

## *Constitutional Separation of Powers Lesson: Questions for Follow-up*

### *C - Legislative Branch*

#### *Comments:*

*1. Largest branch of government with 535 members. The power of this branch is to pass laws to protect the public welfare and keep the infrastructure of the country strong.*

#### *C - U.S. Congress labels*

*Enacts Laws and Declares War*

*Can Override Presidential Veto by 2/3 Majority Vote*

*Regulates Commerce and Imposes Taxes*

*Creates and Regulates Currency*

*Regulates Postal System*

*Raises, Supports and Regulates the Armed Forces*

*Grants Patents and Copyrights*

*Declares and Punishes Treason*

#### *R - House of Representatives labels*

*2-Year Term (Directly Elected) Originally 1/30,000 people / Now Capped 435 - Minimum of 1 per State*

*Must be 25 Years Old U.S. Citizen for 7 Years Resident of State*

*Initiates Revenue Bills*

*Speaker of the House*

*Succeeds Vice President in Cases of: Death, Resignation, Disability, Impeachment*

*Elects President if no Electoral Majority*

*Impeaches President and Vice President*

#### *S - Senate labels*

*6-Year Term (1/3 elected each 2 years)*

*2 Elected Per State - 100 Total*

*Appointed by State Legislature until 1913 when Changed to Direct Elections by the XVII Amendment*

*U.S. Citizen for 9 Years*

*Must be 30/State Resident*

*Approves Treaties by 2/3 Vote*

*Approves Presidential Appointments*

*Elects Vice President if no Electoral Majority*

*Tries Cases of Impeachment*

## Constitutional Separation of Powers Lesson: Stories

### Questions for Legislative Branch:

1.
  - a. *Why are senators elected for different terms than members of the House?*
  - b. *What are their terms of office? Can they be reelected? Are they all elected in the same schedule?*
  - c. *What is the minimum number of members of Congress for each state?*
  - d. *How does this change from state to state?*
  - e. *Which Constitutional guidelines determine representation in Congress?*
  
2.
  - a. *What is the main reason behind the Senate and the House having different numbers of members?*
  - b. *Wouldn't it seem more equitable if both houses were the same size?*
  - c. *What was being protected at the state level?*
  - d. *This issue was a big concern at the time of Constitutional ratification, why?*
  
3. *Why does the President need to seek Congressional approval for Executive branch budgets?*
  
4. *Why does Congress need to seek Presidential approval for Congressional budgets?*
  
5.
  - a. *How can Congress remove the President from office?*
  - b. *Which condition(s) are necessary?*
  - c. *What part does the House play?*
  - d. *What part does the Senate play?*
  - e. *Is it necessary for both houses to agree? Why or why not?*
  - f. *Did this ever happen to a U.S. president?*
  
6.
  - a. *What does it mean for the President to veto a bill?*
  - b. *What is necessary for Congress overturn the veto?*
  - c. *Why did the Founding Fathers do this? How were the American people being protected?*
  
7. and 8.
  - a. *According to the Constitution, which branch can declare war?*
  - b. *Which branch conducts the war and under what title?*
  - c. *Which branch creates the armed forces and approves budgets for war?*
  - d. *How does this protect the American people?*
  - e. *What are the names of the current branches of the U.S. armed forces?*
  
9.
  - a. *Why did the Constitution provide for a national currency and banking system?*
  - b. *Who is in charge of making money and setting its value? How is this power shared?*
  
10. *Why is there a national postal system?*
  
11. *Why are patents and copyrights granted only by the federal government?*
  
12. *What is the regulation of commerce and why is it regulated at the federal level?*

