Branching Out

The Structure and Function of the Federal Government

Benchmarks

SS.7.C.3.3 Illustrate the structure and function (three branches of government established in Articles I, II, and III with corresponding powers) of government in the United States as established in the Constitution.
What is a Constitution?

- Establishes a plan of government or rule book for government
- Serves as a contract between the people and the government
- Sets forth the structure and functions of government
- Lists some of the rights of the people...

- What else would you add?
How does the U.S. Constitution set up the structure of our government?
Montesquieu argued that in order to keep a government from becoming too powerful:
- Power must be separated
- Power must be checked
- Power must be balanced
Three Branches of Government

- **Legislative Branch** - Makes the law
- **Executive Branch** - Enforces the law
- **Judicial Branch** - Interprets and applies the law

“The accumulation of all powers, legislative, executive, and judiciary, in the same hands...may justly be pronounced the very definition of tyranny.”

- JAMES MADISON
Where do we find the branches of government outlined in the U.S. Constitution?
Structure of the Branches

**ARTICLE 1**
Legislative Branch

*Also known as: CONGRESS*

- Senate
  - 100 members
  - (2 per state)

- House of Representatives
  - 435 members
  - (based on population)

**ARTICLE 2**
Executive Branch

- President
- Vice President
- Cabinet

**ARTICLE 3**
Judicial Branch

- Supreme Court
  - 9 Justices
- Other inferior courts
How does the Constitution distribute power among the three branches of government?
A SYSTEM OF CHECKS AND BALANCES

United States Congress

- Can impeach president;
- Can override veto;
- Can reject appointments;
- Can refuse to approve treaties

Legislative Branch
- Can declare acts of legislature unconstitutional
- Can declare presidential actions unconstitutional

Executive Branch
- Can appoint judges
- Can veto legislation

Judicial Branch
- Can impeach Judges;
- Can reject appointment of Judges

FEDERAL AND STATE POWERS

National Government
- Coin money
- Maintain army and navy
- Declare war
- Regulate trade between states and with foreign nations
- Carry out all expressed powers

National and State Governments
- Establish courts
- Enforce laws
- Collect taxes
- Borrow money
- Provide for general welfare

State Governments
- Regulate trade within a state
- Protect public welfare and safety
- Conduct elections
- Establish local governments
Click the image to be directed to Flocabulary’s Three Branches of Government Rap
Powers of the Branches

ARTICLE 1
Legislative Branch
Congress

Make Law
• Approve the President’s budget
• Declare war
• Senate approval/rejection of treaties
• Senate approval and rejection of Presidential appointments

ARTICLE 2
Executive Branch

Execute the law
• Approve or veto Congress’ bills
• Direct the military
• Write the federal budget
• Make foreign policy/treaties
• Make appointments

ARTICLE 3
Judicial Branch

Interpret and apply the law
• Decide if laws are unconstitutional
• Decide court cases
• Settle cases between 2 or more states
Click on the image to play the Branches of Government game from Sheppard Software!
Delegated Powers

Also known as:
Enumerated Powers
Expressed Powers

Powers that are *expressly listed/outlined* in the United States Constitution
The next slide will list some of the powers of a branch of government.

1. Your group will be assigned one power.
2. Find the power in the U.S. Constitution.
3. When you find the power, have one group member stand up.
4. Read the quote aloud from the Constitution when called upon.
Approval of presidential appointments

Naturalization and immigration laws

Sole power to try all impeachments

Armed forces (Army and Navy)

Coin and print money

Declare war

Foreign relations

Regulation of trade
Article I, Section 8

- Article I, Section 8 clearly outlines the powers of Congress
- These are a great example of delegated/enumerated/expressed powers!
Implied Powers

- Powers that are not expressly outlined in the Constitution, but are reasonably suggested by delegated powers.

Also known as:
- Elastic Clause
- Necessary and Proper Clause
Implied Powers, Continued

Also known as: Elastic Clause

- Article I, Section 8, Clause 18: “To make all Laws which shall be necessary and proper…”

Also known as: Necessary and Proper Clause

Congress can **STRETCH** their power to make laws that are needed to perform their other duties/responsibilities.
Concurrent Powers

- Powers that are shared by the Federal and State governments

Powers Delegated to Federal Government

Powers Reserved for State Government

Can you think of something that would go in the middle?

TAXES
Using your Branching Out handout, illustrate the three branches of government in one image.

You can use chart paper, an online platform (like an infographic or glogster), or some other creative form to illustrate the structure and function of the branches of government!
The newspaper headline below describes an event in U.S. history.

CYBERCRIME TREATY APPROVED

August 4, 2006

Which parts of the national government participated in the process described in the newspaper headline?

A. Senate and President
B. Supreme Court and President
C. House of Representatives and Senate
D. Supreme Court and House of Representatives