

The Three Branches of Government

As you have already learned, the national government is divided into three branches. Each branch is organized differently, and the three branches vary in their terms of office, qualifications of members, means of filling vacancies, and procedures for removing members from office. The first three articles of the Constitution spell out these differences, as well as the powers and duties of each branch.

The Legislative Branch

Article I of the Constitution establishes the legislative branch of government. This legislative branch of government is made up of the two Houses of Congress: the Senate and the House of Representatives.

Legislative Duties

The main duty of the legislative branch is to *make laws*. The Constitution also gives Congress the power to do the following.

- collect taxes
- borrow money
- regulate **commerce** (trade) with other countries and between states
- coin money
- establish post offices
- set **naturalization** laws (laws for becoming a citizen)
- issue patents and copyrights
- declare war
- draft citizens
- establish a navy and make rules for the armed forces

The Structure of Congress

The Congress of the United States is a **bicameral**, or two-house, legislative body made up of the House of Representatives and the Senate.

The Congress of the United States

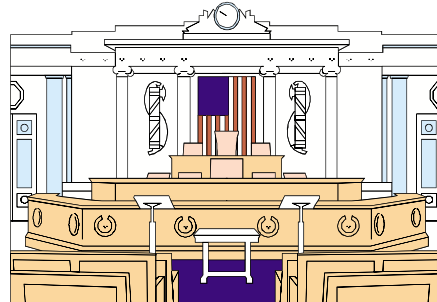
| House of Representatives | Senate |
|---|---|
| Representation: Proportional based on state population (435 members total) | Representation: Equal two senators from each state (100 members total) |
| Presiding Officer: Speaker of the House | Presiding Officer: President of the Senate (the Vice President of the United States) |

Congressional Qualifications and Terms

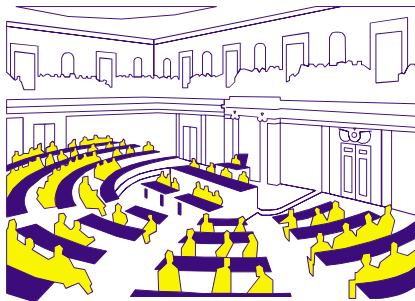
| House of Representatives | Senate |
|--|---|
| Qualifications Age: at least 25 years old Residency: must live in the state from which elected, when elected Citizenship: United States citizen for at least seven years Term: two years | Qualifications Age: at least 30 years old Residency: must live in the state from which elected, when elected Citizenship: United States citizen for at least nine years Term: six years |

How a Bill Becomes a Law

As mentioned before, the main duty of the legislative branch is to make laws. The lawmaking process has many steps. Out of the thousands of **bills** (suggested laws) that Congress considers each year, only about five percent become law. As you look at the diagram on page 72 displaying the steps in the lawmaking process, notice all of the places where a bill can “die.”



