

Aim: How did the framers of the Constitution seek to limit the power of the national government?

Headlines

- *Senate Ratifies Trade Treaty With Columbia*
- *House of Representatives initiates Impeachment inquiry over Ukraine*
- *Senate Confirms Kavanaugh as Supreme Court Justice*
- *President Trump Vetoes' overturn to the declaration of a national emergency at the Mexico–United States border.*
- *Supreme Court declares DOMA unconstitutional – legalizes same sex marriage.*

What do all of these headlines have in common?

Powers of the Federal Government

Expressed

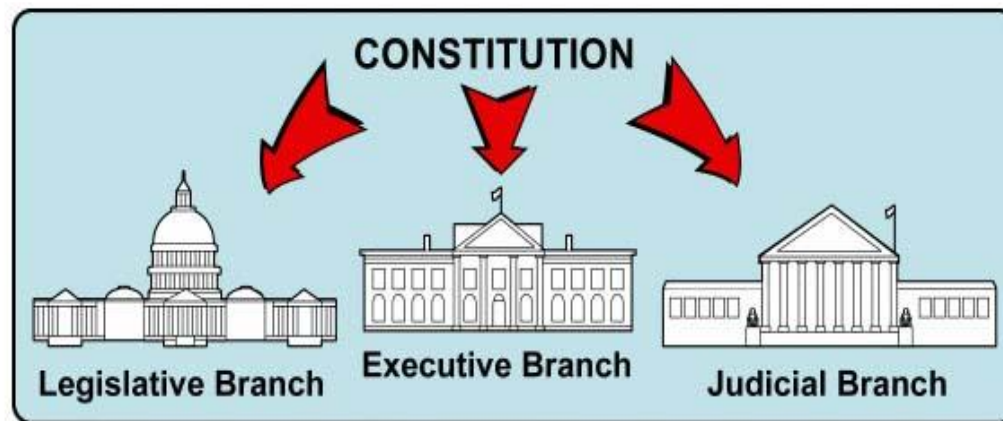
- Specifically stated in the constitution
 - Taxes, regulating trade, declaring war

Implied

- Not specifically stated but suggested
- Elastic Clause (Necessary and Proper) –
 - expands power of government
 - Must be used with another power

Separation of Powers

A government principle in which the powers of the government is divided among different branches, each with their own roles and responsibilities .



What would cause the framers of the Constitution to establish a system of separation of powers?

Separation of Powers

Executive Branch

Enforce law

Legislative Branch

Makes law

Judicial Branch

Reviews Laws
Supreme Court

THE GOVERNMENT OF THE UNITED STATES

THE CONSTITUTION

LEGISLATIVE BRANCH

THE CONGRESS SENATE HOUSE

Architect of the Capitol
United States Botanic Garden
Government Accountability Office
Government Printing Office
Library of Congress
Congressional Budget Office

EXECUTIVE BRANCH

THE PRESIDENT THE VICE PRESIDENT

Executive Office of the President

White House Office	Office of Management and Budget
Office of the Vice President	Office of National Drug Control Policy
Council of Economic Advisers	Office of Policy Development
Council on Environmental Quality	Office of Science and Technology Policy
National Security Council	Office of the U.S. Trade Representative
Office of Administration	

JUDICIAL BRANCH

THE SUPREME COURT OF THE UNITED STATES

United States Courts of Appeals
United States District Courts
Territorial Courts
United States Court of International Trade
United States Court of Federal Claims
United States Court of Appeals for the Armed Forces
United States Tax Court
United States Court of Appeals for Veterans Claims
Administrative Office of the United States Courts
Federal Judicial Center
United States Sentencing Commission

DEPARTMENT OF AGRICULTURE

DEPARTMENT OF COMMERCE

DEPARTMENT OF DEFENSE

DEPARTMENT OF EDUCATION

DEPARTMENT OF ENERGY

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DEPARTMENT OF HOMELAND SECURITY

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DEPARTMENT OF THE INTERIOR

DEPARTMENT OF JUSTICE

DEPARTMENT OF LABOR

DEPARTMENT OF STATE

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF THE TREASURY

DEPARTMENT OF VETERANS AFFAIRS

INDEPENDENT ESTABLISHMENTS AND GOVERNMENT CORPORATIONS

African Development Foundation
Central Intelligence Agency
Commodity Futures Trading Commission
Consumer Product Safety Commission
Corporation for National and Community Service
Defense Nuclear Facilities Safety Board
Environmental Protection Agency
Equal Employment Opportunity Commission
Export-Import Bank of the U.S.
Farm Credit Administration
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Election Commission
Federal Housing Finance Board

