

The Three Branches of Government



Why is the power of government separated into three branches?

CONSTITUTION



The U.S. Capitol



The White House



The Supreme Court

LEGISLATIVE

EXECUTIVE

JUDICIAL

↓
CONGRESS



HOUSE OF REPRESENTATIVES



SENATE



PRESIDENT



VICE PRESIDENT



SUPREME COURT

The Legislative Branch



The Legislative Branch

- Congress
- Makes the Laws
- Congress is made up of the House of Representatives and the Senate



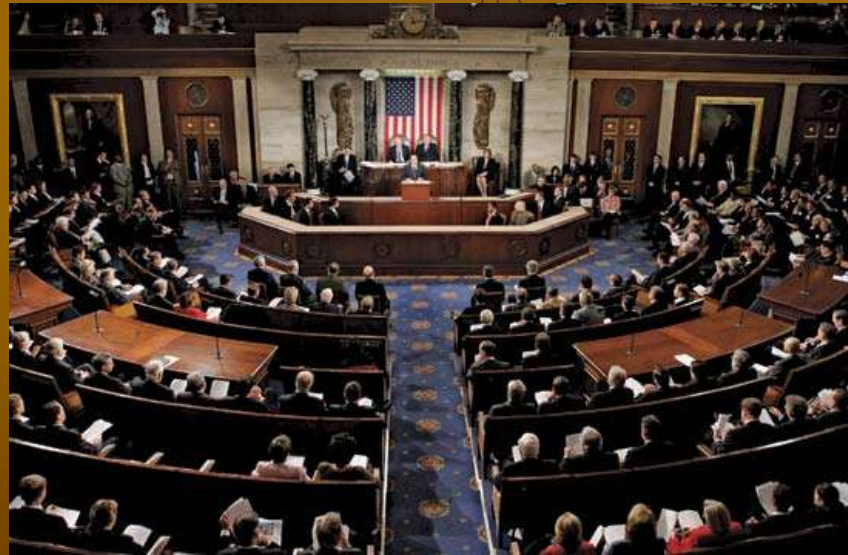
Senate

- There are two senators from each state no matter what the size of the state or the population



House of Representatives

- The number of representatives a state sends to congress varies according to the population of the state.



Powers of the Legislative Branch

- Make laws
- Declare war
- Approve treaties
- Approve presidential appointments
- Impeach
- Override vetos



RISE AND SHINE!

Who makes laws for the national government?

How many representatives does each state have in the House of Representatives?

How many representatives does each state have in the Senate?

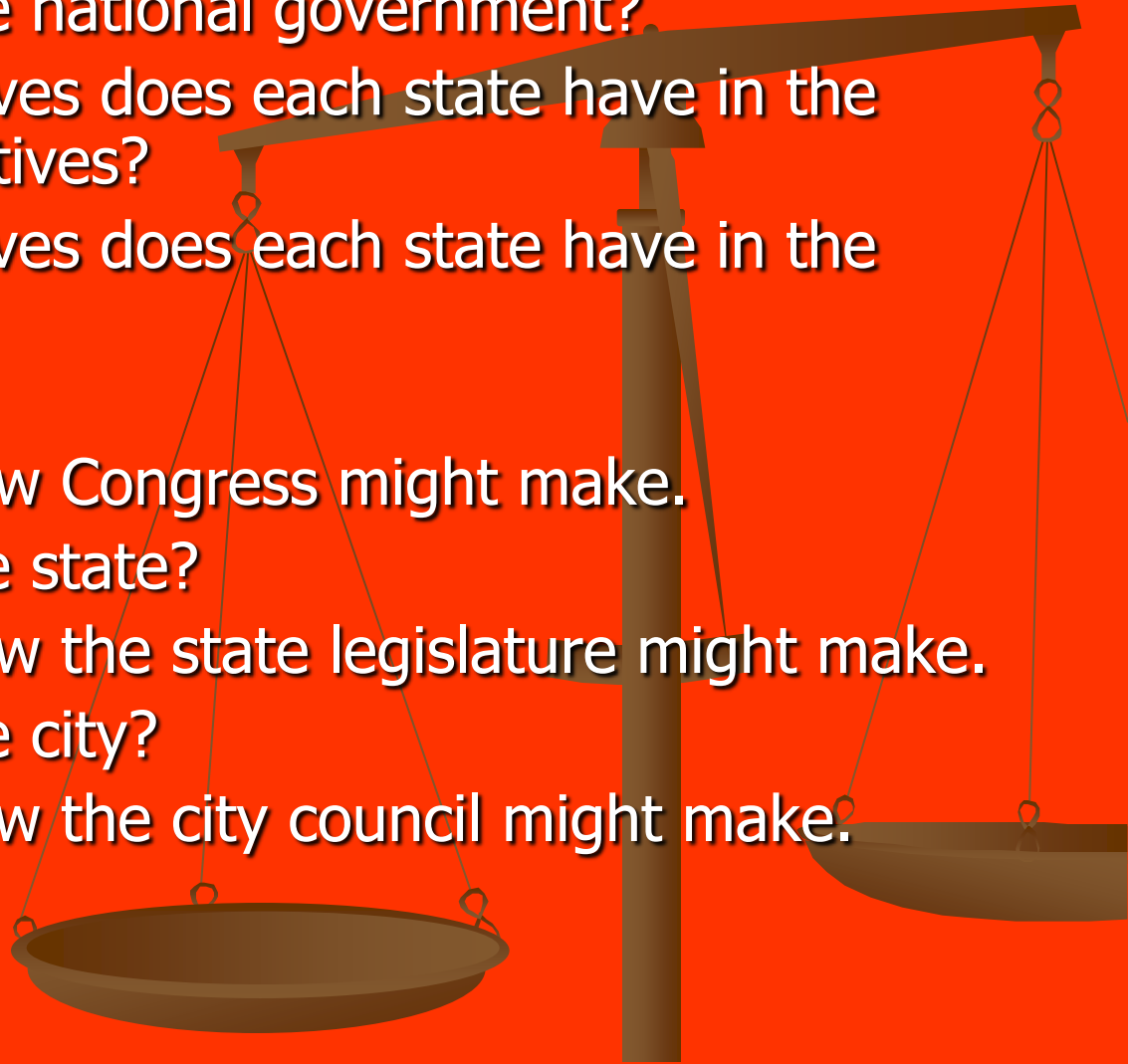
Give an example of a law Congress might make.

Who makes laws for the state?

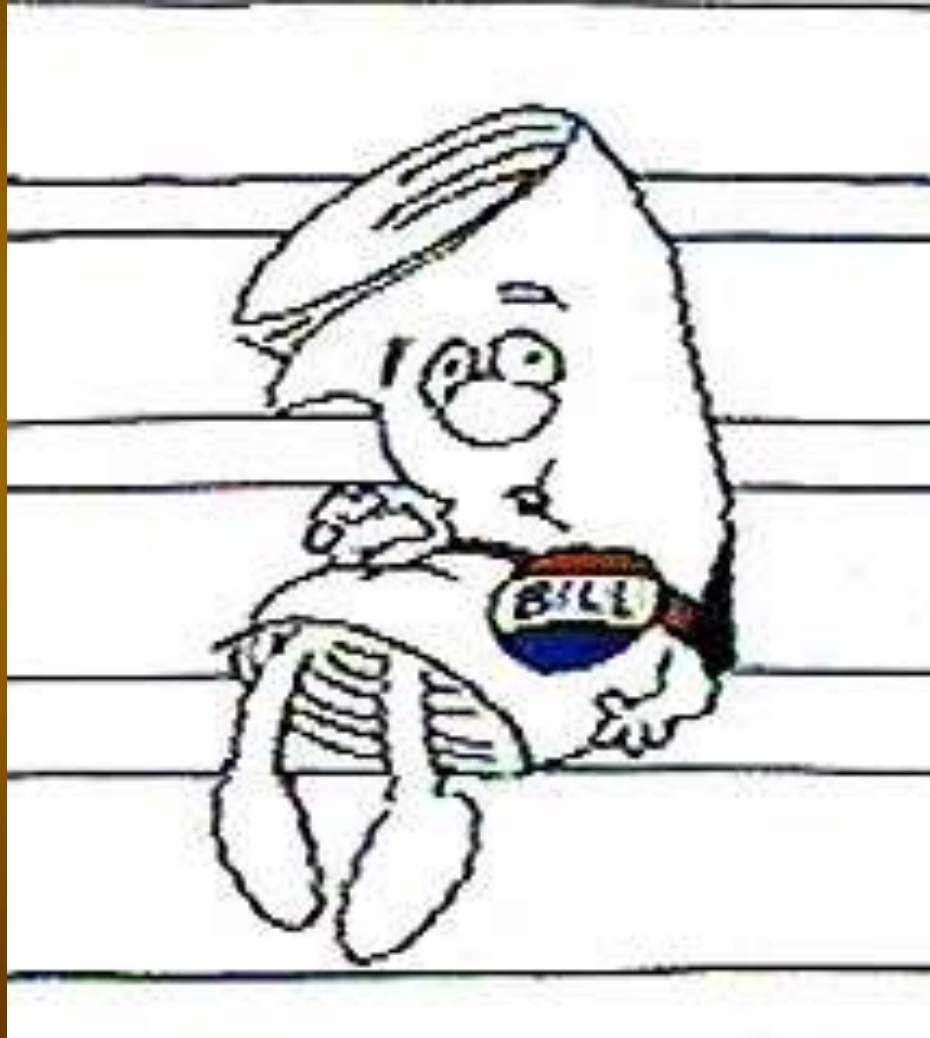
Give an example of a law the state legislature might make.

