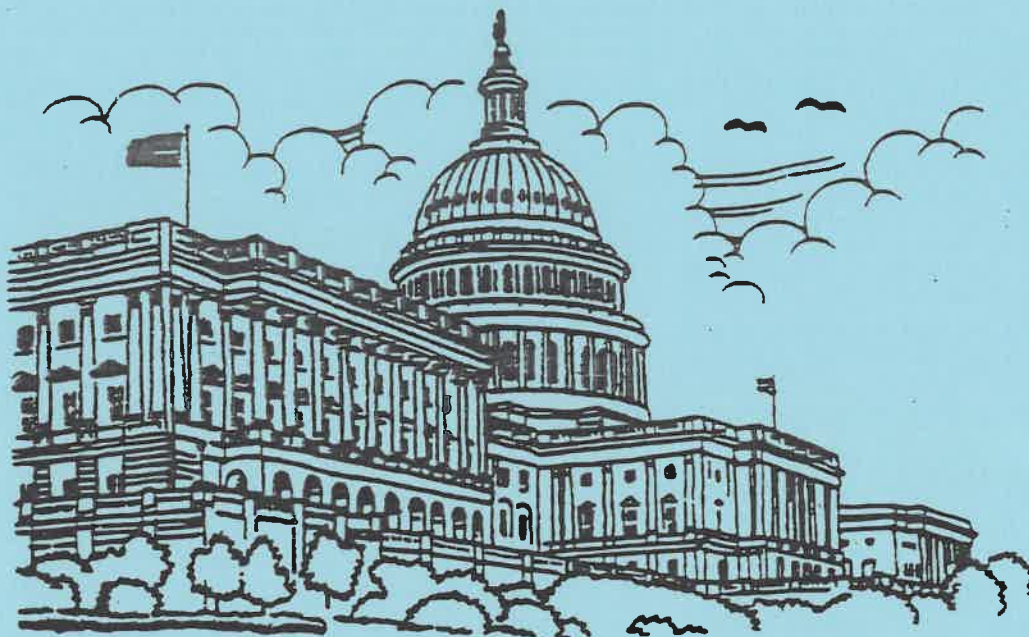
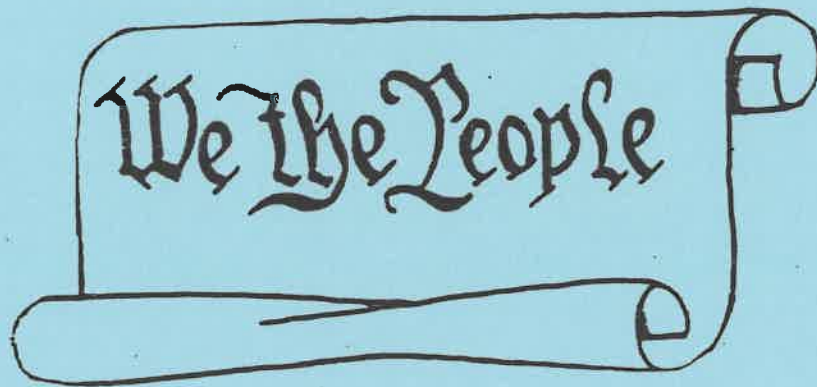


The United States Constitution

Study Guide



Student Name: _____

Social Studies Period: _____

United States Constitution Vocabulary

1. Preamble _____
2. Constitution _____
3. Amend _____
4. Ratification _____
5. Checks and Balances _____

6. Legislative Branch _____
7. Executive Branch _____
8. Judicial Branch _____
9. Impeach _____
10. Federalism _____
11. Ex Post Facto _____
12. Habeas Corpus _____
13. Separation of Powers _____

14. Bill _____
15. Veto _____
16. Naturalization _____
17. Cabinet _____
18. Appeal _____
19. Delegate _____
20. Establish _____

THE BIRTH OF THE CONSTITUTION

The Preamble

(See the Preamble)

The Preamble lists the major goals to be accomplished by the United States government under the Constitution. The importance of the Preamble and the Constitution are expressed in the first three words, "We the people" The Constitution was created by the people, not by some king, dictator, or absolute ruler.

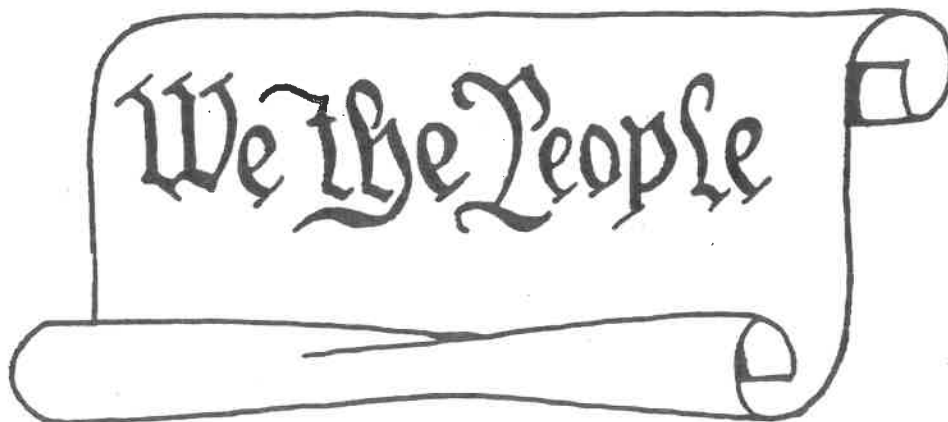
The founding fathers had six goals in mind when they set out to create the Constitution. They are:

- (1) to form a more perfect union
(set up a stronger government than they had under the Articles of Confederation)
- (2) establish justice
(improve the court system)
- (3) ensure domestic tranquility
(have peace in all states)
- (4) provide for the common defense
(protect the country from enemies)
- (5) promote the general welfare
(have good living conditions)
- (6) secure the blessings of liberty to ourselves and our posterity.
(have freedom for themselves and future Americans)

The Preamble expresses the hopes of the people for a good and honest government for themselves and their children.

