

9.3 The Legislative Branch Makes Laws

For the framers of the Constitution, the first step in building a trusted government was to create a fair way to make laws. Article I of the Constitution gives the power to make laws to the **legislative branch** of government.

The Structure of Congress The Constitution creates a **bicameral** (two part) national legislature, called Congress. The two parts, or “houses,” of Congress are the House of Representatives and the Senate.

Members of the Senate serve six-year terms so that they can enjoy some independence from the day-to-day opinions of voters. In contrast, members of the House serve two-year terms. As a result, they have to face the voters much more often. In this way, the framers tried to balance the independence and thoughtfulness of the Senate with the House’s responsiveness to the changing wishes of the voters.

The framers also designed Congress to balance the rights of large and small states. Thus, while every state gets two senators, representation in the House is based on population. States with more people have more House representatives. To determine the number of representatives for each state, the Constitution calls for a census (a count of the population) every ten years. In time, the number of representatives in the House was set at 435.

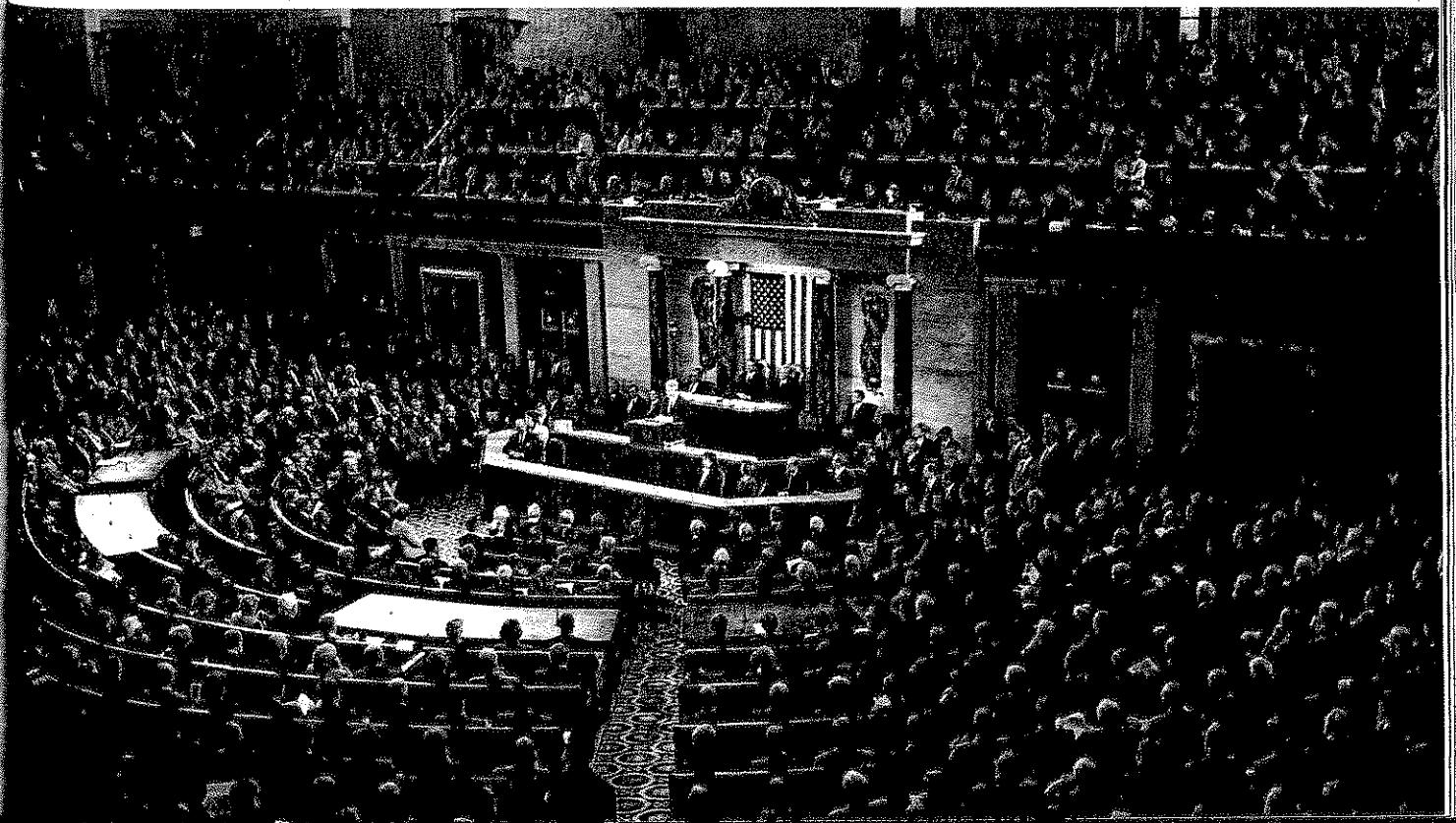
The framers considered the Senate to be the “upper house” of the legislature. Its members are supposed to be wiser and more experienced than members of the “lower house.” Senators must be at least 30 years old, while House members must be 25. Senators must have been citizens for nine years, House members for just seven years.

