

THE THREE BRANCHES OF GOVERNMENT

On each of the eleven lines below, circle one item in the series. The information will be used later in the lesson.

- (1) in Los Angeles; in a prison hospital; on another planet; in Boston; in Dallas
- (2) 10; 35; 50; 60; 100
- (3) lawyer; beautician; gas station attendant; mayor; governor
- (4) nurse; Cabinet member; district attorney; vice-president; garbage collector
- (5) American Bar Association; American Legion; Weight Watchers; Girl Watchers (or Guy Watchers); Veterans of Foreign Wars
- (6) lawyers; Congressmen; Mafia leaders; businessmen; hairdressers
- (7) a hard worker; a fair-minded person; someone of high moral character; an illegal alien; a little crazy at times
- (8) break; respect; obey; ignore; uphold
- (9) dedicated; helpless; confused; very likable; brilliant
- (10) air and water pollution; the threat to world peace; unidentified flying objects; indigestion; help for the aged, disabled, and poor
- (11) wild and crazy; talented; honest; intelligent; fun-loving

Part 1: Organization of the Federal Government

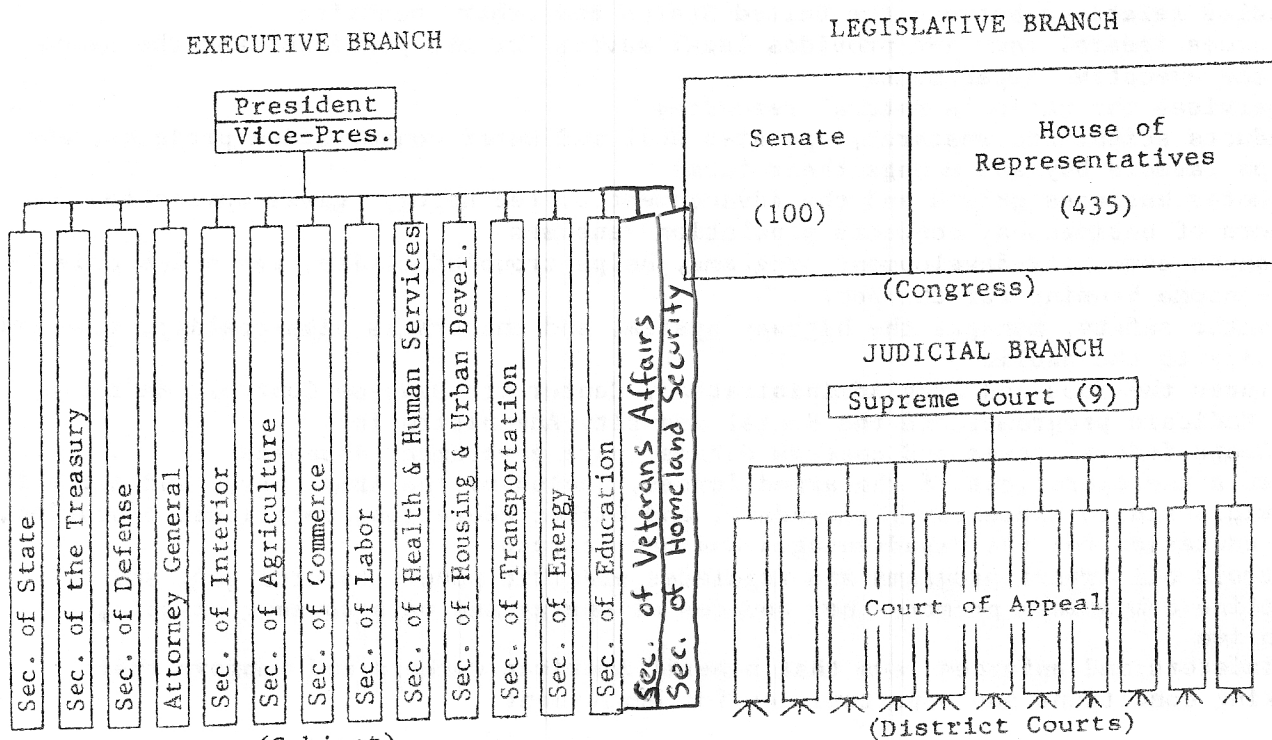
The delegates who attended the Constitutional Convention decided that the federal government should have three parts or "branches." They believed that a "separation of powers" between three branches would keep one branch from becoming too strong. Thus, according to the Constitution, the federal government is made up of:

the legislative branch, or Congress, to make the laws

the executive branch, headed by the president, to enforce the laws

the judicial branch, or courts, to interpret the laws

The diagram below shows how the government of the United States is organized. Study the diagram, then answer the questions at the top of the next page.