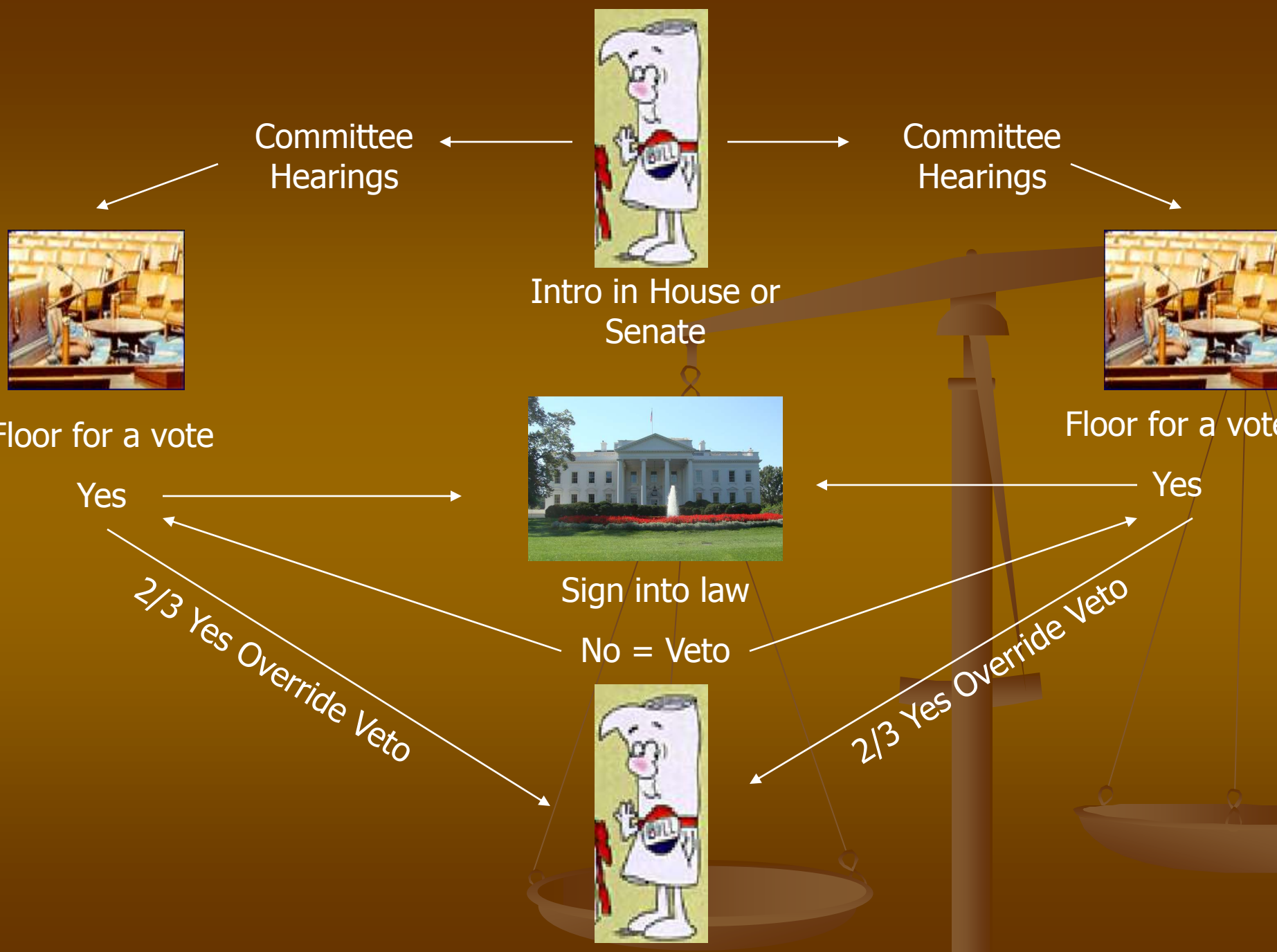
Who makes laws for the city?

Give an example of a law the city council might make.



How a Bill Becomes A Law





Committee Hearings

Committee Hearings



Intro in House or Senate



Floor for a vote

Floor for a vote

Yes

Yes

Sign into law

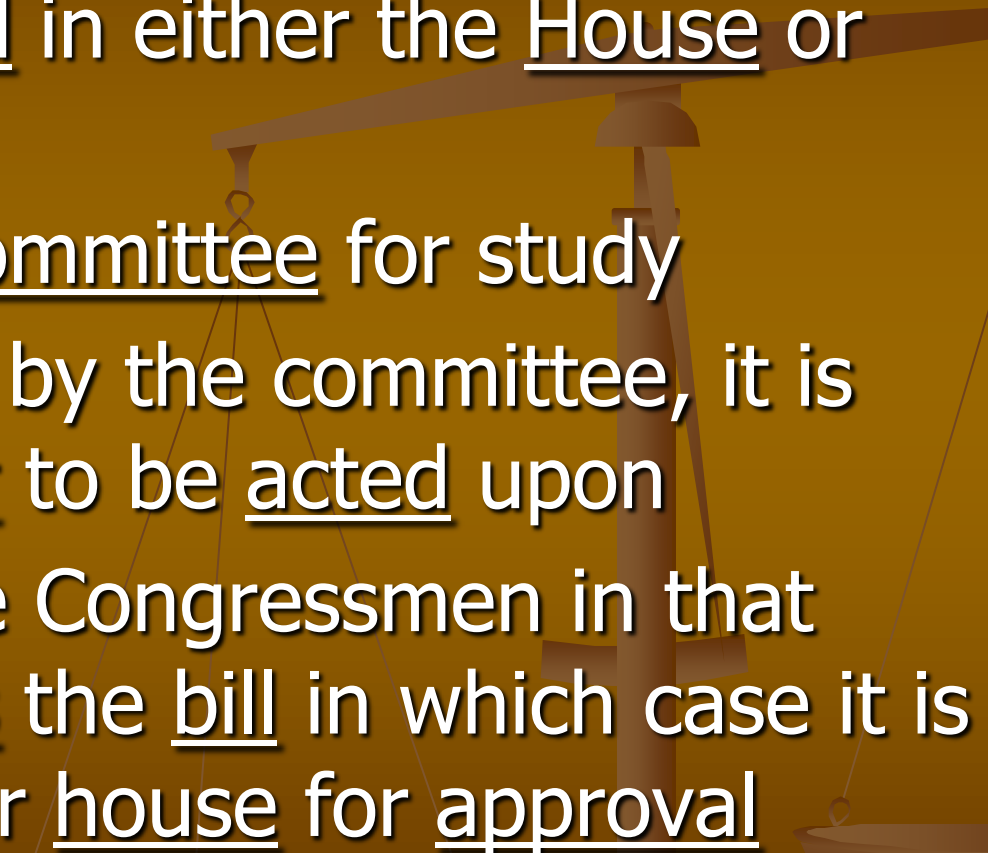
No = Veto

2/3 Yes Override Veto

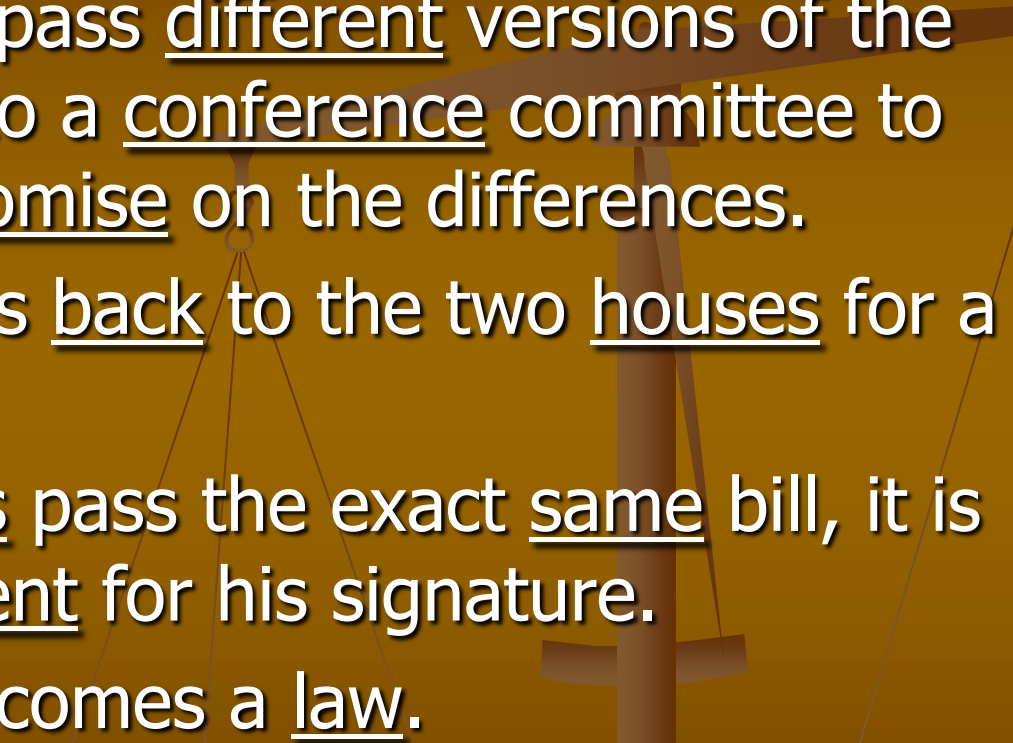
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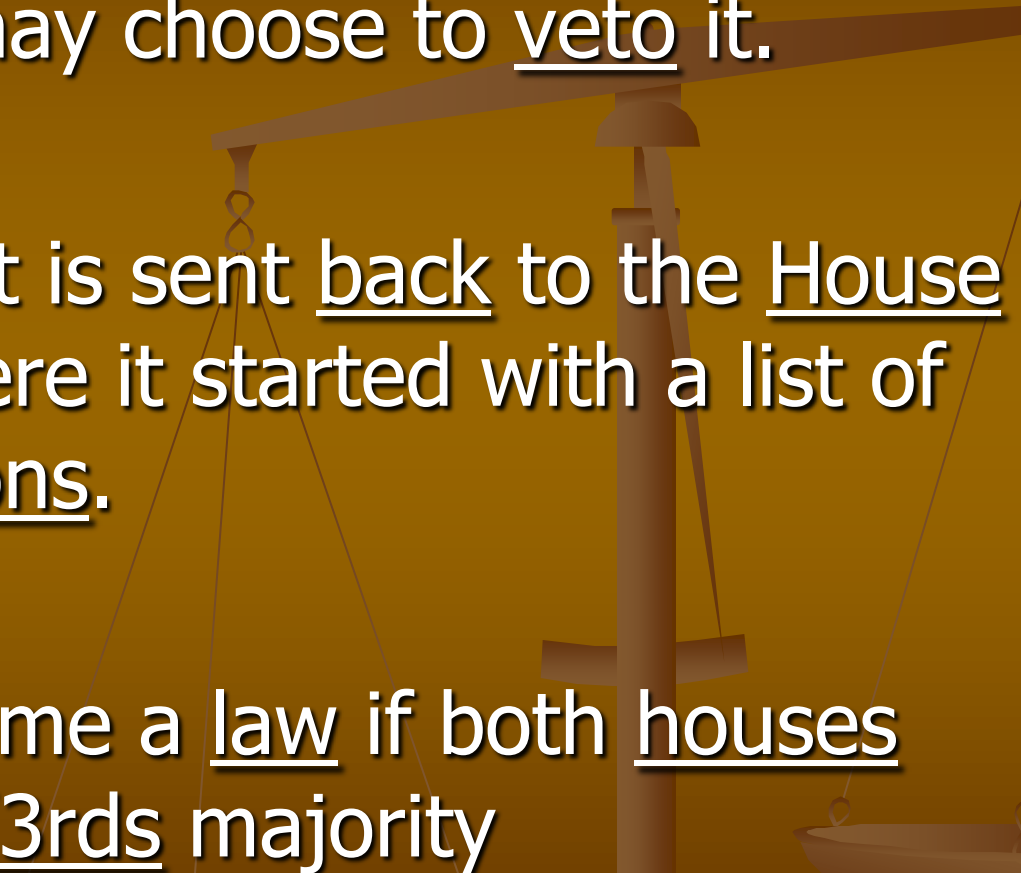
How a Bill Becomes a Law