Originally, the Constitution allowed state legislatures to choose the two senators to represent their state. Today, however, senators are elected by popular vote (direct vote by the people).

legislative branch The law-making part of government, called the *legislature*. To *legislate* is to make a law.

bicameral Having two law-making parts. *Bicameral* comes from Latin words meaning “two rooms.”

Senators and members of Congress listen to a speech given by the president in the chambers of the House of Representatives. The president must get congressional approval for his ideas before they can become law.



bill a proposed law

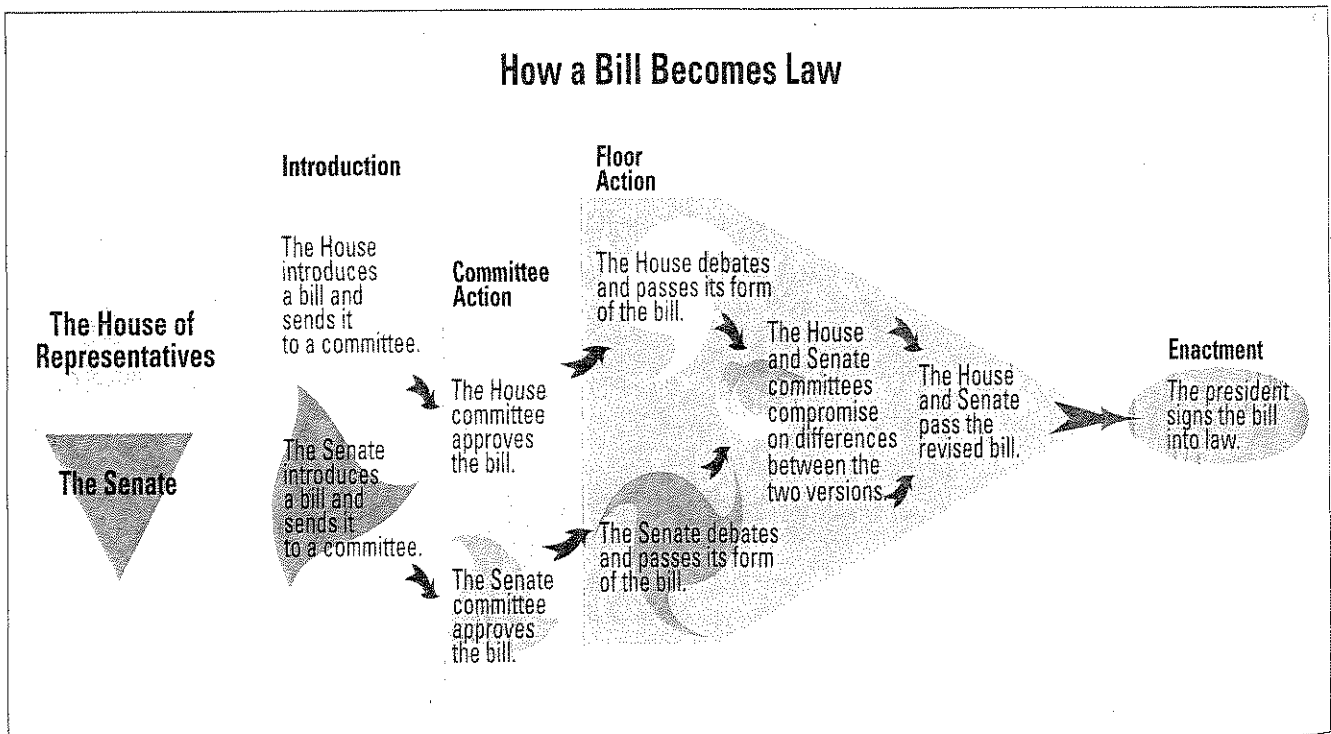
veto To reject a proposed law or a bill. Only the president can veto bills.