House Chamber

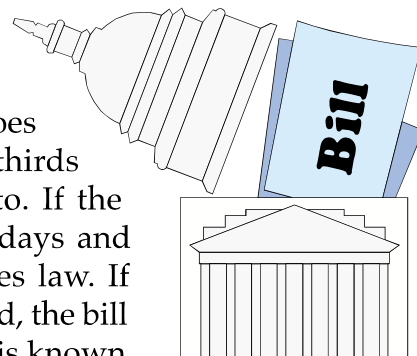


Senate

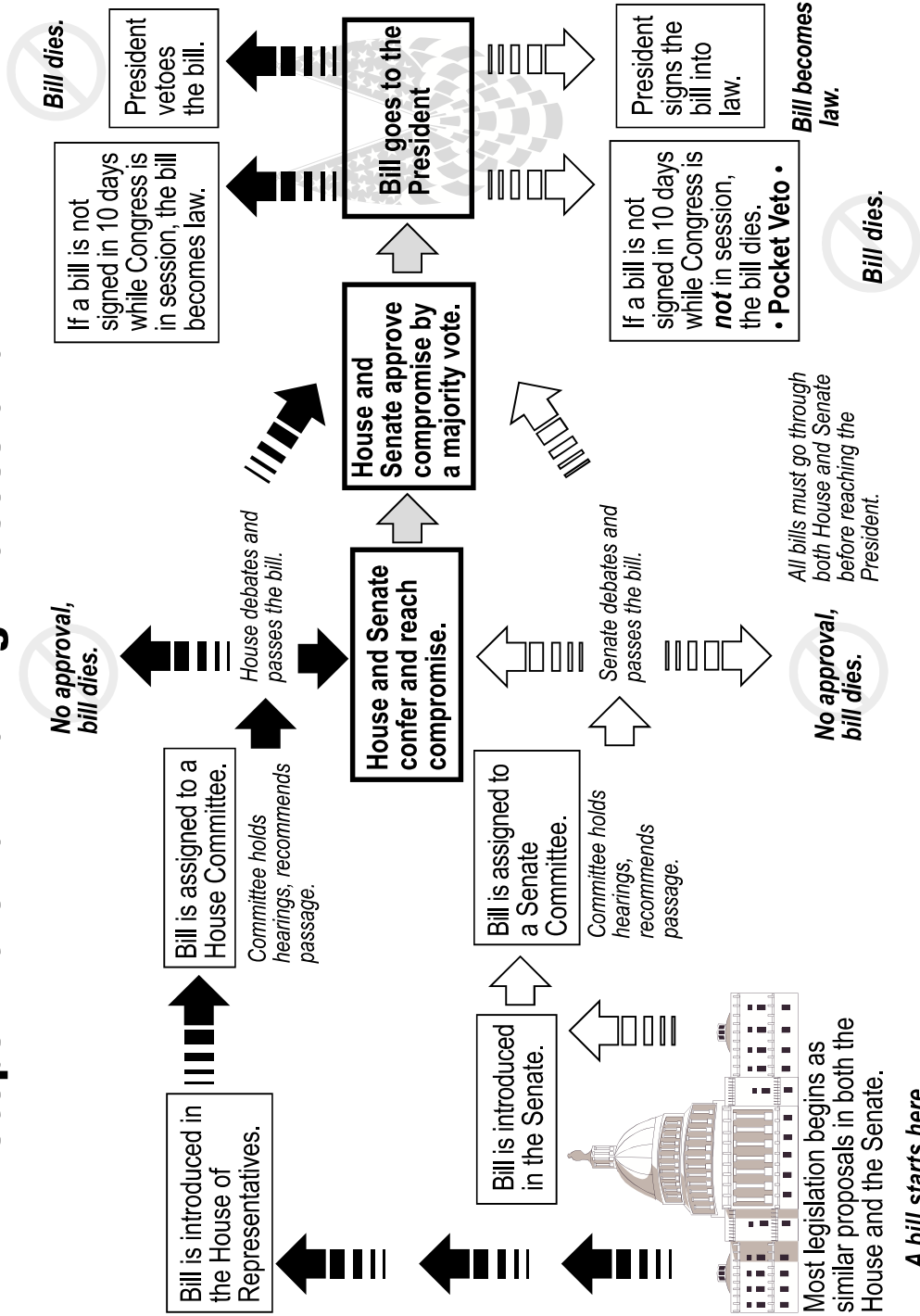
All bills, except those which are intended to raise money, can begin in either the House of Representatives or the Senate. After bills are introduced, they are considered by committees made up of either senators or representatives. These committees are formed because it would be impossible for all of the legislators to consider every bill. If the bill is approved by the

committee, it is voted on by the full House. Then the same steps occur in the other House of Congress.

Once both Houses have agreed on a bill, it is sent to the President. If the President signs the bill, it becomes law. If the President vetoes the bill, it can become law only if a two-thirds majority in both Houses overrides the veto. If the President does not sign the bill within 10 days and Congress is still in session, the bill becomes law. If Congress has adjourned in that 10-day period, the bill dies without the President’s signature. This is known as a **pocket veto**.