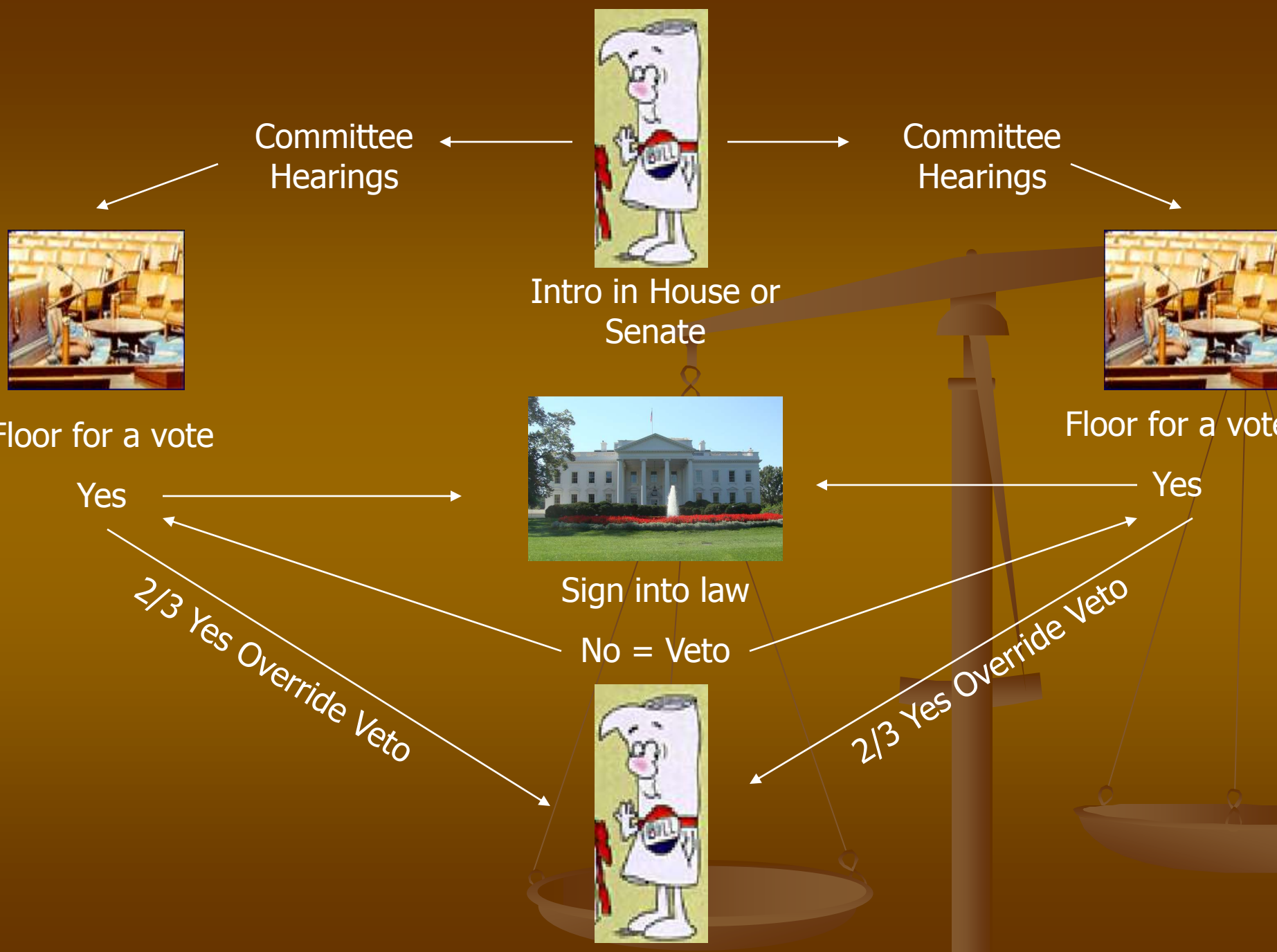
- Bill is introduced in either the House or Senate
 - It is sent to a committee for study
 - If it is not killed by the committee, it is sent to the floor to be acted upon
 - After debate the Congressmen in that house may pass the bill in which case it is sent to the other house for approval
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How a Bill Becomes a Law

- If the two houses pass different versions of the same bill, it goes to a conference committee to work out a compromise on the differences.
 - The bill then goes back to the two houses for a vote.
 - When both houses pass the exact same bill, it is sent to the President for his signature.
 - If he signs it, it becomes a law.
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How a Bill Becomes a Law

- The president may choose to veto it.
 - If he vetoes it, it is sent back to the House in Congress where it started with a list of his/her objections.
 - It may still become a law if both houses pass it with a 2/3rds majority
- 



Committee Hearings

Committee Hearings



Intro in House or Senate

Floor for a vote

Floor for a vote

Yes

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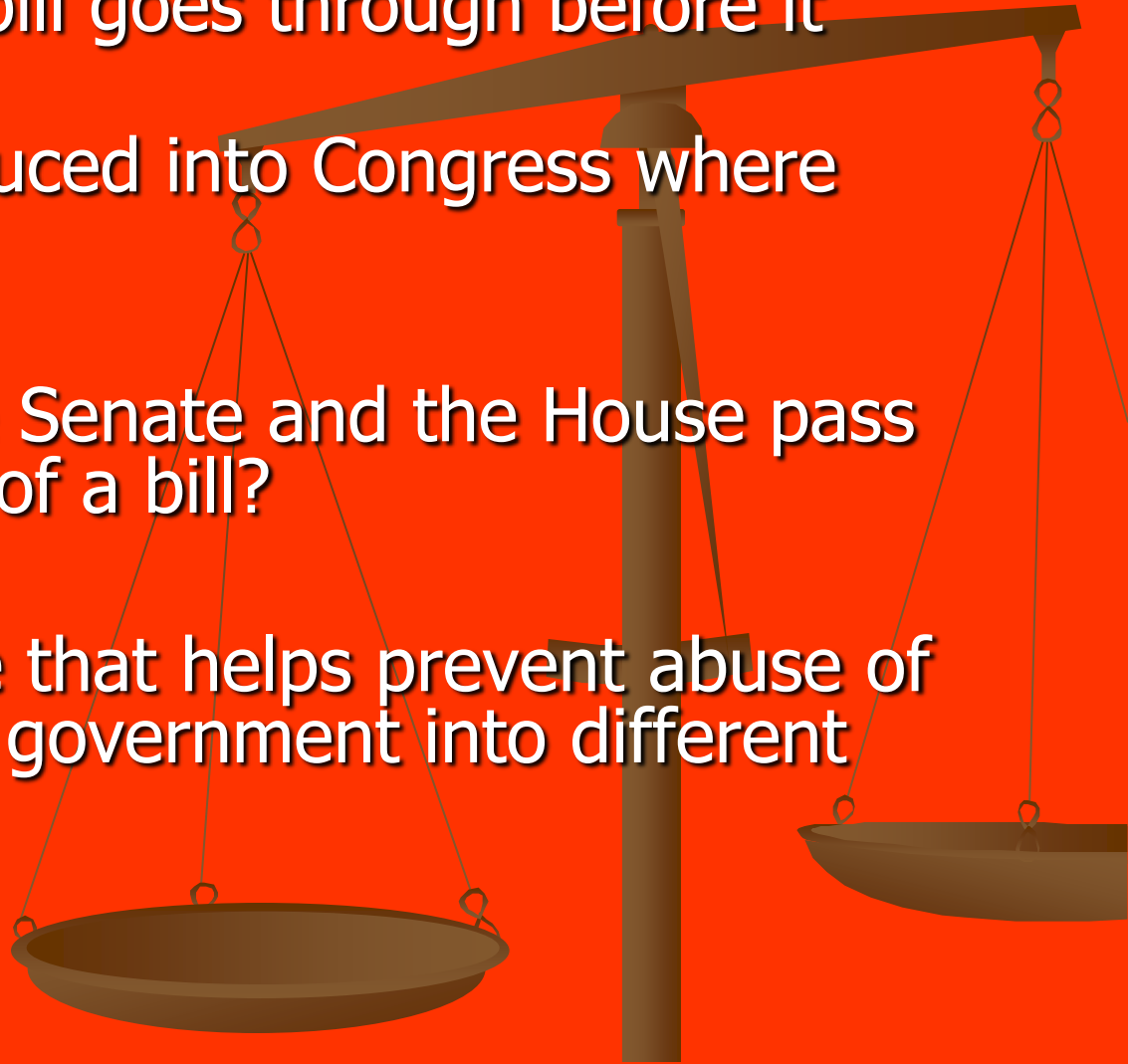
PAIR SHARE

Explain the steps a bill goes through before it becomes a law.