- (1) Who is known as the "Chief Executive"? _____
- (2) The legislative branch is made up of what two lawmaking bodies? _____
- (3) _____ and _____
The president is given advice and assistance from the heads of how many "executive departments"?
- (4) Congress, which makes the laws for the United States, has how many members? _____
- (5) What is the name of the highest court in the United States? _____
- (6) What name is given to the group of presidential advisers? _____
- (7) How many Senators are there from each state? _____
- (8) In which house of Congress is representation determined by the population of each state? _____
- (9) Which branch of government makes the laws? _____
- (10) In a case being tried before the Supreme Court, what is the closest possible decision if all justices are present? _____ to _____
- (11) The Courts of Appeal and District Courts are part of which branch of government? _____
- (12) Who is the second ranking member of the executive branch? _____

Part 2: Executive Departments

The executive departments help carry out the duties and responsibilities of the federal government. When George Washington became president in 1789, there were only three departments -- State, War, and Treasury. Washington met frequently with the heads of these departments, called "secretaries," and with the Attorney-General. The department heads make up the president's Cabinet.

Today there are thirteen executive departments. Try to match each department with its duties and responsibilities.

- | | |
|-----------------------|--|
| (1) _____ State | (8) _____ Commerce |
| (2) _____ Treasury | (9) _____ Transportation |
| (3) _____ Defense | (10) _____ Health and Human Services |
| (4) _____ Labor | (11) _____ Housing and Urban Development |
| (5) _____ Justice | (12) _____ Energy |
| (6) _____ Interior | (13) _____ Education |
| (7) _____ Agriculture | |

- (a) handles relations between the United States and other countries
- (b) enforces federal laws and provides legal advice for the president and the heads of the executive departments
- (c) supervises the nation's natural resources
- (d) conducts scientific research, operates soil and water conservation projects, and helps farmers buy and manage their farms
- (e) promotes business growth and the advancement of technology; gives advice to owners of businesses; conducts population censuses
- (f) finances community-development programs, helps troubled cities, and helps provide low-income housing for the poor
- (g) promotes safety, manages the highway system, and encourages high-quality, low-cost service to the public
- (h) includes the Food and Drug Administration, Center for Disease Control, Medicare and Medicaid programs, and the Social Security Administration
- (i) collects federal taxes and customs duties; pays government expenses
- (j) directs the operations of the armed forces, including the Army, Navy, and Air Force
- (k) provides aid to elementary, secondary, and higher education, vocational education, and education for the disadvantaged and handicapped
- (l) controls oil import programs and regulates electric power, natural gas, and oil pipeline companies; promotes new sources of energy and ways to save existing supplies
- (m) administers and enforces laws that benefit American workers and improve their working conditions and opportunities for employment

Part 3: Qualifications and Terms of Office

Persons wanting to hold public office at the national level must meet certain qualifications. Article I of the Constitution lists the qualifications for Representatives and Senators. The qualifications for president are given in Article II, and Supreme Court Justice in Article III. The terms of office for these officials are also given in Articles I, II, and III.

