiving an individual of his/her crime(s))
- Grant **amnesty** (forgiving a group of people of a specific class of crime)



Requirements and Terms of Service



- **Terms:** President serves a maximum of **2 terms** of **4 years** (**note: the original Constitution allowed of unlimited terms of service, this was revised by the 22nd amendment in 1951)
- **Requirements:** President (or Vice-President) must over **35**, a natural born citizen and a **14** year resident of the United States.
- **Electoral College** – Wanted informed votes on presidency.

Judicial Branch

- **Article III** of the Constitution.
- The most significant power of the judicial branch is that of **judicial review**, first stated by Chief Justice **John Marshall** in the 1803 case of ***Marbury vs. Madison***, but not expressly granted the court by the Constitution.
- **Main roles and powers:**
 - Interpret the law
 - Exercise the power of judicial review
 - Chief Justice presides over trials of presidential impeachment

Judicial Review

- Determine if laws passed by Congress are allowable by the Constitution
- Determine if treaties negotiated by the President and approved by the Senate are allowable by the Constitution
- Determine if actions by the President in enforcing the law are allowable by the Constitution
- Determine if laws passed by states are allowable by the Constitution
- **Jurisdiction (Supreme Court):**
 - The Supreme Court hears cases of appeal from lower federal and state courts
 - The Supreme Court has original jurisdiction (may hear a case first) in cases involving a state vs. state matter or a branch vs. branch matter

Requirements and Terms of Service

- ***Terms:*** Judges serve for **life**, they are nominated by the president and approved by the Senate but may be removed by an impeachment proceeding
- ***Requirements:*** There are no specific requirement for judgeship in the Constitution