When a bill is introduced into Congress where does it go first?

What happens if the Senate and the House pass different versions of a bill?

What is the principle that helps prevent abuse of power by dividing government into different branches?



Executive Branch



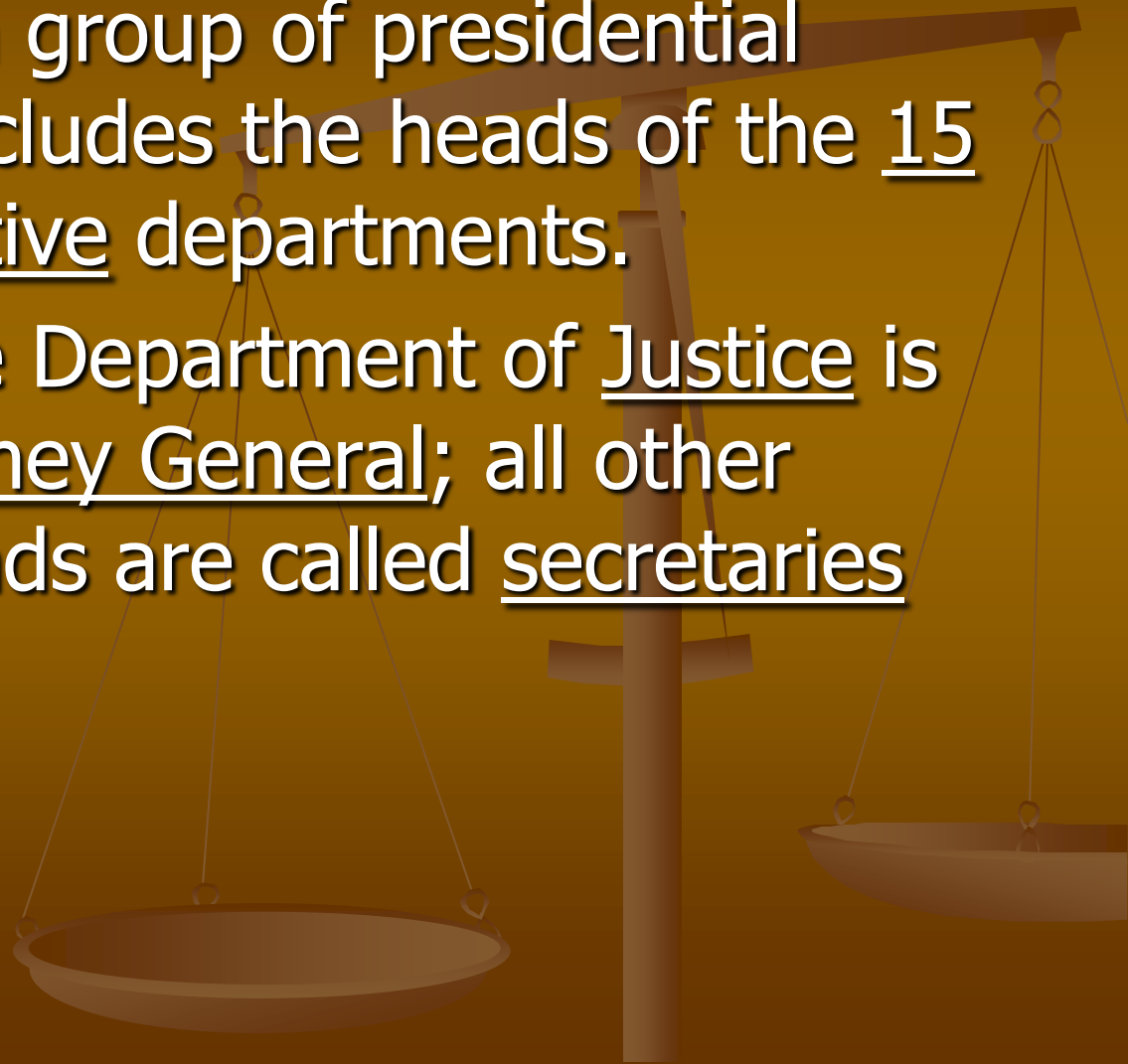
The Executive Branch

- The President is the head of the executive branch
- He has advisors who work closely with him called the Cabinet.



The President's Cabinet

- The cabinet is a group of presidential advisers that includes the heads of the 15 top-level executive departments.
- The head of the Department of Justice is called the Attorney General; all other department heads are called secretaries

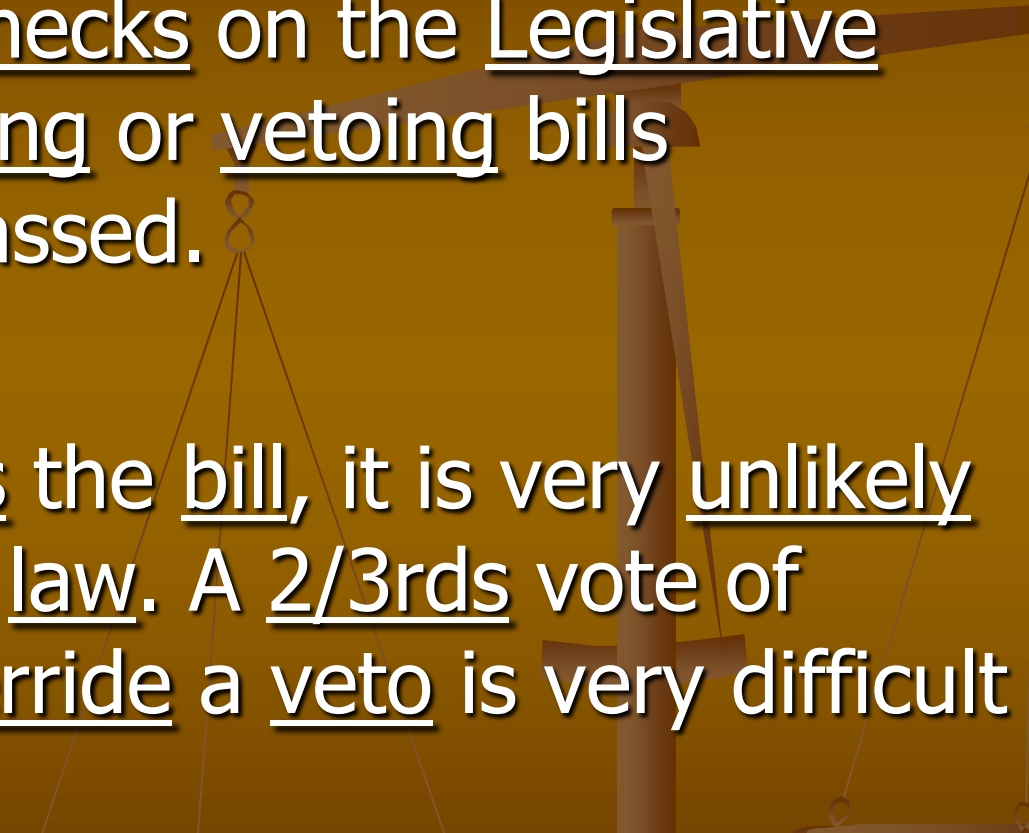


Powers of the Executive Branch

- Enforce laws
- Negotiate Treaties
- Appoint government officials
- Sign or veto laws
- This branch is given the power to enforce the laws.



The Executive Branch Checks The Legislative Branch

- The president checks on the Legislative Branch by signing or vetoing bills Congress has passed.
 - If he/she vetoes the bill, it is very unlikely it will become a law. A 2/3rds vote of Congress to override a veto is very difficult to get.
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Judicial Branch



The Judicial Branch

- The Supreme Court is the head of the Judicial Branch
- There are 9 justices on the Supreme Court

The Judicial Branch Checks on the other Branches

Judicial Review

- The court has the power to determine whether a law is constitutional or not. If the law is unconstitutional it can not be enforced.
- The Supreme Court has the power to determine if a government officials actions are Constitutional or not



