

The Legislative Branch

Established by Article I of the Constitution, the Legislative Branch consists of the House of Representatives and the Senate, which together form the United States Congress.

The House of Representatives is made up of 435 elected members, divided among the 50 states in proportion to their total population. States that have larger populations will have more representatives. In addition, there are 6 non-voting members, representing the District of Columbia, Puerto Rico, and four other territories of the United States. The head of the House of Representatives is the Speaker of the House, elected by the Representatives.

Members of the House are elected every two years and must be 25 years of age, a U.S. citizen for at least seven years, and a resident of the state they represent.

The Senate is composed of 100 Senators, 2 for each state. Senators are elected to six-year terms by the people of each state. Senator's terms are staggered so that about one-third of the Senate is up for reelection every two years. Senators must be 30 years of age, U.S. citizens for at least nine years, and residents of the state they represent.

The Vice President of the United States serves as President of the Senate and may cast the decisive vote in the event of a tie in the Senate.

In order to pass laws and send it to the President for his signature, both the House and the Senate must pass the same bill by majority vote. If the President **veto**es, or rejects, a bill, they may override his veto by passing the bill again in each chamber with at least two-thirds of each body voting in favor.

Powers of Congress

Congress, as one of the three coequal branches of government, is given significant powers by the Constitution. Congress is the only part of the government that can make new laws or change existing laws. The President may veto bills Congress passes, but Congress may also override a veto by a two-thirds vote in both the Senate and the House of Representatives.

Congress can create taxes to provide funding for essential government services. Congress also holds the sole power to declare war, coin (print) money, establish post offices and highways, allow new states into the union, and propose amendments, or change, to the Constitution.

The House has several powers assigned exclusively to it, including the right to start laws that have to do with spending and the power impeach federal officials. **Impeachment** is bringing charges of wrongdoing against an elected official.

The Senate maintains several powers to itself: It **ratifies**, or approves, treaties by a two-thirds supermajority vote and confirms the appointments of the President by a majority vote. After the House impeaches someone, it's up to the Senate to hold a trial.

Executive Branch

In Article II of the Constitution, the president's qualifications and powers are detailed. In order to be considered for the office, a presidential candidate must be at least 35 years old, a natural-born U.S. citizen, and have at least 14 years of residence in the United States.

In order for American government to work, cooperation among the three branches is necessary. The nation's chief executive, the president, is the head of the executive branch. The president is the manager or director of the federal government. The president sees that the government runs smoothly and that the laws of the land are enforced and obeyed. He promises to preserve, protect, and defend the Constitution.

The president and vice president serve for a term of four years and can be re-elected to a second term. Franklin Delano Roosevelt was the only president to be elected more than twice. He won the presidency four times but died shortly into his last term. The Twenty-second Amendment to the Constitution was passed in 1951, limiting a president to two terms.

Powers of the President

The president has a lot of powers, some of which are specifically listed in the Constitution while others have been gained over time.

The president has the ability to negotiate treaties with other nations. These international agreements do not go into effect, however, until ratified by a two-thirds vote of the Senate. Although most treaties are routinely approved, the Senate rejected the Treaty of Versailles (1919), which ended World War I and which President Woodrow Wilson had signed.

The president selects many people to serve the government in a wide range of offices: most important among them are ambassadors, members of the Supreme Court and the federal courts, and cabinet secretaries. More than 2,000 of these positions require confirmation (approval) by the Senate under the "advice and consent" provision of the Constitution. Confirmation hearings can become controversial, as did the hearing for Clarence Thomas, President George H. W. Bush's nominee for the Supreme Court.

The president can suggest laws to Congress. Each year the president gives a big speech to Congress called the State of the Union. In this speech, he can give suggestions. These ideas can then become bills in Congress. If the bill passes both houses (Senate and House of Representatives), it will go in front of the president. The president has the final say on a bill, either signing it or vetoing it (this is another power of the president).

The president has some powers that are pretty controversial. For example, the president can grant pardon for crimes. He/she can also serve as the commander in chief of the US army. As such, he can send troops out for 60 days with the expectation that he will withdraw them 30 days after that. In other words, he has 90 total days to send out and bring back the troops.

The Judicial Branch

The Supreme Court heads the judicial branch of the United States government. There are nine members of the Supreme Court and once a person becomes a Supreme Court Justice they have that position for life. There are no qualifications for being a Supreme Court Justice. The president will choose a candidate when there is an opening and if the Senate approves he/she will become a Supreme Court Justice. Since our government was established, more than one hundred justices have served on the Court, and until recently, all were men. Sandra Day O'Connor was the first woman named to the Supreme Court.

Decisions made by the Supreme Court are usually of national importance. The wording of the Constitution is complex, so it must be studied and examined carefully. When questions concerning particular laws arise in lower courts, the justices who make up the Supreme Court are responsible for explaining and interpreting the Constitution.

Supreme Court has the power to judge whether federal, state, and local governments are acting within the law. If an elected official, such as the president, is doing something that goes against the Constitution then it's up to the Supreme Court to rule it as unconstitutional. The Supreme Court can do the same with laws. If a law violates the Constitution or any of its amendments then the Supreme Court will get rid of it by declaring it unconstitutional.

The decisions of the Supreme Court are made inside a white marble courthouse in Washington, D.C. Here the nine justices receive approximately 7,000 to 8,000 requests for hearings each year. Of these the Court will agree to hear fewer than 100. If the Court decides not to hear the case, the ruling of the lower court stands. Those cases which they agree to hear are given a date for argument.

On that day, the lawyers and spectators enter a large courtroom. When an officer of the Court bangs his gavel, the people in the courtroom stand. The justices take their seats. The lawyers step forward and explain their case. The justices listen from their high seats and often interrupt to ask the lawyers questions. Several cases may be argued in one day.

The justices may take several days to study a case. Then they meet around a large table in a locked and guarded room. When they're ready, they will give their final decision.

Although there have been many Supreme Court Justices, no one has influenced the court more than John Marshall. Before Marshall became Chief Justice, the Supreme Court had not yet challenged an act of Congress. The Constitution did not clearly give the Court power to judge laws passed by Congress. Therefore, the Court wasn't even sure it had this power.

But Marshall made a daring move. In a famous court case in 1803, *Marbury v. Madison*, he wrote the Court's opinion, which declared a law passed by Congress to be unconstitutional. This decision gave the Supreme Court its power of judicial review. Ever since, the highest court has used the power to review the nation's laws and judge whether they were allowed under the Constitution. It has also reviewed the actions of the President.