The qualifications and terms of office for Representatives, Senators, the president, and justices of the Supreme Court are listed below. Use the information to complete the chart. Cross out the items in the list as you use them.

must live in state where chosen	30	9	no residency requirement
no citizenship requirement	7	4 years	for life with "good behavior"
resident of U.S. for 14 years	35	2 years	no age requirement
must be a natural-born citizen	25	6 years	must live in state where chosen

Government Official	Minimum Age	Years a Citizen	Residency	Length of Term
Representative				(unlimited number of terms)
Senator				(unlimited number of terms)
President				(limit of two elected terms)
Supreme Court Justice				

Part 4: Separation of Powers

While the Founding Fathers aimed at creating a strong central government, they also were determined to give authority to the states. Thus a division of power resulted with "delegated powers" given to the central government and "reserved powers" given to the states. The delegated powers given to the central government -- today called the "national government" or "federal government" -- generally concerned matters affecting the nation as a whole. Reserved powers given to the states dealt with state and local affairs. Some powers, known as "concurrent powers," were given to both the national and state governments.

A type of government in which power is divided between the national government and the state governments is called a "federal government." But today the term "federal government" is almost always used to refer to the national government in Washington, D.C.

Based on the information just read, decide whether each of the following is an example of a "delegated power," "reserved power," or "concurrent power." Fill in the space with either federal "delegated power" (4 in list), state "reserved power" (3 in list), or shared "concurrent power" (3 in list).

- | | |
|------------|---|
| (1) _____ | provide for local government |
| (2) _____ | coin money |
| (3) _____ | collect taxes |
| (4) _____ | pass local health, safety, and welfare laws |
| (5) _____ | declare war and make treaties |
| (6) _____ | borrow money |
| (7) _____ | establish post offices and mail routes |
| (8) _____ | punish crimes committed within a state |
| (9) _____ | raise and maintain armed forces |
| (10) _____ | establish courts |

Part 5: The System of Checks and Balances

The delegates to the Constitutional Convention did not want any one of the three branches of government to become too powerful. For this reason, the system of "checks and balances" was established. This system allows one branch to limit, or "check," the power of another branch.

Listed below are important powers of the executive, legislative, and judicial branches. Use the information to answer the questions that follow.

<u>Executive Branch</u> (President)	<u>Legislative Branch</u> (Congress)	<u>Judicial Branch</u> (Courts)
(1) may sign or veto "bills" (proposed laws)	(1) writes bills and sends them to the president	(1) decides whether laws have been broken
(2) appoints judges, ambassadors, Cabinet members, and other officials	(2) can pass a law over the president's veto by a 2/3 vote in both the Senate and House	(2) may declare a law "unconstitutional" (the power of "judicial review")
	(3) (a) House can "impeach" president by a "majority vote" (over half) (b) Senate then can remove president by a 2/3 vote	
	(4) approves or disapproves appointments made by the president	
	(5) can remove judges and other officials for improper behavior	

Directions Each question has two parts. Fill in the space in part "a" with the name of the branch -- executive, legislative, or judicial -- that has the power being described. Fill in the space in part "b" with the branch that can "check" the power of the first branch.

- (1) (a) A law is written by the _____ branch and signed by the president.
(b) The law is declared "unconstitutional" by the _____ branch.
- (2) (a) A Supreme Court judge is appointed by the _____ branch.
(b) The _____ branch votes to remove the judge for misconduct.
- (3) (a) A Secretary of State is chosen by the _____ branch.
(b) The _____ branch decides not to approve of the president's choice.
- (4) (a) A bill is passed by the _____ branch.
(b) The _____ branch vetoes it.
- (5) (a) The _____ branch vetoes a bill.
(b) The bill becomes a law when 2/3 of the members of each house of the _____ branch approves it.

To further illustrate how the "system of checks and balances" works, here are four scenes involving the president, the Senate, the House of Representatives, and the Supreme Court. The class will be divided into three groups: one group will be the Senate, one the House, and one the Supreme Court. Each group will have to decide whether or not to check the power of another branch of government.

Scene 1: The Capitol Building, Washington, D.C.

Situation: The president recently vetoed a bill sent to him by Congress. Both the Senate and the House had previously approved the bill, which would have lowered the driving age in all states to 14. Despite the president's veto, the bill can still become a law if 2/3 of the members of the Senate, and 2/3 of the members of the House, vote in favor of it. In this way, Congress can "override" the president's veto.

Decision: The two houses of Congress must now decide whether or not the bill should become a law.