PREAMBLE TO THE UNITED STATES CONSTITUTION:

We the people of the United States, in order to form a more perfect Union, establish justice, ensure 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.



THE BIRTH OF THE CONSTITUTION

Separation of Powers

Another problem facing the Constitutional Convention was how to divide the powers of a government. Who will make the laws? Who will make sure the laws are obeyed? Who will make sure the laws are “good” laws? These questions were answered in the next set of compromises.

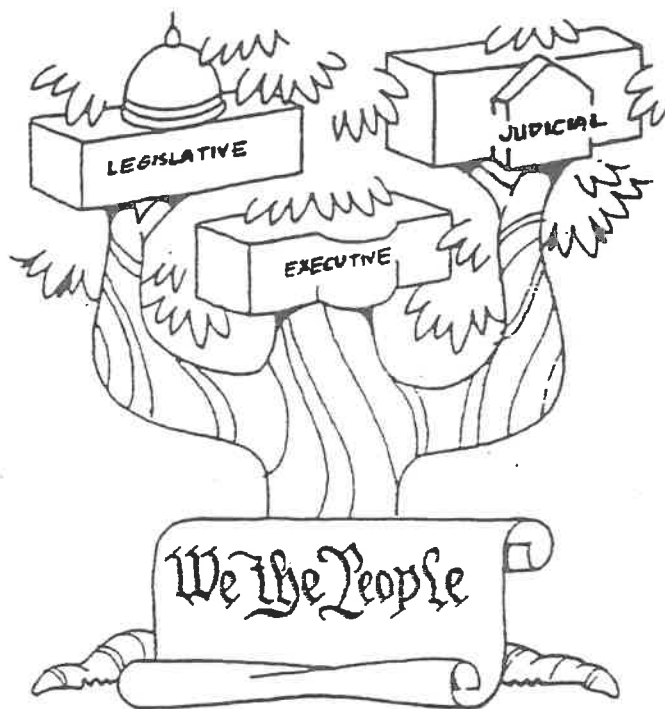
American government can be seen as a tree. The Constitution is the trunk, or base, with three branches extending from that trunk. Those three branches are the legislative branch, the executive branch, and the judicial branch. Each branch has different responsibilities and looks out for and checks the other two branches. These concepts, respectively, are called *separation of powers* and *checks and balances*.

The *legislative* branch was defined during the Great Compromise. Together, the House of Representatives and the Senate make the laws to govern our country. The legislative branch also checks the executive and judicial branches.

The second branch is the *executive* branch. Eventually, the delegates decided to create a chief executive. Under the Articles of Confederation, there was no national leader. The founding fathers had feared creating another “king.” There was much discussion, even talk of having two equally powered leaders. The convention agreed to create one President, but only if the President would be checked or watched by the legislative and judicial branches. The job of the President and the executive branch is to carry out the laws passed by the legislative branch.

The third branch established the *judicial* system. The judicial branch was to be headed by the Supreme Court. It is the job of the Supreme Court to interpret or define the laws. The Supreme Court is chosen by the President and approved by the Senate. The judicial branch checks the executive and legislative branches.

Each branch has its own specific responsibilities. Each has a separate power. Part of the responsibility of a branch is to control or check the power of the other branches. That way, no one branch gets to be too powerful; each branch is balanced.



The U.S. Constitution provides for the legislative, executive, and judicial branches of government.

THE LEGISLATIVE BRANCH

Introduction

(See Article I, Section 1)

The legislative branch of the United States government is described in Article I of the Constitution. Its major job is to make our country's laws. The American system of government is based on a representative form of government. Not all Americans can meet in the same place at the same time to make laws, so Americans choose representatives to make the laws for them. Representatives carry out the will of the people, or they are replaced during the next election.

Laws are passed by a *majority* vote. Majority means one over half. For example, among 10 people, six or more of them must agree in order to pass a law. The larger group of politicians is known as the majority, and the smaller group is known as the *minority*. If you are in the minority, you try to encourage members of the majority to change sides.

The legislative branch of our Federal government is called Congress. Congress is made up of the House of Representatives and the Senate. Congress begins its meetings on the third day of January every odd-numbered year. The meetings are called terms and they last two years with a recess, or break, during the summer. The first term of Congress met from 1789-91. The House of Representatives and the Senate meet in different chambers on opposite sides of the Capitol Building in Washington, D.C.



The House of Representatives and the Senate meet in the U.S. Capitol Building.

privileges. They cannot be arrested when going to or coming from Congress, or while attending a session of Congress. A member cannot be sued or punished for anything he or she might say in Congress.

The Constitution goes on to define the individual responsibilities and requirements of the two houses of Congress: the House of Representatives and the Senate, our lawmaking bodies.

The Congress makes its own rules governing its meetings. It can *expel*, or remove, a member by a two-thirds vote. That means that two thirds of the members, not just a majority, have to agree to an action. A record is kept of all the meetings and is published in the *Congressional Record*.

Members of Congress also have certain

THE LEGISLATIVE BRANCH

The House of Representatives

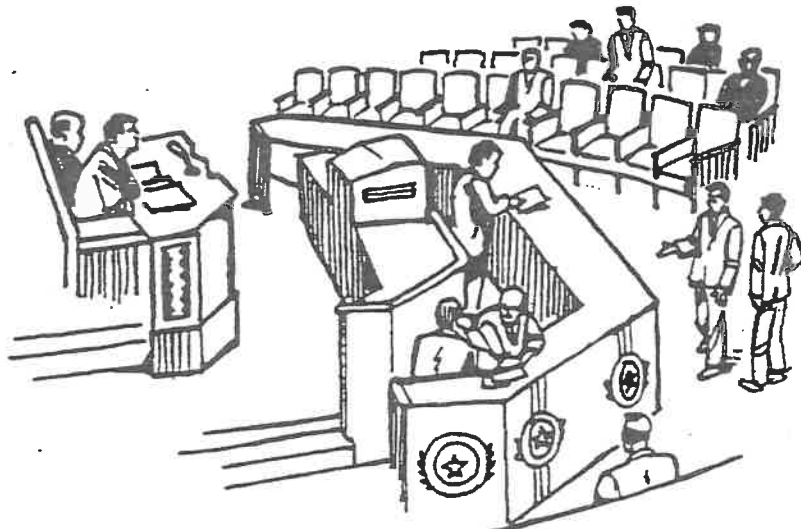
(See Article I, Section 2)

The largest house of Congress is the House of Representatives. There are 435 representatives in the House. The number of representatives a state has is based on the number of people, or population; in the state. There is one representative for every 500,000 people. So if a state has two million people, that state would be able to send four representatives to Washington, D.C.