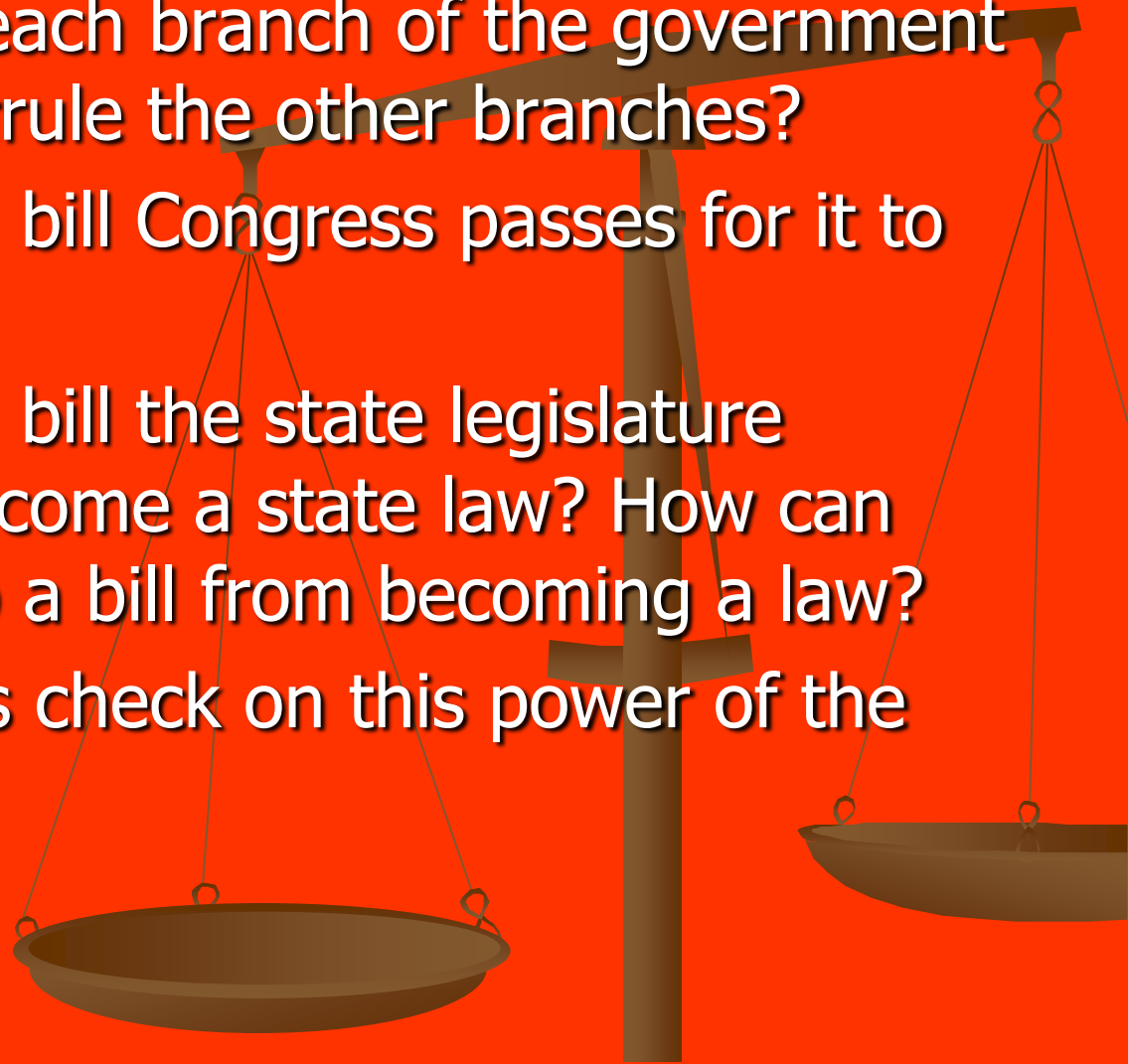
Powers of the Judicial Branch

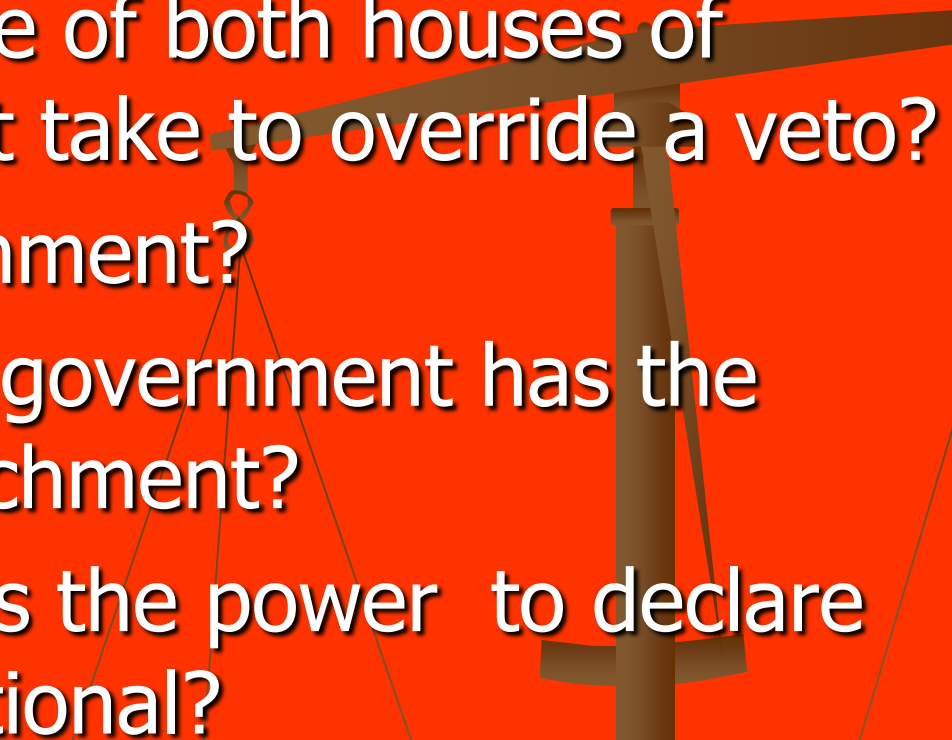
- It is given the power to Interpret the law
- Judicial Review - The Judicial Branch checks on the other branches



Pair Share

- What principle is each branch of the government being able to overrule the other branches?
- Who has to sign a bill Congress passes for it to become a law?
- Who has to sign a bill the state legislature passes for it to become a state law? How can the president stop a bill from becoming a law?
- How can Congress check on this power of the president?



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- What percentage of both houses of Congress does it take to override a veto?
 - What is impeachment?
 - What branch of government has the power of impeachment?
 - What branch has the power to declare laws unconstitutional?

Interpreting the Law

Marbury V. Madison

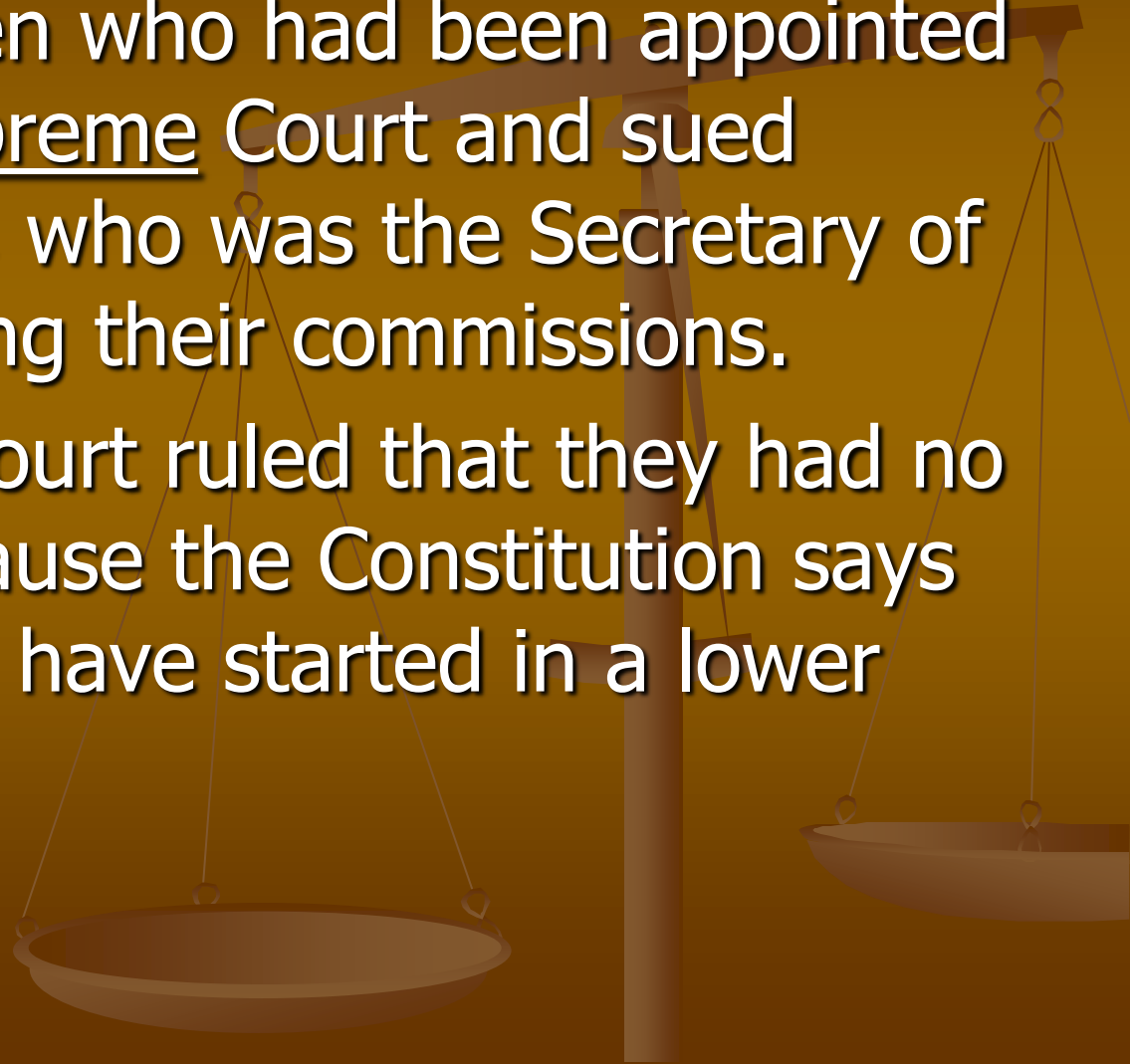
- In his last days as president, John Adams appointed many people as judges in federal courts.
- Some of the commissions or appointments were not delivered, including those of some Justices of the Peace in Washington, D.C.
- When Thomas Jefferson, who was a bitter enemy of Adams found them, he threw them away.