Steps in the Lawmaking Process of a Bill



Special Powers of the House of Representatives

The Constitution states in Articles I and II that the House of Representatives will have special powers. These special powers are the following:

| | | |
|--|---|--|
| • the power to originate revenue bills | ➔ | All bills to raise money for the government must begin in the House. |
| • the power to elect a President (under certain circumstances) | ➔ | When no presidential candidate wins a majority of votes, the House elects the President. |
| • the power to impeach government officials | ➔ | The House can charge a public official with misconduct or wrongdoing. |

Special Powers of the Senate

The Constitution gives some special powers to the Senate in Articles I and II. The powers are the following:

| | | |
|--|---|--|
| • the power to approve or reject major appointments by the President | ➔ | The Senate must approve all Cabinet members, ambassadors, federal judges, etc., appointed by the President. |
| • the power to ratify treaties | ➔ | The Senate has to approve treaties made by the President. |
| • the power to elect a Vice President (under certain circumstances) | ➔ | When no vice-presidential candidate wins a majority of votes, the Senate elects the Vice President. |
| • the power to try cases of impeachment | ➔ | The Senate decides if an official is guilty of the charges made by the House. |

Transfer of Power

The Constitution makes provisions for vacancies which occur in Congress before an elected official's term is over. Vacancies may be caused by death, resignation, or **expulsion**, which occurs when the House or Senate removes one of its own members for wrongdoing. A vacant Senate seat of a senator may be filled in one of two ways. The governor of the state may either appoint someone to fill the seat for the remainder of the term or call a special election. If a member of the House of Representatives dies, resigns, or is expelled, the governor must call a special election to fill the vacant seat.

The Executive Branch

The executive branch is made up of the President, Vice President, and executive agencies.

Executive Duties

The primary duty of the executive branch is to *enforce the law*. This means that the executive branch is responsible for seeing that the laws are carried out. The President, or Chief Executive, has other powers which are spelled out in the Constitution. They include the power to do the following.

- head the military forces (The President is the Commander-in-Chief of the Armed Forces.)
- grant pardons for federal crimes
- appoint (or remove) Cabinet members
- make treaties (agreements) with foreign nations
- appoint ambassadors and federal judges
- fill important vacancies in government
- recommend bills
- veto bills

Qualifications and Terms

| Presidency | |
|---------------------|--|
| Age: | at least 35 years old |
| Residency: | must live in the U.S. for at least 14 years before taking office |
| Citizenship: | must be a natural-born citizen |
| Term: | four years (maximum time in office is 10 years) |

Besides the official qualifications for the presidency, there are also some characteristics which in the past have made getting elected more likely. For example, all the Presidents so far have been male and white. Most

have been Protestant. (A Protestant is a member of any Christian church other than the Roman Catholic and Eastern churches.) Take a look at the table below for some other interesting facts about 20th-century Presidents.

