

BALANCE POWERS

THREE BRANCHES OF GOVERNMENT

LEGISLATIVE BRANCH

- Makes all laws
- Controls all the money; taxes, borrows, and sets the budget
- Has sole power to declare war
- Oversees, investigates and makes the rules for the government
- Confirms the heads of the executive branch and federal judicial appointments
- Ratifies treaties
- Originates and tries cases of impeachment

EXECUTIVE BRANCH

- Executes the laws of the United States
- Executes the instructions of Congress
- May veto laws but the veto may be overridden by Congress
- Executes spending authorized by Congress
- Executes the instructions of Congress when it declares war or makes rules for the military
- Declares states of emergency and publishes regulations and executive orders
- Appoints the heads of the executive branch and judges with the advice and consent of the Senate
- Has the power to grant pardons for crimes against the U.S.

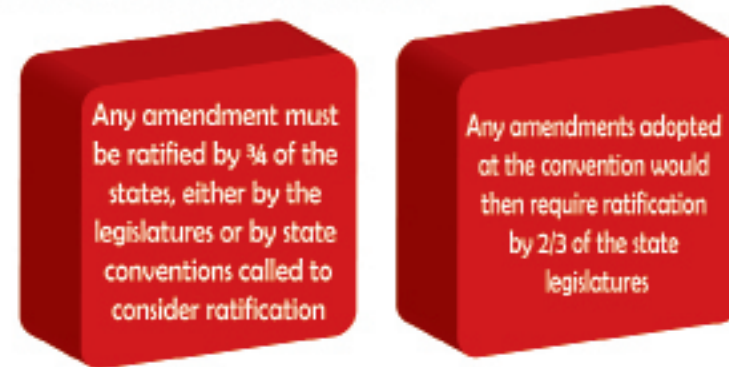
JUDICIAL BRANCH

- Determines which jurisdiction any given case falls under
- Judges when a law is unconstitutional
- Administers constitutional law and applies it to constitutional disputes
- Determines the disposition of prisoners
- May legally compel testimony and the production of evidence
- Judges and administers uniform policies via the appeals process, but gives discretion in individual cases to lower level judges
- Oversees and administers members of the judiciary
- Is subject to impeachment by Congress

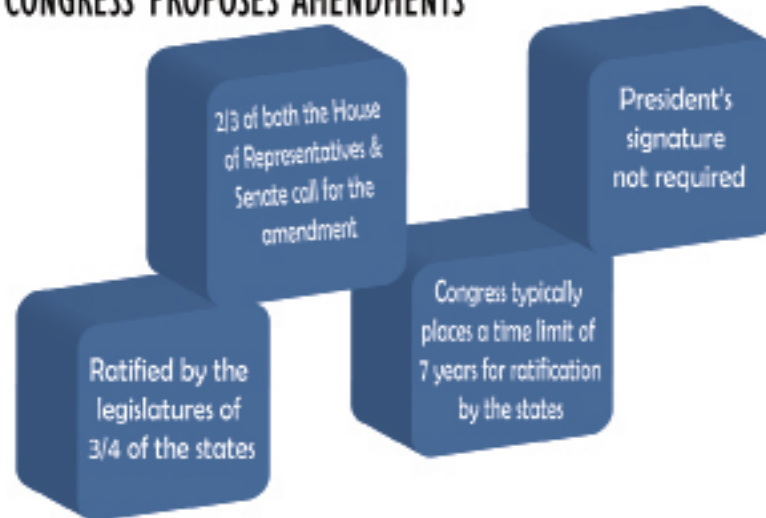
Amending the Constitution

Article 5 of the Constitution provides TWO processes by which amendments can be proposed and approved:

STATES PROPOSE AMENDMENTS

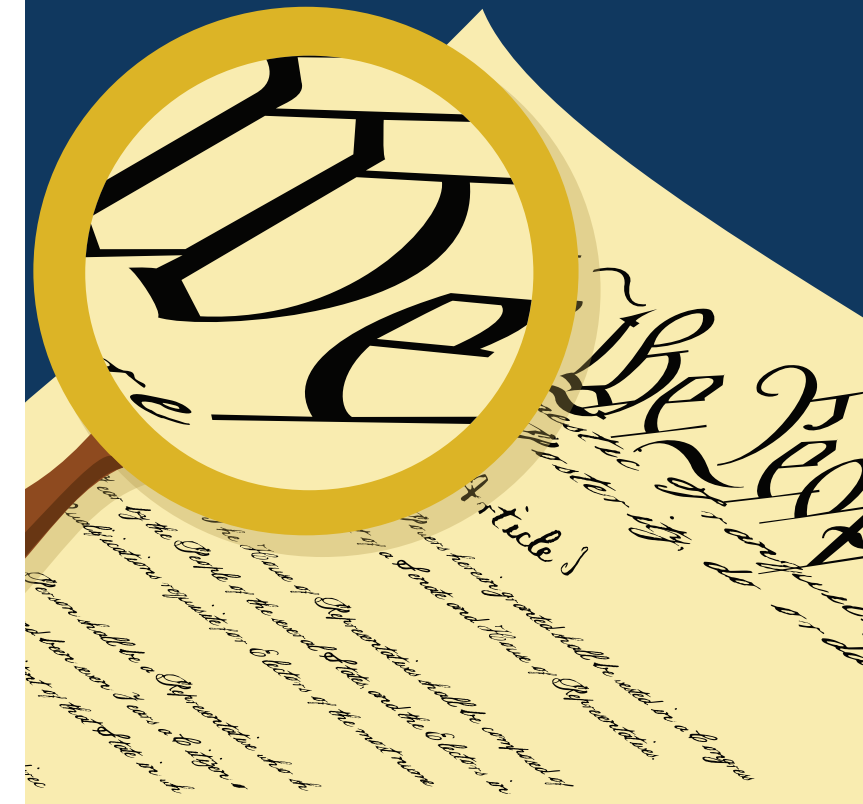


CONGRESS PROPOSES AMENDMENTS



the U.S. CONSTITUTION

RIGHTS MATTER



the U.S. CONSTITUTION REAL LANGUAGE

PREAMBLE

“We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

ARTICLE 1

CONGRESS:

Congress consists of two houses: a Senate and a House of Representatives.

House of Representatives

Term of members: two years

Representation is decided according to the number of people living in each state. Originally, people who were not free (that is, black slaves) counted as three-fifths of a free person for apportionment purposes. Since the Fourteenth Amendment, this is no longer the case.

Senate

Term of senators: six years (one out of every three senators completes his or her term every two years).

A senator must be 30 years old, a citizen of the U.S. for nine years, and live in the state in which he or she was chosen. The Vice President of the U.S. is President of the Senate, but only votes when there is a tie.

Power of Congress

- Raise and collect taxes
- Pay the debts
- Provide for the common defense and general welfare of the U.S.
- Borrow money
- Regulate commerce with foreign nations and among the states
- Establish uniform rules of naturalization (making people not born in the U.S. American citizens)

- Make money
- Set up lower federal courts
- Declare war
- Raise and support an army and a navy
- Call out the state militia to carry out the laws of the U.S., put down rebellion, and repel invasions
- Govern the Capital of the U.S. and forts, arsenals, dockyards, and other “needful buildings”
- Admit new states into the Union
- Make rules and regulations for the territories of the U.S.
- Make all laws which shall be necessary and proper for carrying into execution the foregoing powers

ARTICLE 2

EXECUTIVE POWER

Executive power is the authority to enforce laws and ensure that they are being carried out as intended

Powers of the President

- Commander-in-chief of the army, navy and of the state militia when called into service of the United States
- May pardon persons punished for offenses against the U.S.
- Make treaties, but two-thirds of the Senators must agree to them
- The President is to carry out the laws of the U.S. faithfully
- Appoint public officials, ambassadors, Supreme Court judges, etc., with the advice and consent of the Senate
- Call both Houses together on very special occasions

Election

With passage of the Twelfth Amendment, election rules changed from the Constitution’s original electoral college plan. Now, the person receiving the majority of electoral votes for president becomes president, and the person receiving the majority of electoral votes for vice president becomes vice president (usually the two positions run together as a ticket and are thus closely tracked). If no presidential candidate wins a majority, the House picks from the top three recipients of electoral votes. Before entering office, the President is required to take an oath to “preserve, protect, and defend the Constitution of the United States.”

Removal from Office

The President and all other civil officials can be removed from office by “impeachment” and conviction of “treason, bribery, or other high crimes and misdemeanors.” The House of Representatives presents the charges against an official, who is tried in the Senate. In an impeachment trial of the President, the Chief Justice presides over the Senate and a two-thirds vote is needed for conviction.

ARTICLE 3

JUDICIAL POWER

The Constitution gives “judicial power,” the power for judging, to a Supreme Court and lower courts.

Terms of judges: They shall hold office “during good behavior.” That means they cannot be dismissed unless they do wrong.

U.S. courts can hear suits between states, between a state and a citizen of another state, between citizens of different states, and between a state or a citizen and a foreign state or a foreign citizen. They can also try cases arising from matters on the high seas. All crimes, except impeachment of officeholders, are to be tried by jury. Treason against the U.S. shall consist of making war or joining the enemies of the U.S. or “giving them aid and comfort.” No person can be convicted of treason unless two witnesses saw that person commit the act, or unless he or she confesses in court.

ARTICLE 4

GOVERNS RELATIONS BETWEEN THE STATES

States must respect one another’s court decisions and laws even when they disagree with them.

ARTICLE 6

CONSTITUTION IS “SUPREME”

The Constitution, the laws of the U.S., and treaties shall be the “supreme law of the land,” binding on every judge in every state, and at the same time protecting many state powers. This system – federalism – in which the national and state governments share power, is a key feature of American government. Article 6 also guarantees a measure of religious freedom by banning religious test for public office.



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