Federal Labor Relations Authority
Federal Maritime Commission
Federal Mediation and Conciliation Service
Federal Mine Safety and Health Review Commission
Federal Reserve System
Federal Retirement Thrift Investment Board
Federal Trade Commission
General Services Administration
Inter-American Foundation
Merit Systems Protection Board
National Aeronautics and Space Administration
National Archives and Records Administration
National Capital Planning Commission
National Credit Union Administration
National Foundation on the Arts and the Humanities

National Labor Relations Board
National Mediation Board
National Railroad Passenger Corporation (AMTRAK)
National Science Foundation
National Transportation Safety Board
Nuclear Regulatory Commission
Occupational Safety and Health Review Commission
Office of Government Ethics
Office of Personnel Management
Office of Special Counsel
Overseas Private Investment Corporation
Peace Corps
Pension Benefit Guaranty Corporation
Postal Rate Commission

Railroad Retirement Board
Securities and Exchange Commission
Selective Service System
Small Business Administration
Social Security Administration
Tennessee Valley Authority
Trade and Development Agency
U.S. Agency for International Development
U.S. Commission on Civil Rights
U.S. International Trade Commission
U.S. Postal Service

*Cabinet
is
Posts
Advisers
to the
President*

EXECUTIVE BRANCH

The Federal Bureaucracy



EXECUTIVE DEPARTMENTS



Agencies and Bureaus

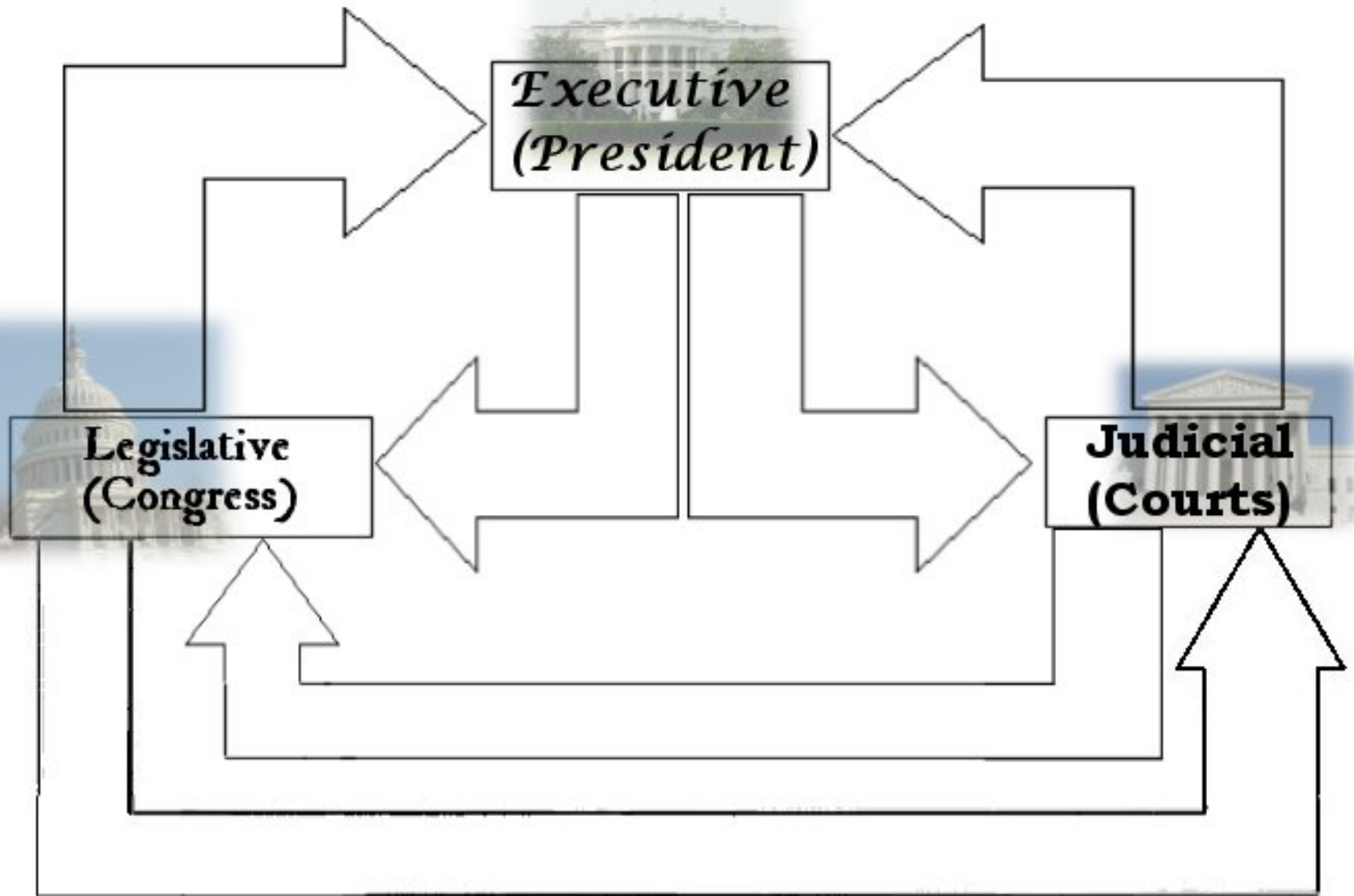
Department of Justice

- <https://www.justice.gov/agencies/chart>

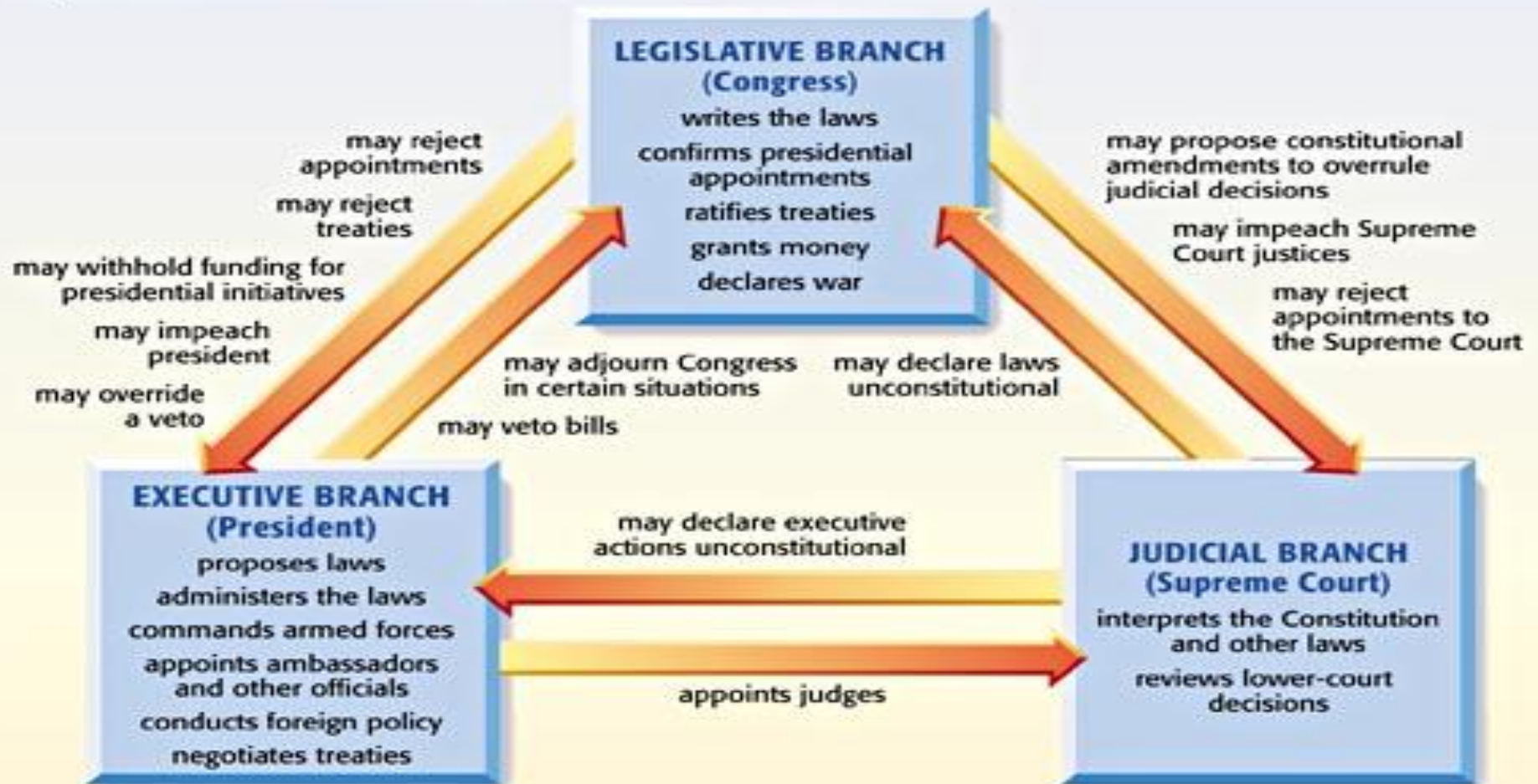
Checks and Balances

- Powers each branch has that allows them to restrain the other
- Prevents branches from abusing their powers
- Preserves the separation of powers
- Requires cooperation between the branches of government

The System of Checks and Balances



Separation of Power and Checks and Balances



Directions: Read each situation below and write the "check" or power that the branch of the government would have on the situation. Use the chart on the reverse side of this sheet or your class notes on checks and balances to help you.