20th-Century Presidents

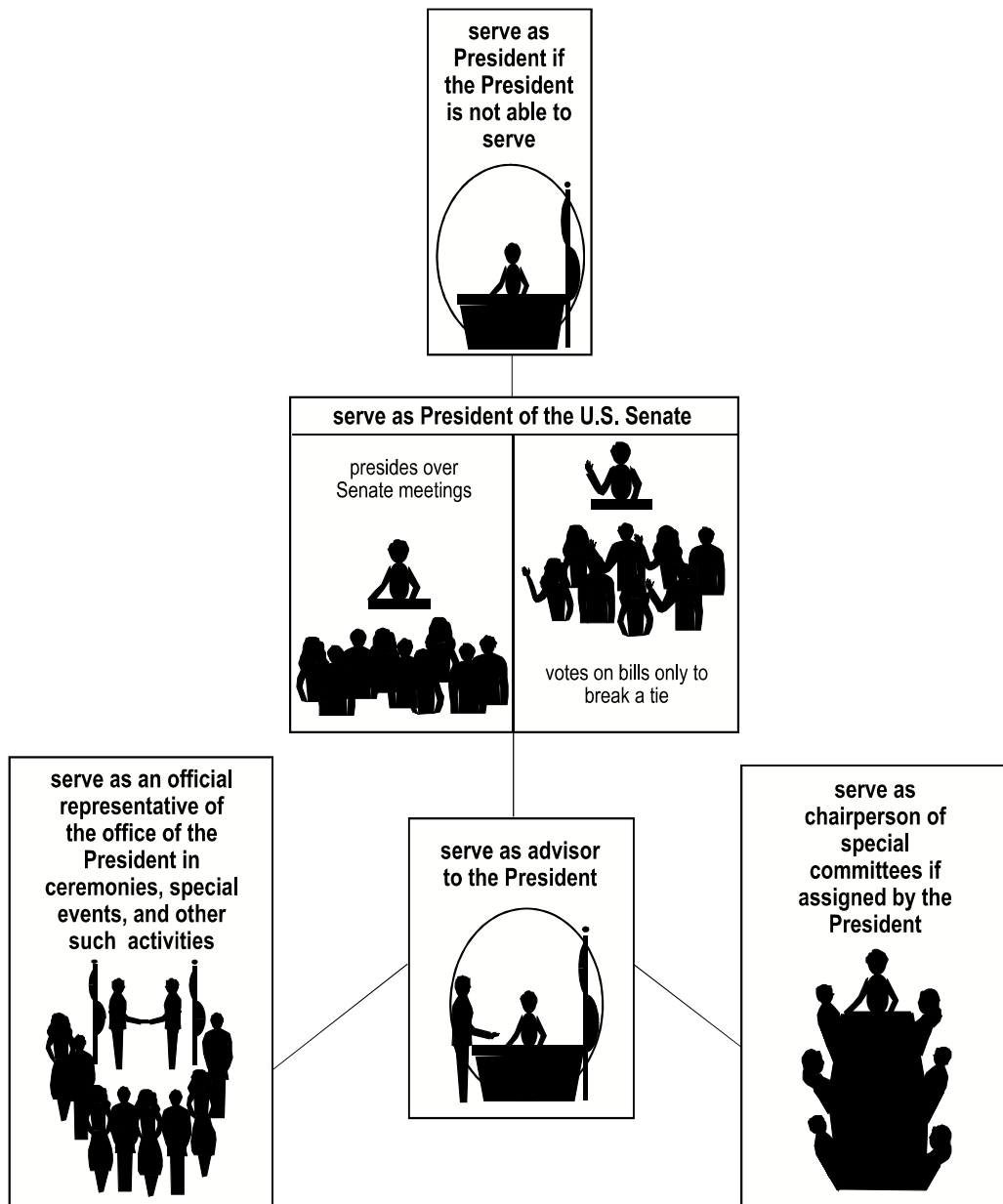
| The President | Home State | When Elected | Age upon Taking Office | Party* | Religion | Political Experience | Education | Vice President |
|-----------------------|------------|--------------|------------------------|--------|------------------|---|---|--|
| Theodore Roosevelt | NY | 42 | 1901-1909 | R | Dutch Reform | Vice President/ Governor | Harvard | Charles W. Fairbanks |
| William H. Taft | OH | 51 | 1909-1913 | R | Unitarian | Cabinet Officer | Yale | James S. Sherman |
| Woodrow Wilson | NJ | 56 | 1913-1921 | D | Presbyterian | Governor | Princeton | Thomas R. Marshall |
| William G. Harding | OH | 55 | 1921-1923 | R | Baptist | U.S. Senator | Ohio Central College | Calvin Coolidge |
| Calvin Coolidge | MA | 51 | 1923-1929 | R | Congregational | Vice President/ Governor | Amherst | Charles G. Dawes |
| Herbert C. Hoover | CA | 54 | 1929-1933 | R | Quaker | Cabinet Officer | Stanford | Charles Curtis |
| Franklin D. Roosevelt | NY | 51 | 1933-1945 | D | Episcopalian | Governor | Harvard | John N. Garner Henry A. Wallace Harry S Truman |
| Harry S Truman | MO | 60 | 1945-1953 | D | Baptist | Vice President/ U.S. Senator | Kansas City School of Law | Alben W. Barkley |
| Dwight D. Eisenhower | NY | 62 | 1953-1961 | R | Presbyterian | none | West Point | Richard M. Nixon |
| John F. Kennedy | MA | 43 | 1961-1963 | D | Roman Catholic | U.S. Senator | Harvard | Lyndon B. Johnson |
| Lyndon B. Johnson | TX | 55 | 1963-1969 | D | Christian Church | Vice President/ U.S. Senator | Southwest Texas Teachers' College | Hubert H. Humphrey |
| Richard M. Nixon | NY | 56 | 1969-1974 | R | Quaker | Vice President/ U.S. Senator | Whittier College/Duke | Spiro T. Agnew Gerald R. Ford |
| Gerald R. Ford | MI | 61 | 1974-1977 | R | Episcopalian | Vice President/ U.S. Representative | Yale | Nelson R. Rockefeller |
| James E. Carter, Jr. | GA | 52 | 1977-1981 | D | Baptist | Governor | Georgia Institute of Technology/ Naval Academy, Annapolis | Walter F. Mondale |
| Ronald W. Reagan | CA | 69 | 1981-1989 | R | Presbyterian | Governor | Eureka College | George H. W. Bush |
| George H. W. Bush | TX | 64 | 1989-1993 | R | Episcopalian | Vice President/ Director of CIA/Ambassador/ Congressman | Yale | J. Danforth Quayle |
| William J. Clinton | AK | 46 | 1993- | D | Baptist | Governor | Yale | Albert Gore, Jr. |