The term of office for a representative is two years. In order to stay in office, he or she must be reelected every two years.

To find out how many people are in a state, the government conducts a *census*, or count of the people, every ten years. The first census was conducted in 1790. When will the next census occur?

In order to be a representative, there are certain requirements to be met. A representative must be at least 25 years old, must be a citizen of the United States for at least seven years, and must live in the state from which he or she is elected.



The speaker's podium in the House of Representatives' chamber.

Within the House, there are several leaders. The Speaker of the House is the presiding officer. The Speaker is selected by the members of the House and is usually a member of the majority party. The Speaker of the House is second in line to take over the presidency, after the Vice President, in the event of an emergency.

The House of Representatives has the sole power to begin *impeachment* proceedings against a government official. To impeach is to accuse an official of some wrongdoing or misuse of power. The House begins the process by accusing the official, but the trial is carried out by the Senate. More about impeachment will be discussed in later chapters.

THE LEGISLATIVE BRANCH

The Senate

(See Article I, Section 3)

The other house that makes up the Congress is the Senate. The Senate is the smaller of the two groups, with only 100 members. These people are known as senators. Each state, regardless of how big or small, has two senators. Currently there are 50 states, so we have 100 senators in Washington, D.C.

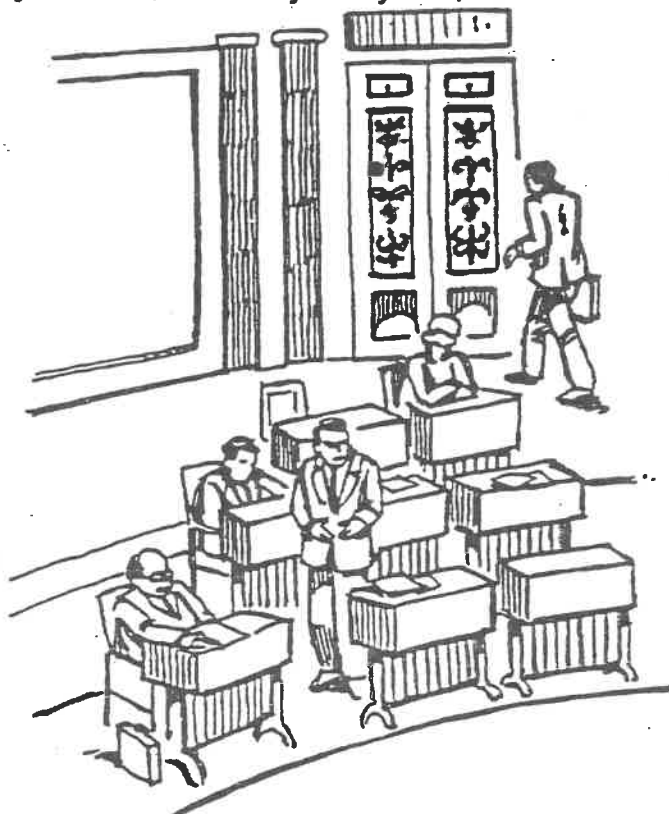
Each senator is elected for a six-year term, but every two years, one third of the senate is up for reelection. For example, in 1992, 33 senators were elected for six-year terms. In 1994, 33 others will be elected, and in 1996, 34 will be elected. This way, there is never an entirely new group of senators; there will always be some experienced senators to guide the newcomers.

According to the original Constitution, the senators were chosen by their state legislatures, but in 1913, the Seventeenth Amendment changed this and allowed the people to elect their senators directly.

In order to be a senator there are certain requirements that must be met. A senator must be at least 30 years old, a citizen of the United States for at least nine years, and live in the state he or she represents.

The Senate also has certain leaders. The Vice President of the United States is in charge of all meetings of the Senate. He can only vote in the event of a tie between the senators. If the Vice President is absent, the senators choose an alternate presiding officer known as the president pro tempore (temporary president). The president pro tempore is third in line to take over the presidency in the event of an emergency.

With regards to the impeachment process mentioned in the last lesson, the Senate acts as the jury and tries any impeachment cases. When the House of Representatives accuses an official of a crime, the Senate decides whether or not the official is guilty. The Chief Justice of the Supreme Court acts as the judge. Two thirds of the senators present must find the official guilty in order to remove him or her from office.



Senators at their desks in the U.S. Senate chamber.

THE LEGISLATIVE BRANCH

Limits on Congress and the States

(See Article I, Sections 9, 10)

We saw in the last lesson what powers the Constitution gave the Congress. Now we are going to look at what the Constitution told the Congress it could *not* do.

First, the Constitution told the Congress it could not make any laws outlawing the slave trade until 1808. This clause deals with the rivalry between the northern and southern states. As you will study, this rivalry erupts into the Civil War in 1861.

The second limitation deals with the legal term known as *habeas corpus*. Habeas corpus literally means "you shall have the body." This right of habeas corpus allows a person to be seen and heard in a courtroom by a judge. If you are to be found guilty or not guilty, you have the right to appear in court. The government can not take that right away except in cases of rebellion or invasion.

The Constitution outlawed *bills of attainder*. A bill of attainder is a law passed by the government that convicts a person of a crime and punishes them without a trial.

Another limitation set by the Constitution is that Congress cannot pass *ex post facto laws*. An *ex post facto* law punishes people for a crime that was not a crime when they did it. For example, Mr. Z was smoking a cigarette on his lawn on Monday. On Tuesday, Congress passed a law forbidding smoking in the United States. Wednesday, the police came and arrested Mr. Z for smoking on Monday. When Mr. Z smoked on Monday, it was not a crime. Under the *ex post facto* clause of the Constitution, punishment of Mr. Z is forbidden.