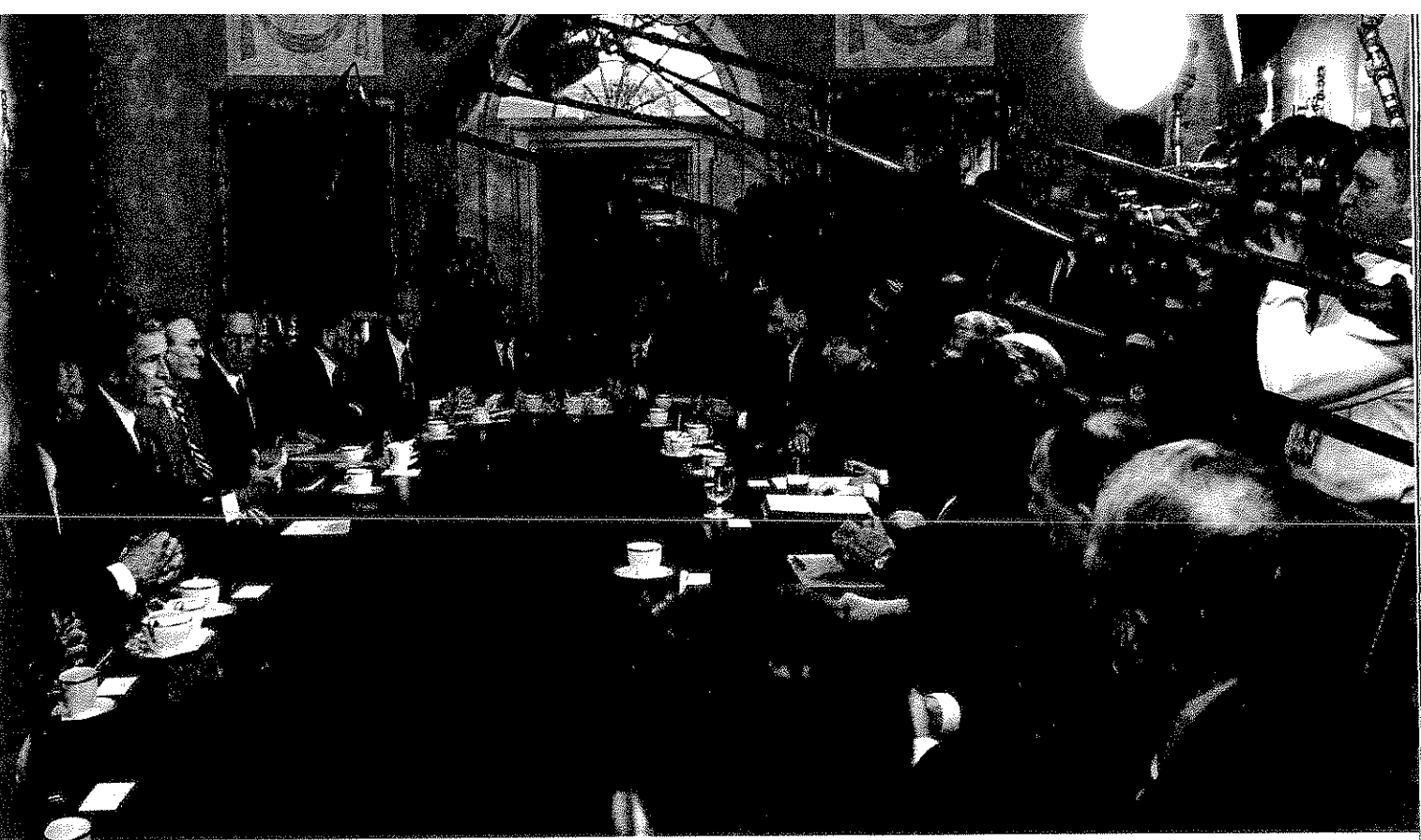
How Congress Passes Laws The primary job of Congress is to make laws. Any member of the House or Senate can submit a proposal for a new law, called a **bill**. However, only the House can propose new taxes. If a majority in one house votes in favor of the bill, it is sent to the other house for debate. If both houses approve the bill, it goes to the president. The bill becomes a law if the president signs it.

The president can **veto** (reject) any proposed law. Congress can override the president's veto, which means passing the bill over the president's objections. But to do so requires a two-thirds majority in both houses.

The Powers of Congress Article I spells out other powers of Congress. For example, only Congress can decide how to spend the money raised through taxes. Other congressional powers include the power to raise an army and navy, to declare war, to pay government debts, and to grant citizenship.

In addition, Congress may "make all laws which shall be necessary and proper" to carry out its other powers. This power, known as the "elastic clause," gives Congress the flexibility needed to do its job. Over the years, the elastic clause has been stretched to allow Congress to do many things that were never listed among its powers in the Constitution.





9.4 The Executive Branch Carries Out the Laws

A government needs people to carry out, or execute, the laws passed by the legislature. For instance, when Congress approves a tax, someone must collect the money. When Congress appropriates, or sets aside, money for low-cost housing, someone must build and manage the housing.

Article II of the Constitution describes the branch of government that fills this role, the **executive branch**. The head of the executive branch is the president. The president is often called the Chief Executive.

Electing the President As you read in Chapter 8, delegates at the Constitutional Congress were not prepared to let the people elect the president directly. Instead, they decided that the president would be selected by a group of “electors.” Each state would have the same number of electors as it had representatives and senators. To win the presidency, a candidate needs a majority of the “electoral vote.”