1. Congress passed a law forbidding freedom of religion for anyone other than Protestants. What can the President do to check Congress?

2. A Supreme Court Justice, appointed for life, accepts a bribe to influence his decision on a case. What can Congress do to this member of the Supreme Court?

3. The President appoints his brother as Secretary of State, and he is not well qualified to hold the office. What can Congress do to check the President?

4. The President vetoes a law setting up a program to protect natural resources. Congress thinks it should still be passed. What can Congress do to check the President?

5. Congress passes laws denying certain rights to people and the president signs the law. What can the Supreme Court do to stop the law?

Legislative Branch



House of Representatives

Rep based on pop

2 year term of
office

Min. age 25



Senate

Equal Rep

6 year term of
office

Min. age 30
- Power to confirm
appointments and
judges/ justices

Scotus



Supreme Court



Circuit Courts of Appeals
(12 Circuits)



District Courts

Court's interpret the law



- What does that mean?
 - The case of Lili Ledbetter
 - Sued for pay discrimination
 - Law said must file suit within one year from incident of discrimination
 - She didn't find out for many year that she had been discriminated against.
 - Filed within 1 year of having found out, but years after incident
 - Supremes ruled that she could not win damages because law said must be within 1 year of incident
 - Congress changed law with Lili Ledbetter act in 2010

Judicial Review

- The Power to decide the constitutionality of laws.
 - Established in the case *Marbury v. Madison* (Read for homework)

Why do justices have life tenure?

- Reason – protect justices from political pressure so that they can be more impartial
- Is the court really above politics?



William O. Douglas
1939-1975



DECISION: BUSH

Supreme Court rules against recount; Gore reviews options, will speak today

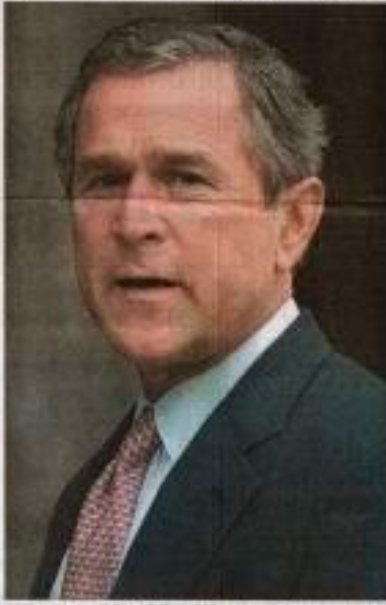
THE MAJORITY **5-4** **THE DISSIDENTS**

Recount unfair, high court says

The Supreme Court today said that a recount in Florida would be unconstitutional. The 5-4 ruling by the majority of the court, led by Chief Justice William Rehnquist, said that Florida's recount plan violated the state's constitution and the federal Constitution. The court's decision is expected to settle the presidential election in favor of George W. Bush.

Gore must now be a uniter, not a divider

As a result of the Supreme Court's decision, Al Gore must now be a uniter, not a divider. Gore is expected to speak today about his options and the future of the country.



As a result of the Supreme Court's decision, George W. Bush appears to be the most probable winner of the presidential election.

Florida House approves Bush slate

Florida's House of Representatives today approved a slate of electors for George W. Bush.

THE TIMES TODAY

Millions ground all night: Express the Florida Corp. ...

It's time for your holiday favorites ...

India ...

PRESIDENTS OF THE UNITED STATES



Constitutional Requirements

No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

The President Wears Many Hats



Constitutional Duties of the President

1. The executive Power shall be vested in a President of the United States of America
2. The President shall be Commander in Chief of the Army and Navy of the United States,
3. He shall have Power to Grant Reprieves and Pardons for Offenses against the United States, except in Cases of [Impeachment](#).
4. He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties; and
5. He shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States.

Other Duties?

Headlines

- “Obama Visits NYC to Speak at Fundraiser for Democratic Congressmen”
- “Obama Considers Sending More Troops to Afghanistan”
- “Obama Honors Nation’s Top Teacher”
- “Obama Urges Congress to Pass Healthcare Bill”
- “Obama Invites Mexican President Calderon to White House to Discuss Immigration and Other Issues”