Other limits on Congress are that it cannot tax products from a state, it cannot give preference to any state's seaport, government money can only be spent by passing a law, and finally, Congress cannot issue titles of nobility. That means the Senate or House cannot make people knights, lords, or duchesses.

The Constitution also puts certain limits on the states. First, they cannot make treaties with other countries. Secondly, they cannot coin their own money. Finally, they cannot do the items mentioned in the above three paragraphs.

The powers of government can be put into three categories: *delegated*, *concurrent*, and *reserved* powers. Delegated powers are powers that are given to the national government in Washington, D.C., such as the power to declare war. Concurrent powers are powers that are shared between the national and state governments, such as the power to tax. Finally, reserved powers are powers that only the states have, such as the power to create a school system. It is important to keep these different powers in mind as we discuss the remainder of the Constitution.



Prior to the Constitution, people were often arrested and jailed without being charged or having a trial.

THE LEGISLATIVE BRANCH

How Bills Become Laws

(See Article I, Section 7)

The laws, or rules, our country has were passed to keep our country functioning. There is a long step-by-step process in the making of laws.

Before a law is a law, it is known as a *bill*. A bill is an idea that a representative or a senator has that he would like to see become a law. A bill may start in either the House of Representatives or the Senate, except for money bills, which must start in the House.

Let's say Senator X has a bill to proclaim June 21 as National Cardinal Day. He takes his bill in written form to his fellow senators, and it is given a code number. If the other senators disagree with the bill, they vote it down, and the bill is dead. If they agree, the bill is passed over to the House of Representatives.

The bill is given to the House of Representatives to discuss and vote on. If they disagree, they vote it down and send it back to the Senate for changes. If the Senate refuses to make changes, the bill dies. If the House approves the bill, it is given to the President for his approval.

If the President agrees with the bill, he signs it and it becomes a law. The bill can also become law if the President does not respond to it within ten working days.

If the President does not agree with the bill, he *vetoes* it. With a veto, the President is rejecting the bill. If the President does not sign the bill within ten days after Congress adjourns, the bill dies. This is known as a *pocket veto*.

If the bill has been vetoed and Congress is still in session, the bill then goes back to the house where it started, in our case, the Senate.

If two thirds of the Senate agree with the bill, that is called *overriding* the President's veto. If the Senate votes to override the veto, then the House of Representatives must override it also. If both houses vote to override the veto, then the bill becomes a law without the President's approval.



Bills must go through a long, difficult process before they finally become the law of the land.

Date _____

Name _____

LEGISLATIVE BRANCH OF THE UNITED STATES GOVERNMENT

JOB _____

LOWER HOUSE

UPPER HOUSE

CONGRESS

HOW MANY?

LEADER

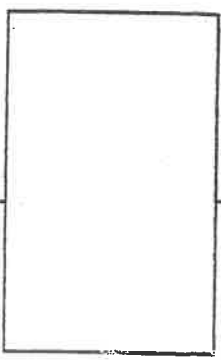
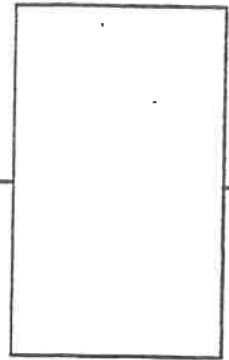
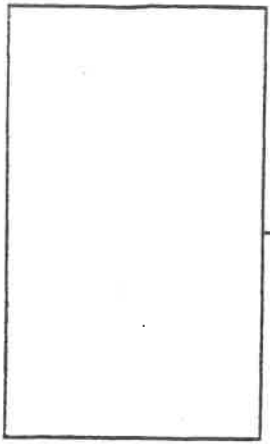
LEADER

QUALIFICATIONS

QUALIFICATIONS

DUTIES

DUTIES



THE EXECUTIVE BRANCH

Introduction

(See Article II, Section 1)

As you have seen, the job of the legislative branch is to make the laws. It is the job of the executive branch to carry out, or execute, those laws. They enforce, or make sure people are obeying, the laws made by the legislative branch.

If the Congress makes it a law that the speed limit should be 70 MPH, then it is the job of the executive branch and its offices to make sure that the citizens of the United States are obeying the speed limit.

The executive branch of the United States is very large today. The head of the executive branch is the President, but many thousands of people work for him. The executive branch handles much of the day-to-day work of the country.

The President is the chief executive, and he is elected for a four-year term. His second-in-command is called the Vice President. They are both elected at the same time.

The President and Vice President are chosen by the electoral college. The electoral college is made up of men and women from the different states. Each state gets a certain number of people, or electors. That number is determined by the total number of representatives and senators a state has. For example, if Illinois has 18 representatives and 2 senators, then Illinois would get 20 electors, or people, to vote for the President.

When we go to the polls in a presidential election, our votes are counted and the electors take those totals and elect the President based on who the people have selected. Since the common people were poorly educated and informed in the early years of our nation, the electoral college was originally established to keep the common people from making a mistake and electing a disastrous leader.

If there is a tie in a presidential election, or no one candidate receives a clear majority, then the House of Representatives, with each state having only one vote, elects the President.



The President of the United States lives in the White House.