*Party - Democrat (D) Republican (R)

Other Executive Officers. Along with the President, the Vice President helps to run the executive branch of government.

The Constitution does not describe many official duties of the Vice President. Over the years, different Presidents have had Vice Presidents do many different things. Some of these duties are shown below.

DUTIES OF THE VICE PRESIDENT



Besides the Vice President, the President also has the assistance of his Executive Office and Cabinet. These agencies and individuals assist the President in many ways. Below is a list of agencies which are part of the Executive Office and a list of the Executive Departments which make up the Cabinet.

Executive Office of the President

| Agency | Main Functions |
|---|--|
| <i>White House Office</i> | Advises President on matters of domestic and foreign policy; writes speeches; reads and answers mail; sets up appointments |
| <i>Office of Management and Budget</i> | Prepares federal budget |
| <i>Domestic Policy Staff</i> | Aids in preparation of domestic policy |
| <i>National Security Council</i> | Keeps President informed on matters of national security (safety of the country) |
| <i>Council of Economic Advisers</i> | Studies economic situation and offers suggestions for growth and stability |
| <i>Office of Science and Technology</i> | Keeps President up-to-date on new technological developments |
| <i>Council on Environmental Quality</i> | Advises President on environmental issues |
| <i>Office of Administration</i> | Helps with clerical and record-keeping duties |
| <i>Office of United States</i> | Helps President negotiate trade agreements and advises President on trade issues |

| The Cabinet/Executive Departments | | |
|--|-------------------------|--|
| Department | Year Established | Main Functions |
| Department of State | 1789 | Carries out foreign policy • Supervises U.S. diplomats abroad • Issues passports • Represents U.S. in United Nations |
| Department of the Treasury | 1789 | Collects federal taxes • Borrows money and pays bills for the federal government |
| Department of Defense (formerly War Department) | 1949 (1789) | Maintains armed forces • Conducts military intelligence • Builds and maintains forts, harbors, bases, etc. • Carries out military research |
| Department of Justice | 1789 | Investigates and prosecutes violations of federal law • Conducts suits for the federal government in court • Supervises federal prisons • Runs Federal Bureau of Investigations (FBI) |
| Department of the Interior | 1849 | Supervises federal lands and parks • Finances irrigation projects • Protects natural resources |
| Department of Agriculture | 1862 | Conducts programs to help farmers • Fights animal and plant diseases and insect pests |
| Department of Commerce | 1903 | Protects U.S. companies at home and abroad • Makes loans to small businesses • Conducts the census • Grants patents • Maintains official weights and measures |
| Department of Labor | 1913 | Carries out labor laws (working conditions, minimum wage, etc.) • Administers unemployment insurance for workers • Sponsors job training programs • Keeps track of prices, unemployment figures, etc. |
| Department of Health and Human Services | 1939 | Directs Social Security, Medicare, and other social service programs • Administers programs to help people who have disabilities • Enforces food, drug, and cosmetic laws • Conducts research into causes and treatments of diseases |
| Department of Housing and Urban Development | 1965 | Supports private housing, mortgage loans |
| Department of Transportation | 1966 | Finances interstate highways and railroad, airport, and waterway improvements • Supports mass transit research • Sets safety standards for vehicles |
| Department of Energy | 1977 | Promotes energy conservation and resource development • Promotes energy research • Regulates gas and electric rates |
| Department of Education | 1980 | Administers programs to aid education • Provides financial help to schools • Collects and publishes education statistics • Sponsors education research |
| Department of Veterans Affairs | 1989 | Administers several hospitals • Administers educational and other programs designed to benefit veterans and their families |

