Chapter 8 Lesson 2

The Federal Government

To achieve the separation of powers the Constitution divides the federal government into three branches.

The Nation’s Legislature

Congress is composed of two houses – the House of Representatives and the Senate. Currently the House has 435 voting members and 6 nonvoting delegates from the District of Columbia, Puerto Rico, American Samoa, the Virgin Islands, and the Northern Mariana Islands. Representatives who must be 25 years of age serve two year terms. There is no limit to the number of terms a person can serve.

The number of representatives from each state is based on the state’s population. States with more people have more representatives in Congress, though every state has at least one representative. The federal government resets each state’s share of the 435 House seats every 10 years. A state’s number of representatives may go up or down depending on population changes.

The Senate has 100 senators, two from each state. Senators must be 30 years old and they serve six-year terms. Only a third of the seats come up for election every 2 years. There are no term limits.

Article 1 of the Constitution describes the role of Congress. Congress makes the nation’s laws. These laws are not just rules for behavior, the pass laws that impose taxes, authorize the spending of money, and create government programs. They also have the job of declaring war.

Both houses of Congress must agree on a bill. Once this happens the bill goes to the president and if the president signs it, the bill becomes law.

The Executive Branch

This branch is led by the president and vice-president, who each serve four year terms. It also includes the cabinet and many other offices, departments, and agencies. The main job is to administrate the laws passed by Congress. The president does propose laws to Congress.

The president’s powers are laid out in Article II of the Constitution. These include, directing foreign policy, naming ambassadors, and negotiating treaties with other nations. The president if also commander in chief of the armed services.

The Judicial Branch

Article III of the Constitution establishes a Supreme Court and allows for Congress to create lower courts. Congress has established district courts, which are the main trial courts for the federal government, and appeals courts, which hear cases on appeal from lower courts. There are special federal courts for hearing bankruptcy cases. Bankruptcy is a legal process for people or businesses that cannot pay off their debts.

The top court in the land is the Supreme Court, it rules on the most difficult legal questions, and its rulings are never appealed. They have the power of judicial review, which means the Court can review the actions of the executive and legislative branches to determine whether or not they violate the Constitution.

Members are nominated by the president and approved by Congress. The court is made up of 9 justices – a chief justice and eight associate judges. The Constitution gave Congress the power to set this number. Justices serve no fixed term. Unless removed for bad behavior, they stay on the bench until they retire or die.

Their main job is to hear and rule on cases they choose from among the thousands that are presented to them each year. They listen to arguments, and then they must present and explain their decision – called the Court’s opinion. This opinion is then used by lower courts in making their rulings.

What it Means to be a Citizen

Our Rights

Rights fall into 3 main categories:

1. The right to be protected from unfair government actions
2. The right to be treated equally with others
3. The right to enjoy basic freedoms

The 5th amendment says no one shall “be deprived of life, liberty, or property, without due process of law.” Due process means the government must follow established procedures to take action against a citizen.

14th amendment guarantees all people equal protection of the laws. This principle means all people regardless of race, religion, or political beliefs, must receive the same treatment under the law.

The 1st amendment outlines many of our basic freedoms including: freedom of religion, freedom of speech and of the press, freedom of assembly, and freedom to petition the government. The Framers knew that in a free society in which people rule, people must be able to share ideas.

There are some limits on our rights, for example the government can limit our freedom of speech or our right to hold a protest if it threatens public health or safety. Also one person’s rights cannot take away the rights of other people. These limits must be applied equally to all people.

The Duties and Responsibilities of Citizenship

A citizen is a person who owes loyalty to a nation and is entitled to its protection. For the most part anyone born on US soil is automatically a US citizen, this includes territories and bases around the world.

It is also granted to anyone born outside the US if one parent is a US citizen. A person born in another country can become a citizen through naturalization process.

With citizenship comes duties and responsibilities. Duties are things we must do and responsibilities are things we should do. Citizens have a duty to obey the law, to pay taxes, and to sit on a jury if called to. Another duty is defending the country. All males 18 and older must register with the government in case they are needed to serve in the military.

Responsibilities are things a person should do though they may not be required by law. If people do not fulfill their responsibilities the quality of our government and communities is diminished. Exercising their right to vote is one of the most important responsibilities of a citizen. Voting allows you to participate in government and guide its direction.