THE EXECUTIVE BRANCH

Qualifications for President

(See Article II, Section 1)

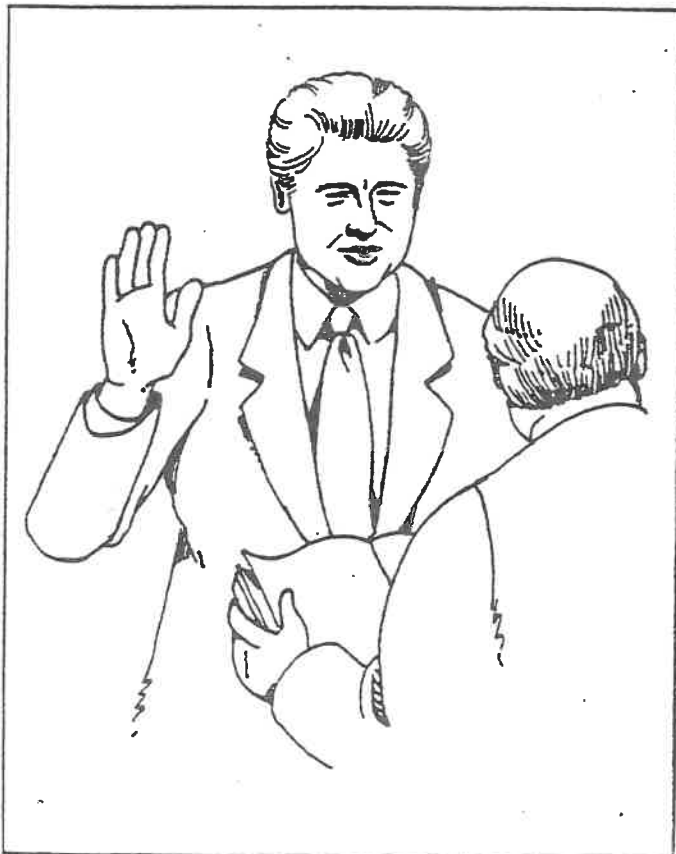
Just as there were requirements to be a representative or a senator, the Constitution set forth certain requirements to be the President of the United States.

In order to be President, a person must be a natural-born citizen of the United States—not an immigrant. He or she must be at least 35 years old and have been a resident of the United States for at least 14 years.

In the event that the President dies or is unfit to continue as President, there is a detailed line of succession. The Vice President assumes the power of the Presidency first; if he is unable, then the Speaker of the House of Representatives takes over. After him is the president pro tempore of the Senate, then the various Cabinet department heads in order of the establishment of the departments, beginning with the Secretary of State. The 25th Amendment outlines what is done when the President dies or is disabled.

The salary of the President is set by the Congress and does not change during the President's term of office. Currently the salary is \$400,000.

The President and Vice President are elected on the first Tuesday after the first Monday in November. They are sworn in on Inauguration Day, January 20. Usually, the Chief Justice of the Supreme Court is the person who administers the oath of office to the President at the ceremony. The oath of office is as follows:



"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States." "So help me God" is added by the Presidents.

President Bill Clinton taking the oath of office.

THE EXECUTIVE BRANCH

Impeachment

(See Article I, Section 3 and Article II, Section 4)

The Constitution also defines the way to remove officials from office when they have failed at their job. This process is called *impeachment*.

To be removed from office by impeachment, a person must be found guilty of *treason, bribery, or other high crimes and misdemeanors*. By high crimes and misdemeanors the founding fathers meant more serious crimes than a traffic ticket.

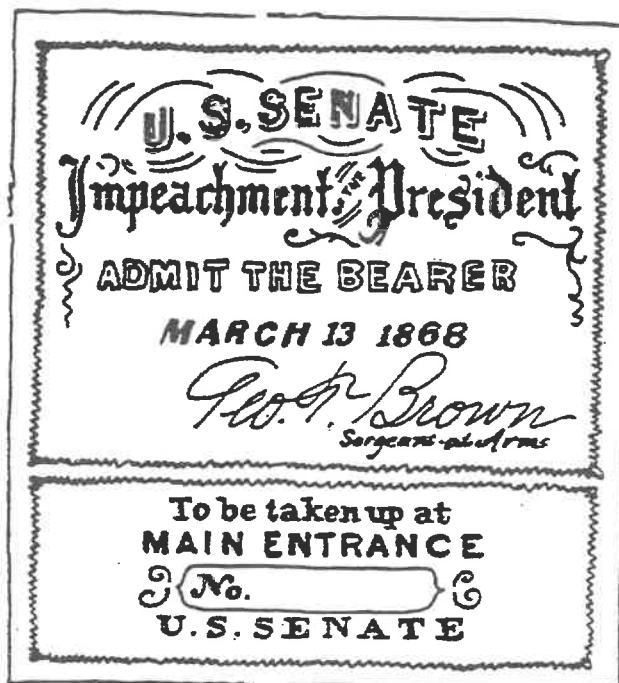
In order for the impeachment process to begin, the House of Representatives must believe that an official has committed one of the above-mentioned offenses. The House will then come up with a list of charges against the official.

The next step of the process continues in the Senate. The senators act as the jury and hear both sides of the case against the accused official. When it is the President being tried, the Chief Justice of the Supreme Court acts as the judge. Two thirds of the Senate must agree in order for the official to be convicted of the charges and removed from office.

In all of United States history, no President has ever been removed from office by impeachment. Two Presidents, however, have gone through part or all of the impeachment process.

In 1867, President Andrew Johnson was charged with several offenses, and the House voted to impeach him. The Senate held the trial, and when the vote was taken, Johnson escaped being convicted by only one vote!

In 1974, the House of Representatives began to investigate President Richard Nixon and his involvement with the break-in of the Watergate Office Complex in Washington, D.C. By the end of July, 1974, the House had prepared several charges against President Nixon. Instead of letting the impeachment process go any further, Nixon resigned as President on August 9, 1974. Nixon was the first President ever to resign.



During the impeachment of President Andrew Johnson, tickets were issued to the public for admittance to the trial.

THE CABINET (15 MEMBERS)

PRESIDENT'S CLOSEST ADVISORS

Attorney General= lawyer for the country and law enforcement

Secretary of State= in charge of foreign affairs

Secretary of Education=public schools (preschool-university)

Secretary of Labor=work force

Secretary of Transportation=roads, trains, air traffic, shipping by water

Secretary of Veteran's Affairs=health, welfare, pensions for veterans

Secretary of Treasury= money

Secretary of Interior=government land, Indian affairs

Secretary of Defense=safety and armed forces

Secretary of Agriculture=farms, including FDA

Secretary of Housing and Urban Development (HUD)=housing for the poor; taking care of big city problems

Secretary of Energy=fuel, nuclear, coal, electric, oil

Secretary of Health and Human Services=health, shots

Secretary of Commerce=business and trade

Secretary of Homeland Security= enforce policies that keep America secure, including protecting America from terrorism, secure America's borders and executing immigration policy.