The president serves a four-year term. Under the Twenty-second Amendment, a president may be reelected only once. A new president makes a solemn promise called the *oath of office*. The Constitution gives the exact words of the oath. Notice that the president promises to “defend the Constitution.” These words reinforce the importance of the Constitution as the basic law of the land.

A president must be a natural-born American citizen and at least 35 years old. The Constitution always refers to the president as “he.” The delegates to the Constitutional Convention probably assumed that only men would ever vote or hold office. But nothing in the Constitution prevents a woman from being elected president.

Presidents are at the center of the American political stage. Here we see President Bush meeting with his cabinet and other close advisors.

executive branch the part of government that “executes” (carries out) the laws

impeach to formally accuse an official of a crime related to official duties

judicial branch the part of government, consisting of the Supreme Court and lower federal courts, that interprets the laws

The Powers of the President The president does more than carry out laws passed by Congress. The president is commander in chief of the nation's military forces. He or she can, with the consent of the Senate, make treaties, or formal agreements, with other nations. The president nominates, or recommends, ambassadors (official representatives to other countries) and Supreme Court justices (judges). Finally, the president can grant pardons to people convicted of violating federal (national) laws.

The framers expected that the executive branch would need organizations called "departments" to carry out its duties. For example, the State Department handles relations with other nations. The Justice Department is involved in law enforcement as well as in court actions. The heads of executive departments are members of the president's cabinet, a formal group of advisors.

Today, the executive branch has over a dozen departments. Each department contains smaller, specialized agencies. For instance, the Department of Health and Human Services contains the Food and Drug Administration. This agency works to ensure that foods and medicines meet safety standards that have been set by Congress.

Removing the President The Constitution gives Congress the power to remove a president or other officials from office if they commit certain crimes related to their duties. The House of Representatives can vote to impeach the president. To *impeach* means to formally accuse the president of the crimes specified in the Constitution. These include "Bribery, or other high Crimes and Misdemeanors." If the House votes to **impeach**, the Senate puts the president on trial, with the senators serving as the jury. If found guilty, the president is removed from office.

9.5 The Judicial Branch Interprets the Law

The framers intended the Constitution to be the "supreme Law of the Land." That means no other laws or actions by the government or by any state can conflict with the Constitution. Protecting the Constitution is one of the principal responsibilities of the third branch of government, the **judicial branch**. The judicial branch consists of the system of federal courts and judges.

Article III of the Constitution gives the basic framework of the judicial branch. It establishes the country's highest court, the Supreme Court. It also gives Congress the power to create "inferior" (lower) courts to meet the nation's needs.

In addition to protecting the Constitution, federal courts have the power to resolve disputes that involve national laws, the federal government, or the states. People accused of breaking national laws can be tried in federal courts.

The Federal Court System Congress has authorized two main sets of inferior federal courts. These lower courts are called *district courts* and *appellate courts*.

Most cases involving federal laws are first heard in district court. The United States is divided into large geographic districts. Each district covers several states. Citizens can “appeal” decisions given in district court, which means asking a higher court to review the case. Courts that review cases are called *courts of appeal* or *appellate courts*. An appellate court only considers whether the original trial was fair and legal. A decision by an appellate court can be appealed to the Supreme Court.

The Powers of the Supreme Court The Supreme Court is the last stop in the judicial system. Its decisions are final, and they are binding on all lower courts. The Constitution does not specify the size of the Supreme Court. Congress has set it at nine members, who are called *justices*. The Constitution says that all federal judges, including Supreme Court justices, serve for “good behavior.” Once they are appointed, the justices usually serve on the Court for life.

A dispute goes directly to the Supreme Court only if it involves a state or an ambassador from another country. Any other case comes to the Supreme Court after a trial and an appeal in lower courts. Participants in either national or state courts may eventually appeal cases to the Supreme Court.

Every year, lawyers ask the Supreme Court to review thousands of cases, but they agree to consider only about a hundred. The Supreme Court usually reviews a case only if the justices think that the decision made by a lower court might conflict with the Constitution or a federal law. After hearing statements from both sides, the justices debate among themselves and vote. Supreme Court decisions are announced and explained in writing. These decisions then guide later decisions in lower courts.

Early in its history, the Supreme Court defined the power of “judicial review.” This is the power to decide whether laws and actions by the legislative and executive branches conflict with the Constitution. Courts all over the country rely on the Supreme Court for guidance about what is constitutional. Judicial review gives the Supreme Court great power in its role of protecting the “supreme Law of the Land.”



The nine members of the U. S. Supreme Court hold very important positions in American government. Their legal opinions on such issues as gun control, the death penalty, abortion rights, and prayer in schools are enforced in every state.