Senate vote: _____ favor bill _____ oppose bill
House vote: _____ favor bill _____ oppose bill

Did the bill receive the necessary 2/3 vote in each house? (yes or no)

Scene 2: The Supreme Court Building, Washington, D.C.

Situation: A bill passed by Congress and signed into law by the president states that persons will not be allowed to have firearms if they are "destructive, deranged, dangerous, or irresponsible." A man named Williams recently went into a store to buy a gun. But the store owner refused to sell it to him because Mr. Williams was receiving regular treatments at a mental health clinic. He also was known to have an uncontrollable temper. Williams protested and took his case to a local court. The court upheld the law, and denied him the right to buy a gun. Williams then appealed the decision to the Supreme Court.

Decision: The Supreme Court must decide whether to uphold or overturn the lower court's decision. The defendant is of the opinion that his constitutional rights are being violated. His argument is based on the Second Amendment to the United States Constitution which reads:

"A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed (restricted)."

Williams argues that the Second Amendment gives him the right to own a gun. He asks the Supreme Court to declare the law, which keeps him from owning a gun, unconstitutional.

Supreme Court Vote: _____ justices uphold lower court's decision that Williams cannot buy a gun
_____ justices overturn lower court's decision by declaring the law unconstitutional; Williams can own a gun

Scene 3: The Capitol Building, Washington, D.C.

Situation: The president recently was elected to a second term. But impeachment hearings are now underway in Congress. Three charges of misconduct have been brought against the president: (1) Workers for the president's reelection committee were arrested and convicted of burglary at the headquarters of the opposing political party. The burglary took place during the election campaign. The president is charged with obstructing justice by acting to delay the investigation of the burglary. Many Congressmen believe that the president is covering up evidence in the case. He has refused to turn over secret tape recordings of conversations between himself and top aides suspected of being involved either in planning the burglary or in the cover-up. (2) The second article of impeachment charges the president with abusing his

powers by using the Internal Revenue Service, FBI, and Central Intelligence Agency in unlawful ways that infringed upon the rights of many American citizens. He also used government agencies and monies to try to cover-up his wrongdoing. (3) The third impeachment article accuses him of disobeying legal requests to turn over evidence in the case.

Removal of the president is a two-part process: (1) The House must decide whether the president has acted wrongfully. If a majority (over half) of the House members believe there has been serious wrongdoing, they will "impeach" the president -- that is, they will officially "accuse" him of misconduct. (2) If the House does impeach the president, he is put on trial before the Senate. If two-thirds of the Senators believe he is guilty, he is removed from office. In judging whether the president should be removed, the House and Senate must refer to the Constitution which says:

"The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

Decision: Congress must decide whether the president should be removed from office.

House vote: _____ for impeachment _____ against impeachment
Did a majority of Representatives vote for impeachment? _____ (yes or no)

Senate vote: (held only if House votes for impeachment)
_____ for removal _____ against removal
Did two-thirds of the Senators vote for removal? _____ (yes or no)

Scene 4: The Capitol Building, Washington, D.C.

Situation: One of the nine Supreme Court justices has announced his retirement. The president has nominated someone to fill the vacancy. The person nominated is presently stating his qualifications before the Senate, which must approve or disapprove of the nomination.

The nominee: "I was born (1) _____. I am (2) _____ years old. Over half of my life has been spent in public service, first as a (3) _____ and later as a (4) _____."

"I am presently a member in good standing in the (5) _____. Among my closest friends are many (6) _____. My friends will tell you that I am (7) _____."

"So that you can more easily reach a decision about my qualifications, I would like to state for the record a few of my strongest opinions. First, every citizen of the United States should (8) _____ the law. Secondly, every citizen should give his support to the president because he is a (9) _____ person. And, finally, every citizen should do his share to help this country overcome its biggest problem -- (10) _____."

"I hope that the members of the Senate will approve my nomination because it would be an honor to serve on the Supreme Court. I look forward to working with the present justices, since they are a group of (11) _____ men."

Decision: The Senate must now decide whether or not to approve the nomination.

Senate vote: _____ approve nomination _____ disapprove nomination
Did the nominee receive the necessary two-thirds vote? _____ (yes or no)