Interpreting the Law

Marbury V. Madison

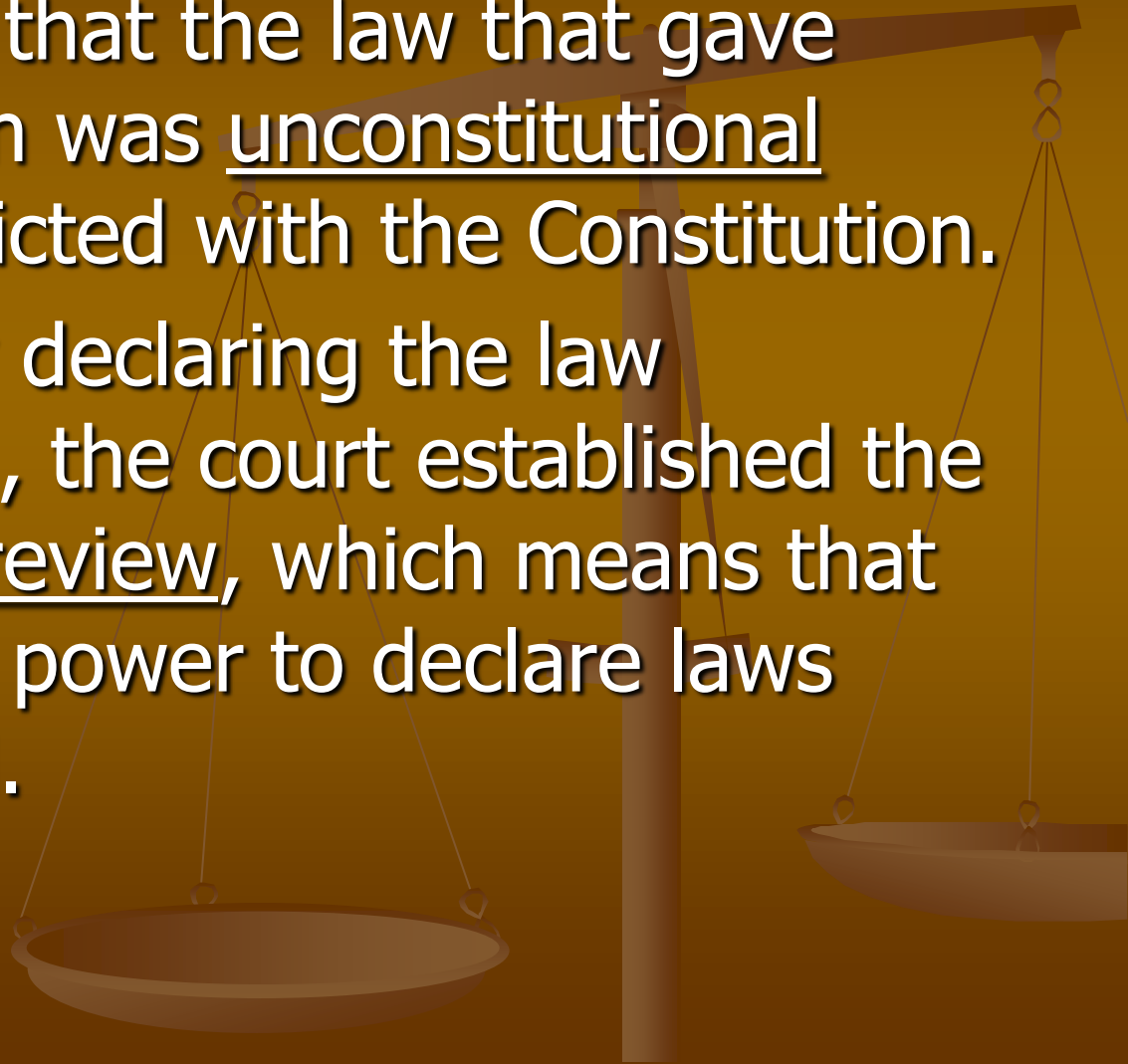
- Some of the men who had been appointed went to the Supreme Court and sued James Madison, who was the Secretary of State, demanding their commissions.
- The Supreme Court ruled that they had no jurisdiction because the Constitution says the case should have started in a lower court.



Interpreting the Law

Marbury V. Madison

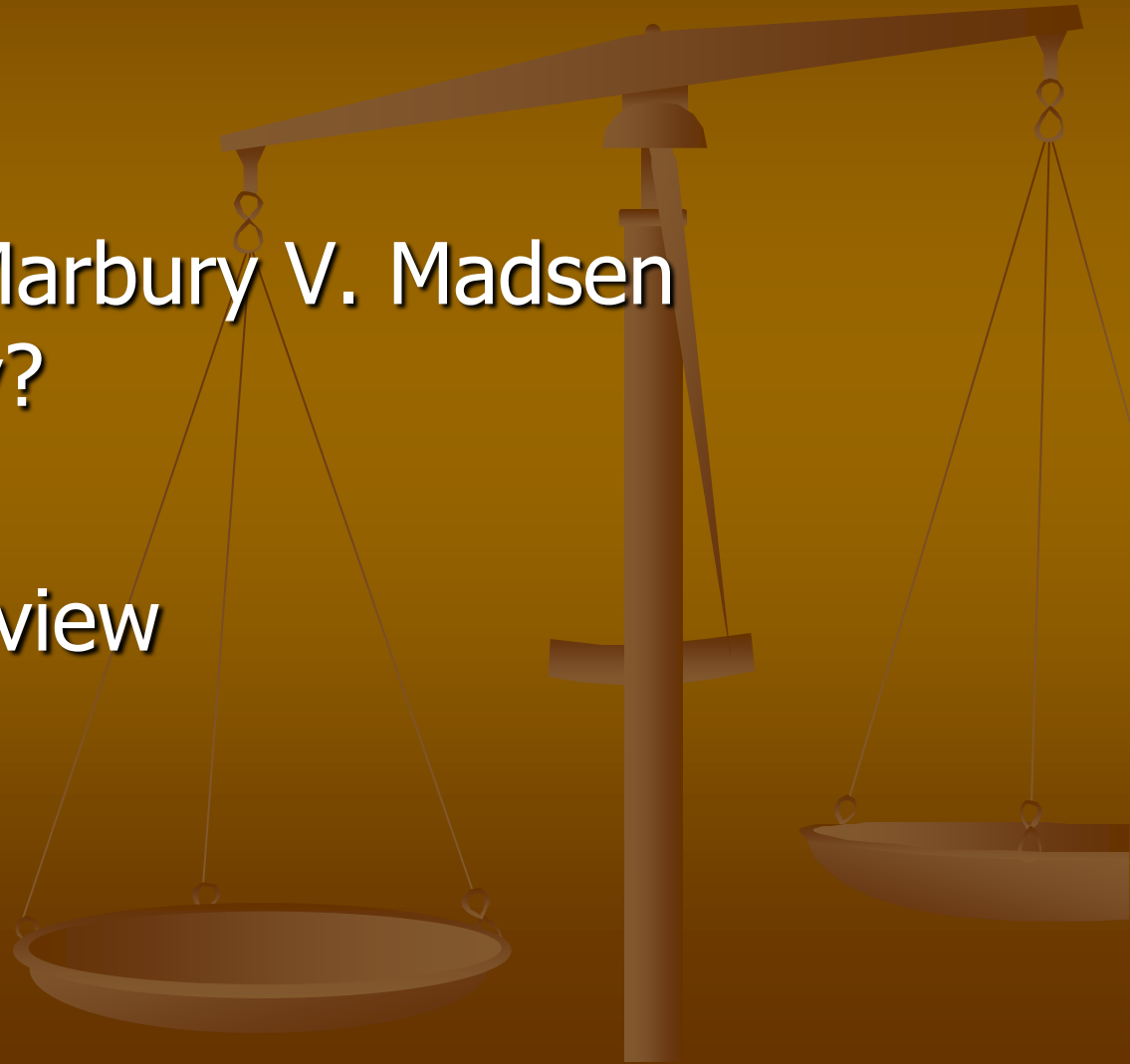
- They also ruled that the law that gave them jurisdiction was unconstitutional because it conflicted with the Constitution.
- Significance: By declaring the law unconstitutional, the court established the idea of judicial review, which means that courts have the power to declare laws unconstitutional.



Rise and Shine

Why is the case *Marbury v. Madison* important today?