Transfer of Power

If the President for some reason cannot finish his or her term of office, the Constitution has outlined ways to fill the office. When the Constitution was first written, it said that the Vice President would serve as the President until a new President could be elected. Under this original plan, the Vice President's office would be left vacant and Congress would have to decide what to do in case neither the President nor Vice President could finish the term of office.

The 25th Amendment to the Constitution made some changes in the way this problem is solved. It says that when the President cannot finish his or her term, the Vice President takes over as President and then chooses another person to be Vice President. This choice must be ratified by the Senate. This now insures that there will always be both a President and a Vice President in office.

Because the office of President is so important, Congress passed another law in 1947 which further lists the order of succession to the President. The law is called the Presidential Succession Act. A list of government officials, in the order that they would be called upon to fill the office of the President, is listed below. (The Cabinet officers are in the order in which Congress created the departments.)

| Order of Succession |
|--|
| Leaders of the Two Houses of Congress |
| 1. Vice President |
| 2. Speaker of the House of Representatives |
| 3. President Pro-Tempore of the Senate |
| Cabinet Officers |
| 4. Secretary of State |
| 5. Secretary of the Treasury |
| 6. Secretary of the Defense |
| 7. Attorney General |
| 8. Secretary of the Interior |
| 9. Secretary of Agriculture |
| 10. Secretary of Commerce |
| 11. Secretary of Labor |
| 12. Secretary of Health and Human Services |
| 13. Secretary of Housing and Urban Development |
| 14. Secretary of Transportation |
| 15. Secretary of Energy |
| 16. Secretary of Education |
| 17. Secretary of Veterans Affairs |

Although the most common reason for replacing the President has been due to his death, Presidents may be removed from office for committing a serious crime such as **treason** (an act of disloyalty to one's country). Impeachment (to bring charges against) and removal from office is the two-step procedure designed to handle such cases. First, the House of Representatives charges the President with "high crimes or misdemeanors" in office. Then the Senate conducts a trial. If the President is convicted of the crime, he is removed from office. The Vice President takes over and nominates a new Vice President, and Congress votes to approve or disapprove the nomination.

In addition, the President may be removed from office if illness becomes serious enough to keep him or her from performing the duties of the office. In this instance, the following procedure is followed.

1. The Vice President and a majority of the cabinet officers decide that the President is unfit.
2. A written declaration is sent by the Vice President to the Speaker of the House and the President Pro-Tempore of the Senate.
3. The Vice President takes over.
4. If the President recovers, he or she (the President) sends a letter to the leaders in Congress stating that he or she is fit to return to office.
5. If necessary, Congress will decide by a two-thirds vote of each House if the President should return to office.

The Judicial Branch

The judicial branch is made up of the federal courts and is headed by the Supreme Court. It is the job of the judicial branch to *interpret or decide what laws mean*. In this way, members of the judicial branch make sure that all people receive just or fair treatment under the law.

Members of the federal judicial branch handle cases involving the issues listed below.

- interpretation of the Constitution
- federal laws
- treaties
- ships on high seas
- the United States government
- foreign diplomats
- disputes between states or citizens of different states
- disputes between citizens or states and foreign countries

Responsibilities of the Federal Judicial Branch

The main activities of the federal judicial branch are **appeals** and trials. Appeals courts review cases involving a constitutional question that have already been tried in a lower court, either federal or state. Trials taking place in federal court involve treaties, ambassadors, or suits brought against the United States.