THE JUDICIAL BRANCH AND ARTICLES IV-VII

Organization of the Judicial Branch

(See Article III, Section 1)

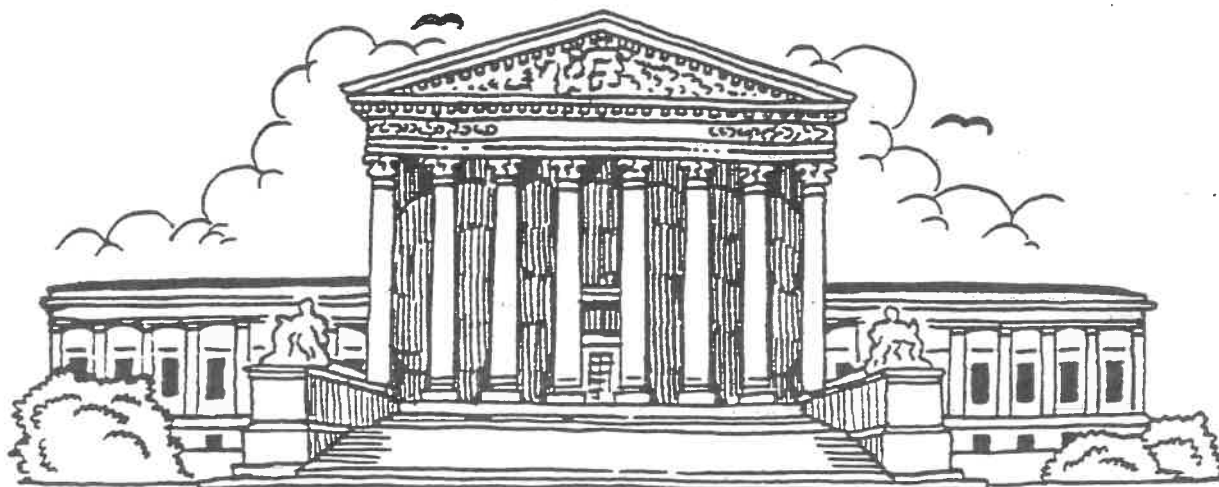
The third branch of the United States government is the judicial branch. We learned that the legislative branch makes the laws and that the executive branch carries out and enforces the laws. It is the job of the judicial branch to interpret, or explain, the laws.

When Congress passes a law, and the President enforces it, it is then the job of the Supreme Court to decide what those laws really mean. The Supreme Court is the major body of the judicial branch. The Supreme Court Building is located in Washington, D.C. The Supreme Court is the highest, and most important, court in the United States. The Constitution spells out what kinds of cases it can hear and what the powers of the Court are. The Constitution also provides for lower courts as well.

The Supreme Court is made up of nine justices, or judges. There are eight associate justices and one chief justice. The justices are appointed by the President and are approved by the Senate. Once approved, they serve for life. They cannot be removed except by impeachment. When deciding a case, only five of the nine must agree to reach a decision. The salaries of the justices cannot be lowered during their time in office. With these checks and balances, the judicial branch is free from interference by the other branches.

There are several other court systems under the Supreme Court. The lowest Federal courts under the judicial system are the district courts. There are 91 district courts in the United States. After a case has been heard in the district court, it moves to the United States Court of Appeals. It is here where a case can be appealed, or heard for a second time, to reverse the original judgment. There are ¹³ appeals courts.

There are also several other courts that feed into the Supreme Court. The highest court in any state is usually the state supreme court. A case can be appealed from a state supreme court to the United States Supreme Court. The Court of Military Appeals, the United States Tax Court, and the United States Claims Court also feed cases to the Supreme Court. These courts hear specialized cases.



The Supreme Court Building

The Supreme Court

Basic Information:

The Supreme Court is the highest level of court in the United States and is part of the Legislative Branch. There are 9 *Justices* (judges) in the Supreme Court. There are 8 associate judges and one *Chief Justice* (head judge) in the Supreme Court.

Term Length:

Life

Qualifications for Supreme Court Justices:

Anyone can be *appointed* (picked) to be in the Supreme Court by the President. After the President picks a candidate, the Senate must approve the choice with a majority vote.

Cases For the Supreme Court:

Under *appellate jurisdiction* (power of a higher court to review decisions and change decisions of lower courts), the Supreme Court can only hear a case after it has gone through the court system first. At this point, a lawyer must submit a *writ of cert* (formal request) for the case to be heard by the Supreme Court. The 9 Justices then decide whether or not to hear the case based on how the outcome may *impact* (effect) our country and society.



THE JUDICIAL BRANCH AND ARTICLES IV-VII

Amending the Constitution

(See Article V)

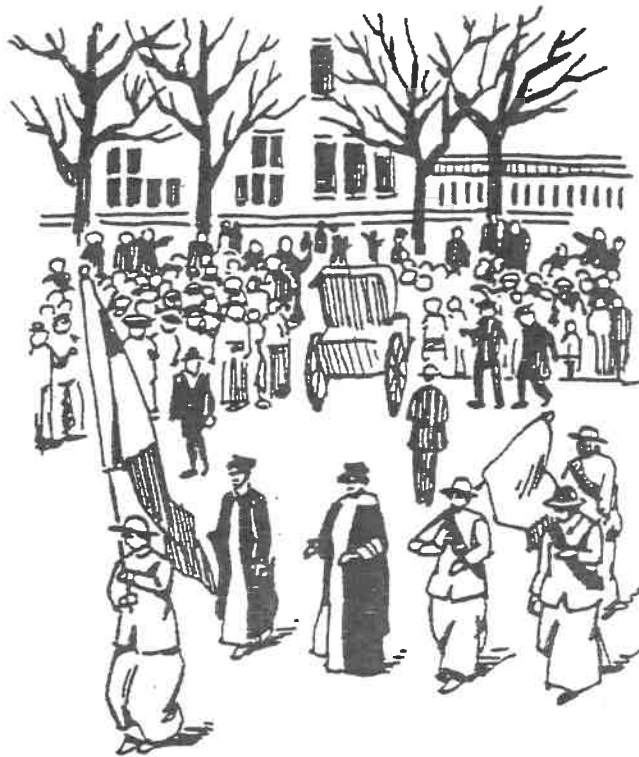
When the founding fathers were writing the Constitution in 1787, they were thinking far into the future. If the Constitution was to become a lasting part of American government, there would have to be room for change. Article V is perhaps the most important part of the Constitution.