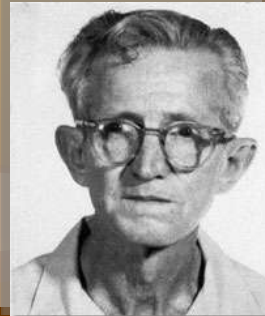
Explain judicial review



Interpreting the Law

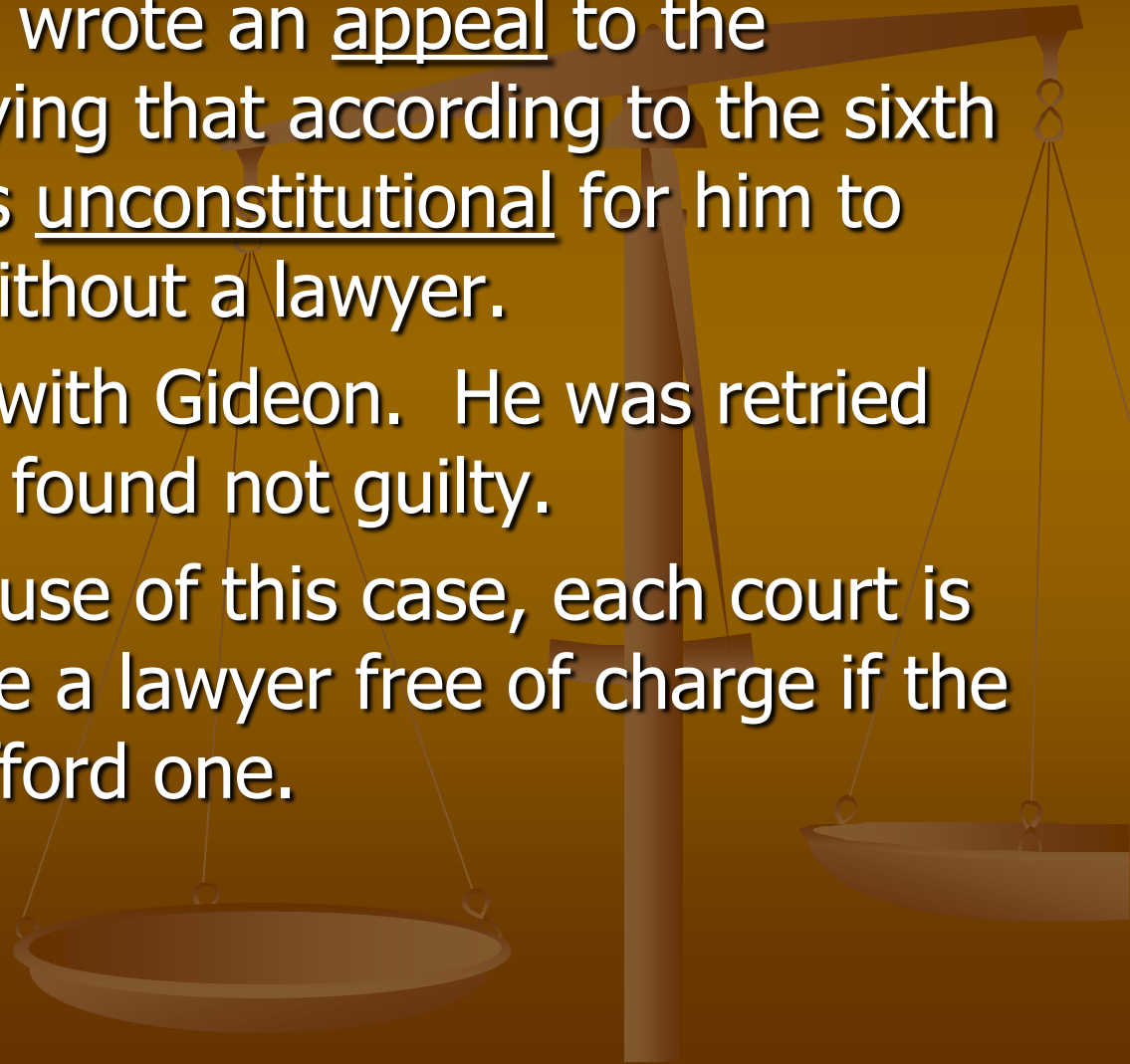
Gideon v. Wainwright

- Gideon v. Wainwright is a case where a man named Gideon was accused of breaking and entering.
- He asked for a state appointed attorney because he could not afford one.
- The state refused to give him one.
- He was found guilty and sent to prison.



Gideon v. Wainwright

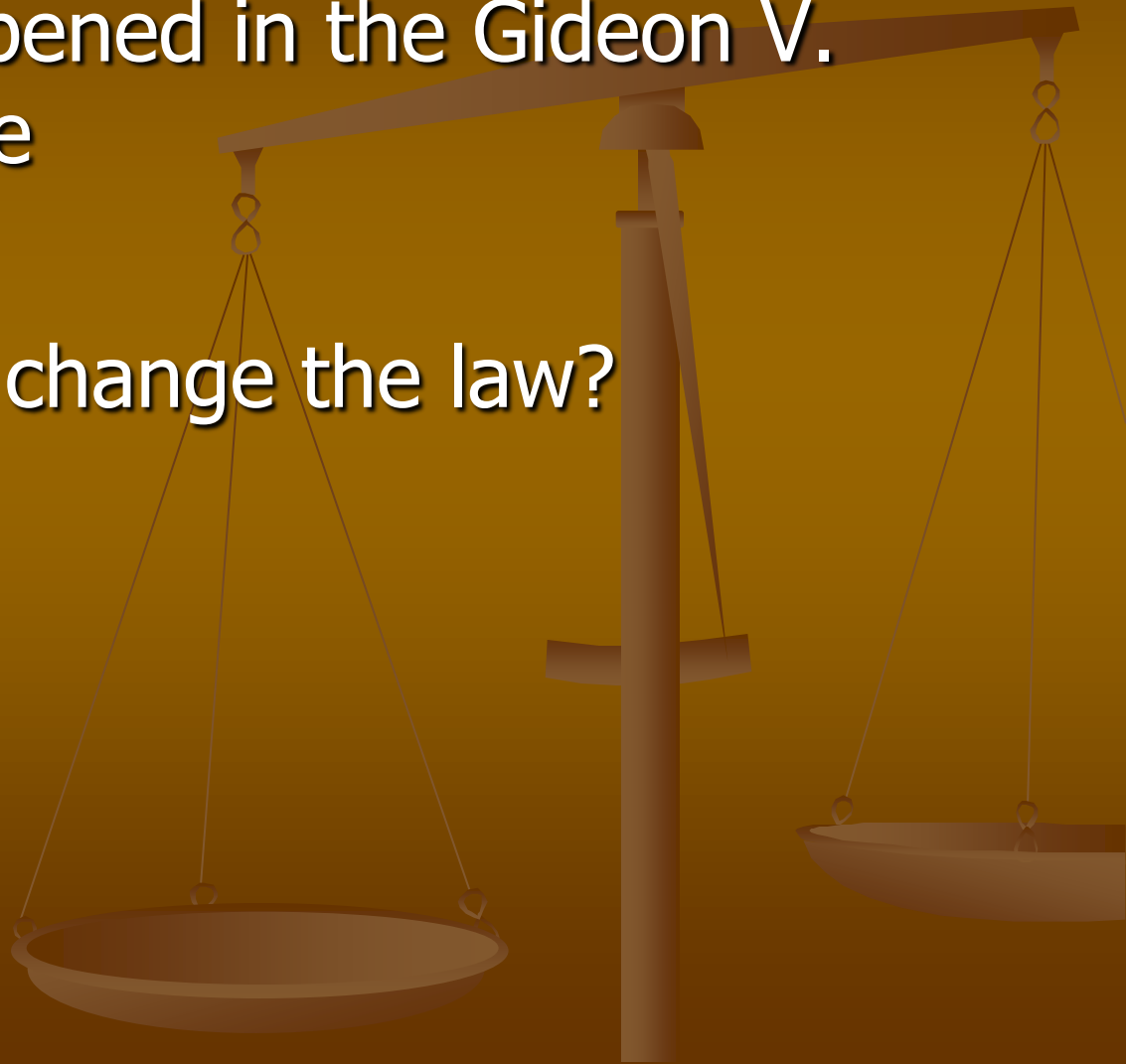
- While in prison he wrote an appeal to the supreme court saying that according to the sixth amendment it was unconstitutional for him to have been tried without a lawyer.
- The court agreed with Gideon. He was retried with a lawyer and found not guilty.
- Significance: Because of this case, each court is required to provide a lawyer free of charge if the accused cannot afford one.



PAIR SHARE

Explain what happened in the Gideon V. Wainwright Case

How did the case change the law?

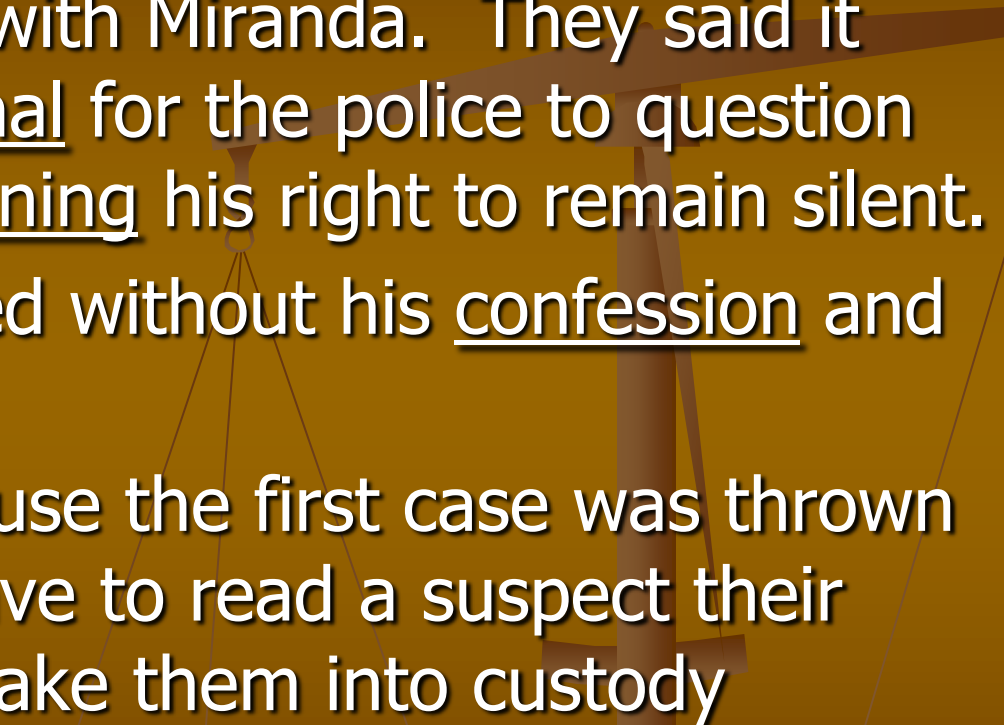


Interpreting the Law

Miranda v. Arizona

- Miranda was accused of raping a girl in Phoenix, Arizona. When the police questioned him, he confessed to the crime.
- He was found guilty and sentenced to prison.
- He appealed his conviction on the grounds that the police should have told him that he did not have to testify against himself. (5th amendment)