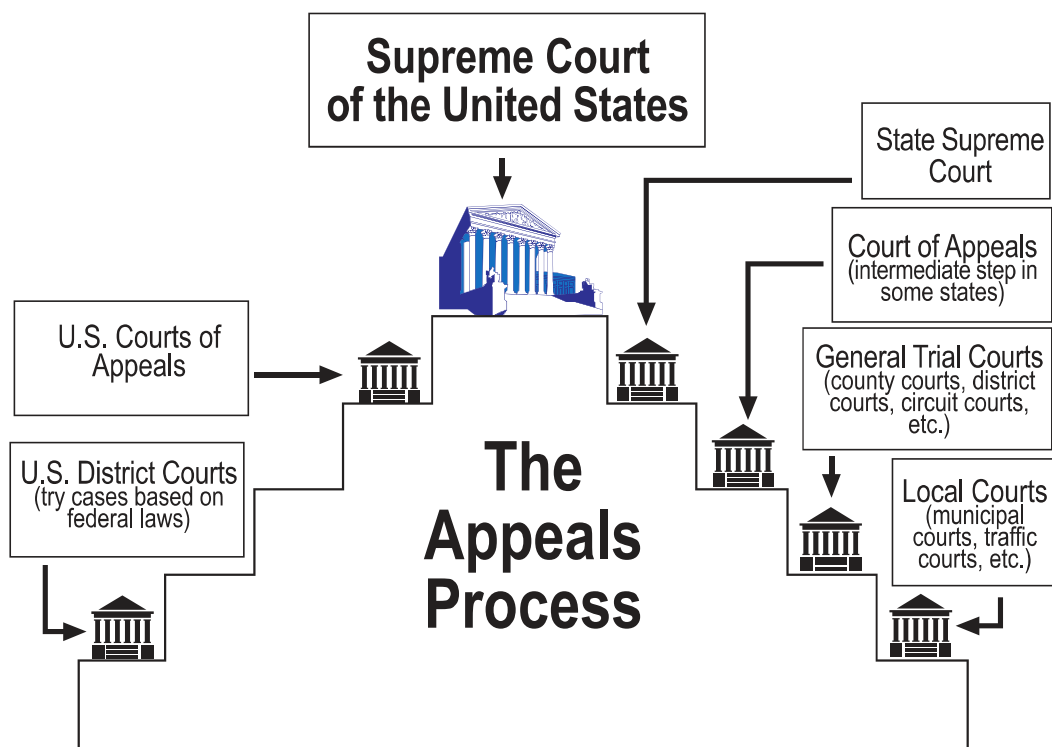


Qualifications and Terms

Unlike members of Congress and the President, Supreme Court judges (called **justices**) and other federal judges are not elected. Neither are there any formal requirements for the job, though almost all the justices have had legal training and have held a variety of positions in law or government. The nine Supreme Court Justices (headed by the **Chief Justice**) and federal judges are nominated by the President and approved by the Senate. Currently, the Chief Justice is William Rehnquist. The term of the Supreme Court Justices and most federal judges is life. A few federal judges serve fixed terms.