Article V provides a way for the Constitution to be *amended*, or changed. The process by which the Constitution can be changed is not an easy one. There are many steps that must be gone through. By making the process a difficult one, the framers hoped to avoid changing the Constitution too quickly. Any change that would be made must be a good one.

There are two ways to propose an amendment to the Constitution. For example, let's say we wish to lower the age requirement to be President from 35 to 30. One way to start the amendment would be to get two thirds of both houses of Congress (House and Senate) to agree. The other way to propose an amendment is through a constitutional convention called by two thirds of the state legislatures.

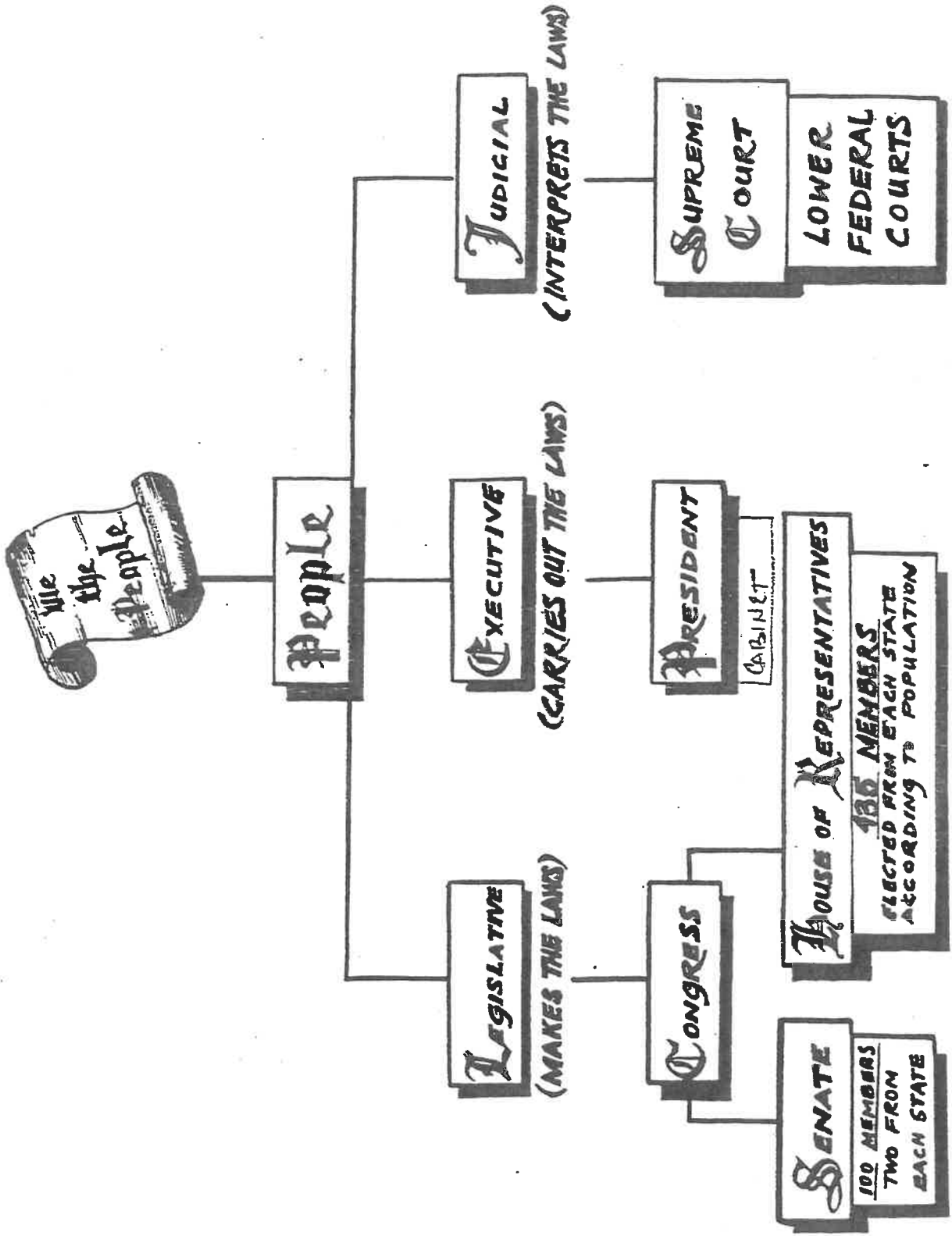
If our amendment was approved by either of the two above groups, then the amendment must be *ratified*, or formally approved. There are two ways to ratify an amendment: three fourths of the legislatures in the states must ratify any amendment, or three fourths of the states must have individual constitutional conventions to ratify the amendment.

Throughout the past 200-plus years, there have only been 27 changes to the structure of the Constitution. Our founding fathers established a system that was basically sound and problem free. While there are, of course, errors, the United States Constitution is the oldest written constitution in the world. Our Constitution has been the example that many other countries of the world have used to formulate their own governments. We can be proud of that!



Parades were held to encourage the passage of the Nineteenth Amendment, which granted suffrage to women.