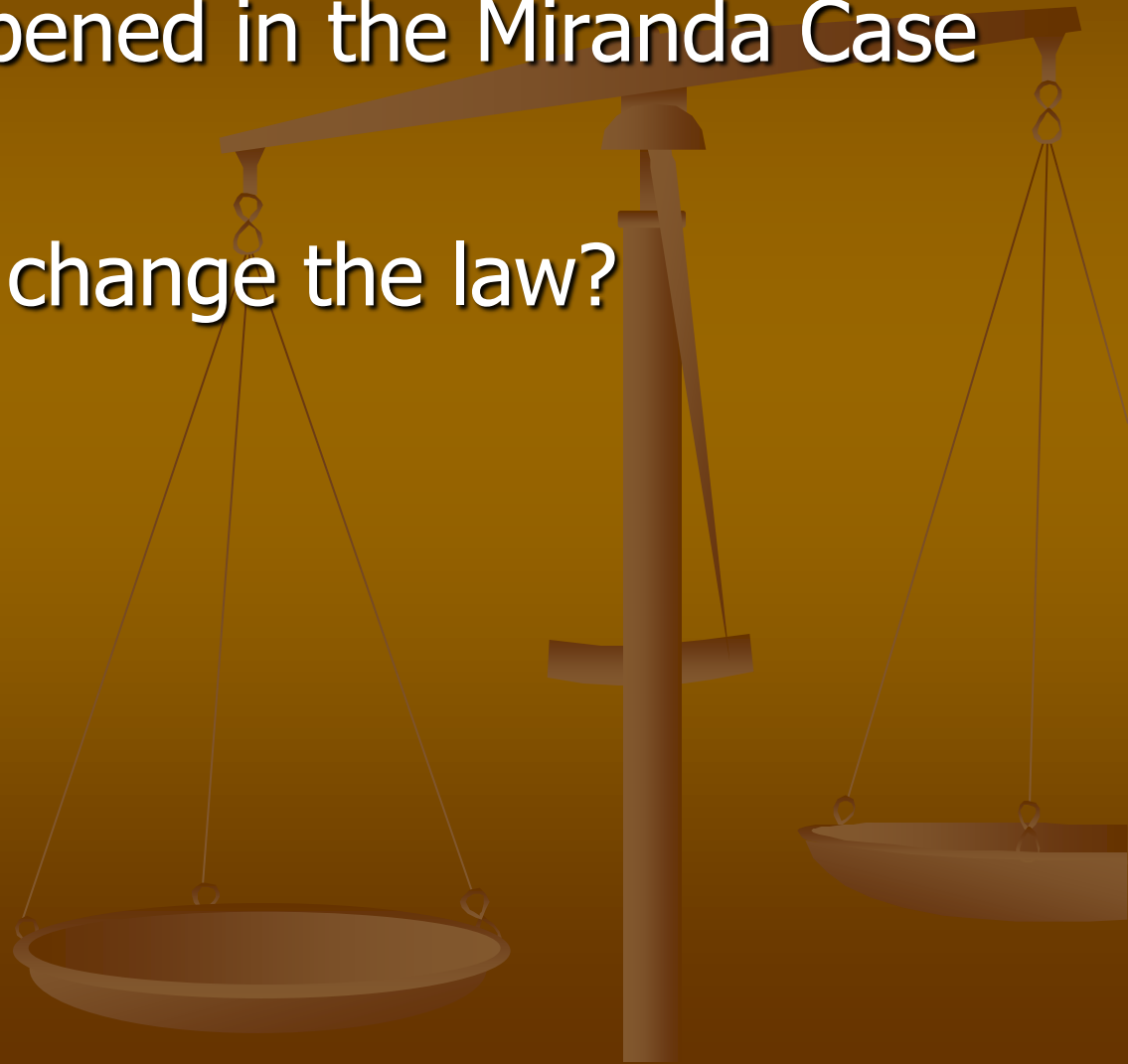
Miranda V. Arizona

- The court agreed with Miranda. They said it was unconstitutional for the police to question him without explaining his right to remain silent.
 - Miranda was retried without his confession and found guilty.
 - Significance: Because the first case was thrown out, Police now have to read a suspect their rights when they take them into custody
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PAIR SHARE

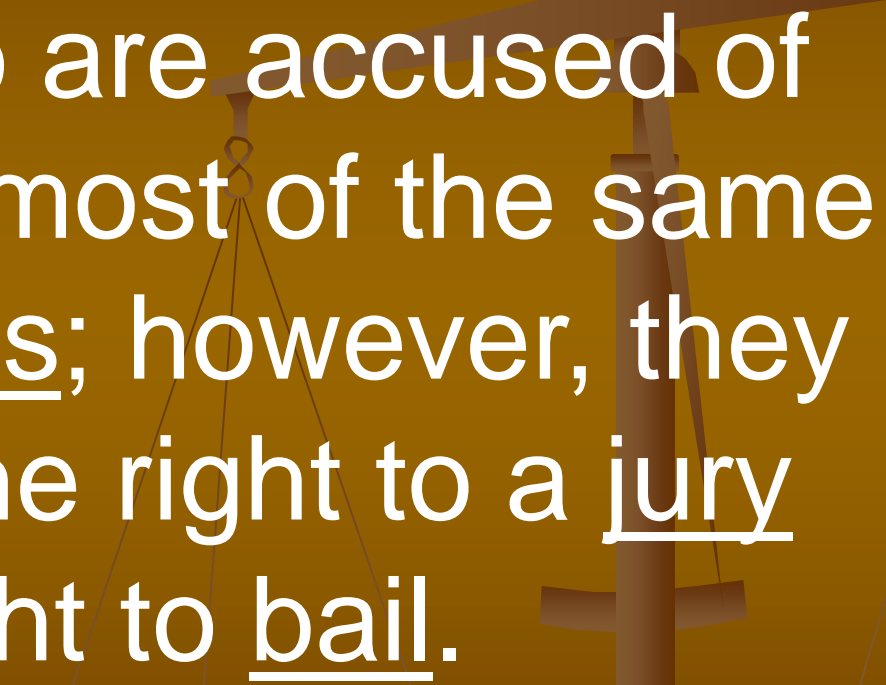
Explain what happened in the Miranda Case

How did the case change the law?



Juvenile's Rights

Juveniles who are accused of a crime have most of the same rights as adults; however, they do not have the right to a jury trial, or the right to bail.



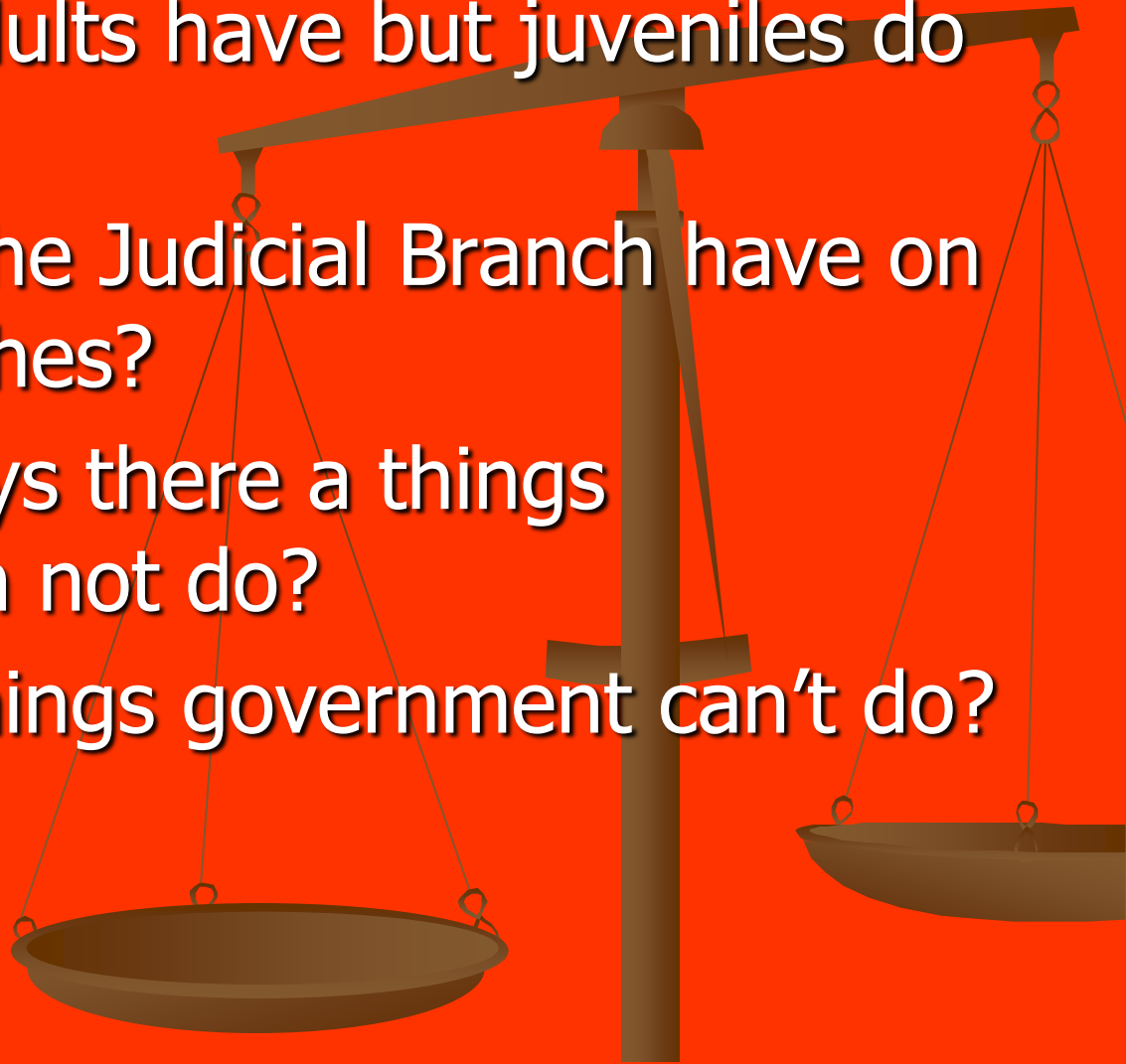
PAIR SHARE

What rights do adults have but juveniles do not?

What checks do the Judicial Branch have on the other branches?

What principle says there are things government can not do?

What are some things government can't do?



- What idea comes from the case of Marbury v. Madison?
- What idea comes from the case of Gideon v. Wainwright?
- What idea comes from the case of Miranda v. Arizona?