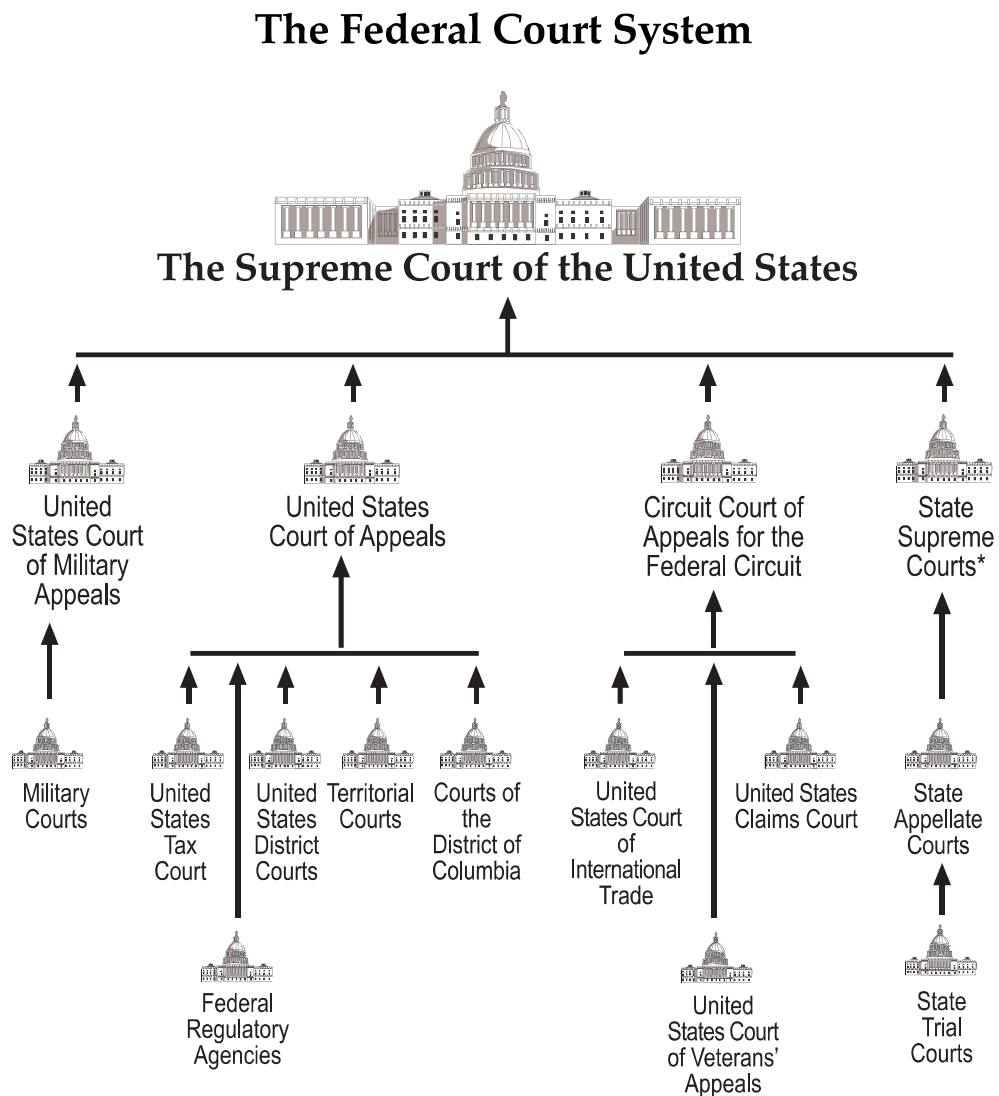
The Appeals Process

Although the Supreme Court does rule on some original cases, the main activity of the Supreme Court is to review cases that have already been tried in a lower court on appeal. The Supreme Court hears cases on appeal only when there is a constitutional question involved. The diagram below shows how a case might go through the courts to the Supreme Court.



The Federal Court System

The Congress has the power to set up federal courts. Over the years the system of courts has grown. The diagram below shows the federal court system as it is today.



**The State Supreme Court is usually the court of last resort, but this is not the case in every state. If an issue based on the federal Constitution, a treaty, or a federal statute is involved, it might be possible to take the appeal of a State Supreme Court decision to the Supreme Court of the United States.*



Some of the Federal Courts



| | |
|---|---|
| United States Court of Military Appeals | try cases involving armed services personnel; reviews court-martial convictions (sometimes called GI Supreme Court) |
| United States Court of Appeals | try cases involving federal law |
| United States Tax Court | try cases involving payment of federal taxes of citizens who disagree with Internal Revenue Service (IRS) and/or Treasury Department agency rulings |
| United States District Courts | try both civil and criminal cases involving federal and state laws |
| Territorial Courts | try civil, criminal, and constitutional cases, same as United States District Courts |
| Courts of the District of Columbia | try both civil and criminal cases of the nation's capital |
| Circuit Court of Appeals for the Federal Circuit | review decisions of the Courts of International Trade, the United States Patent Office, the United States Claims Courts, and other executive agencies |
| United States Court of International Trade | try cases involving taxes or tariffs on imports |
| United States Court of Veterans' Appeals | review decisions of the Board of Veterans' Appeals and deals with veterans' claims for benefits and other problems |
| United States Claims Court | try cases involving money claims against the United States government |
| State Supreme Courts | try highest state cases, usually the court of last resort |

Transfer of Power for the Supreme Court

There is no set length of term or retirement age for federal judges and Supreme Court Justices. They may serve until voluntary retirement, resignation, or death. Incompetent or corrupt judges may be removed by impeachment and conviction, using the same procedures as those used for the President.