The Constitutional Government of the United States

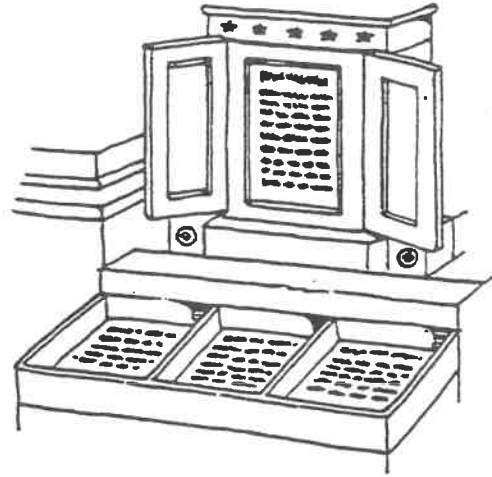


THE AMENDMENTS

Introduction

As you studied earlier, the path to amending the Constitution is a difficult one. Throughout the past 200 years, many, many amendments have been suggested in Congress. Of those, only 27 amendments have become part of the Constitution.

The contents of the amendments are very different. The first amendments deal with rights that many felt should have been included in the main body of the Constitution. These first ten amendments are called the Bill of Rights. Other amendments deal with changes in American society over the years, such as slavery and prohibition. Finally, other amendments change sections of the Constitution.



The Constitution, the Bill of Rights, and the Declaration of Independence are on display at the National Archives in Washington, D.C.

Below is a chart briefly describing the Amendments:

<u>Amendment</u>	<u>Year Ratified</u>	<u>Description</u>
I	1791	Freedom of religion, press, speech, assembly, petition
II	1791	Right to bear arms
III	1791	Quartering of soldiers
IV	1791	Unreasonable searches and seizures
V	1791	Right of due process of law, no double jeopardy
VI	1791	Right to a public trial, right to a lawyer
VII	1791	Right to a jury trial
VIII	1791	Excessive bail, no cruel and unusual punishment
IX	1791	Rights not listed in the Constitution
X	1791	Rights to the people and states
XI	1798	Lawsuits against states
XII	1804	Presidential/Vice Presidential elections
XIII	1865	Abolition of Slavery
XIV	1868	Former slaves granted citizenship
XV	1870	Black suffrage
XVI	1913	Income tax
XVII	1913	Direct election of senators
XVIII	1919	Prohibition of alcoholic beverages
XIX	1920	Women's suffrage
XX	1933	Lame duck period
XXI	1933	Repeal of prohibition
XXII	1951	Limit of two terms as President
XXIII	1961	Suffrage for District of Columbia
XXIV	1964	Abolition of poll taxes
XXV	1967	Presidential succession
XXVI	1971	Eighteen-year-old vote
XXVII	1992	Limits on Congressional pay raises

The Bill of Rights

To get the necessary votes to approve the Constitution, a number of changes (amendments) had to be made. These 10 original amendments are called the Bill of Rights. They guarantee all Americans some very basic rights, including the right to worship and speak freely, and to have a jury trial.

AMENDMENT 1 People have the right to worship, to speak freely, to gather together, and to question the government.

AMENDMENT 2 People have the right to own guns.

AMENDMENT 3 The government cannot have soldiers stay in people's houses without their permission.

AMENDMENT 4 People and their property cannot be searched without the written permission of a judge.

AMENDMENT 5 People cannot be tried for a serious crime without a jury. They cannot be tried twice for the same crime or be forced to testify against themselves. Also, they cannot have property taken away while they are on trial. Any property taken for public use must receive a fair price.

AMENDMENT 6 In criminal cases people have a right to a trial, to be told what they are accused of, to hear witnesses against them, to get witnesses in their favor, and to have a lawyer.

AMENDMENT 7 In cases involving more than \$20, people have the right to a jury trial.

AMENDMENT 8 People have a right to fair bail (money given as a promise the person will return for trial), fines, and punishments.

AMENDMENT 9 People have rights that are not listed in the Constitution.

AMENDMENT 10 Powers not given to the federal government are given to the states or to the people.

Avoiding Tyranny

Separating the Powers

To guard against the possibility of federal powers becoming misused by a single individual or group, the "Founding Fathers" wisely chose to separate the powers given to the federal government. They designed a federal government made up of three sections, or branches: the legislative, the executive, and the judicial. Each of the branches would have its own specific responsibilities and authority.

The legislative branch, or Congress, creates the laws. It is further divided into the House of Representatives and the Senate. Each state sends two representatives to the Senate. The number of representatives each sends to the House of Representatives depends upon the population of the state. A law must pass both houses of Congress in order to become official.

The executive branch sees to it that the laws are put into effect and that they are obeyed. The President is the Chief Executive.

The judicial branch includes the Supreme Court and other federal courts. It is the responsibility of this branch of the government to interpret the laws. This branch is also responsible for deciding cases in which federal laws are in question and for settling disputes between states.

Checks and Balances

In addition to the separation of federal powers into branches, the delegates decided upon a system of Checks and Balances. They believed this would prevent any one branch from becoming too powerful. The powers of each of the three branches are limited in some important ways by the other two branches.

Congress's power to pass laws can be limited by both the President and the Supreme Court. The President may veto a law if he (or she!) believes it to be unwise. Of course, Congress can overcome the veto, but only with at least a two-thirds vote. The Supreme Court has the power to declare a law unconstitutional.

Presidential powers are limited by Congress and by the Supreme Court. Although the President has the power to make treaties with foreign governments, Congress must approve those treaties before they become official. A bill approved by the President can be declared unconstitutional by the federal judiciary. Also, a President can be impeached, or accused of wrongdoing, by the House of Representatives and tried by the Senate. If found guilty, the President can be removed from office.

The powers of the judicial branch of government are also limited. Supreme Court justices and federal judges are named by the President and they must be approved by Congress. They, too, can be removed through the process of impeachment. The President can check the power of the judiciary through the power to grant pardons and reprieves.

Systems Check

The system of checks and balances keeps any one branch from becoming too powerful. Complete the chart to show how the system works.

<i>This branch</i>	<i>checks on this branch</i>	<i>in this way...</i>
Congress	President	
Congress	Supreme Court	
Congress	President	
Congress	Supreme Court	
President	Supreme Court	
President	Congress	
Supreme Court	President	
Supreme Court	Congress	