## *Constitutional Separation of Powers Lesson: Questions for Follow-up*

### *Comments for Legislative Branch:*

- 1. Senate has two representatives per state while the House is dictated by a fraction of the total U.S. population during a 10-year census divided approximately by 435. All states have at least one representative and two senators.*
- 2. The difference between the two houses is to balance power between large and small states. The resulting formula was an important compromise in 1789 as states needed to ratify (approve) the Constitution.*
- 3. Congress is responsible for appropriating money for federal projects forcing the President to seek approval to spend public dollars.*
- 4. The President must approve budgets and all funding passed by Congress as a check on government spending.*
- 5. Congress can force a President from power through the process of Impeachment and Conviction of certain crimes. (Impeachment has happened a few times, i.e. A. Johnson, Clinton. No president was removed from office as a result of a conviction. Both Presidents were acquitted. Nixon resigned before the process could begin.)*
- 6. Congress can overturn a President's veto if 2/3 of the legislators in both houses vote to do so.*
- 7. Only Congress can declare war against another sovereign nation. They also approve budgets.*
- 8. They are in charge of creating and supporting the armed forces even though the President is considered the Commander-in-Chief, leading the armed forces in times of war. This is to keep the President from having full control over the armed forces and prevent him/her from taking over control of the country.*
- 9. Congress is in charge of the national currency and regulates how much money is produced at any one time. States cannot create their own currency. This is to encourage commerce across state lines. Congress divides its responsibilities between House and Senate as a further protection and check on power.*
- 10. Congress also regulates the postal system because it crosses state lines. One state's power ends and another begins. If the rules were different, it would make things more difficult. This way, the states do not have to pay for the costs either.*
- 11. This is true for patents and copyrights that are granted federally, meaning they apply to all states.*
- 12. Congress regulates commerce because it also crosses state lines. States used to have taxes called tariffs if goods crossed from one state to another. This is now illegal. States can impose sales taxes on goods sold within each state.*

## Constitutional Separation of Powers Lesson: Stories

### *P - Executive Branch*

#### *P - President labels*

*Two 4-Year Terms/ Maximum 10 years  
(Limits Imposed by the XXII Amendment)  
Elected Electoral Majority with Vice President  
Natural Born U.S. Citizen  
35 Years Old/14 Years U.S. Resident  
Faithfully Executes Laws  
Approval or Veto of Proposed Laws  
Commander-In-Chief Armed Forces  
Grants Reprieves and Pardons  
Negotiates Treaties with Foreign Nations  
Appoints Ambassadors, Judges, Public Ministers, Consuls, and Cabinet*

#### *V- Vice President labels*

*4-Year Term Along With President Election also by Electoral Majority  
Succeeds President in Cases of: Death, Resignation, Disability, Impeachment  
Presiding Officer of the Senate*

#### *Questions for Executive Branch:*

1.
  - a. *Why is the President required by the Constitution to be a natural born citizen of the U.S.?*
  - b. *From whom are the American people protected by this provision?*
2.
  - a. *Why are term limits set for the President?*
  - b. *What is the maximum length of time a President can be in office?*
3.
  - a. *Who succeeds the President?*
  - b. *Under what conditions?*
  - c. *Who is third in line to succeed the President? What position does this person hold in which branch?*
  - d. *Who is fourth in line to succeed the President? What position does this person hold in which branch?*
  - e. *Why are members of the Cabinet in the Executive Branch next in line?*
4. *What are the Vice-President's duties?*

#### *Extra credit:*

*Think about the main responsibilities of the next people and the order they may succeed the President. How would this experience help if there were a need to assume the presidency?*

#### *Comments for Executive Branch:*

1. *President is the only government official who is required to be a natural born citizen of the United States. This is so to protect the U.S. to be taken over by a foreign head of state.*
2. *President is limited to the number of years (s)he can be in power. The limit is two 4-year terms or a total of 10 years. This is to safeguard the country from one person being able to take over and stay in power too long.*
3. *Vice President succeeds President. Speaker of the House is 3<sup>rd</sup>. President Pro Tem of the Senate is 4<sup>th</sup>. Secretary of State is 5<sup>th</sup>, other cabinet members are next in a certain order.*
4. *Vice President presides over the Senate. VP does not have a vote, but can break ties. Vice President is no longer separately elected from the President.*

#### *Extra credit:*

*The VP and Speaker of the House preside over a portion of the Congress. This might give them good exposure to important issues should they ever have to take over from the President.*

## *Constitutional Separation of Powers Lesson: Questions for Follow-up*

### *J – Judicial Branch labels*

*Judges Appointed for Life “During Good Behavior”*

*Nominated by the President – Approved by the Senate*

### *SC – U.S. Supreme Court labels*

*Highest Appellate Court in the Land*

*Final Determination of FEDERAL Constitutionality of Both Federal and State Laws*

*Original Jurisdiction: Maritime Cases, Certain Cases Between Federal and State Levels*

### *F – Federal Courts labels*

*U.S. Appellate Courts (11) Courts of Appellate Jurisdiction (now 13)*

*District Courts (approximately 100)*

*Courts of Original Jurisdiction*

### *Questions for Judicial Branch:*

1.
  - a. *Why are federal judges appointed for life?*
  - b. *Who appoints them?*
  - c. *Who confirms them?*
  - d. *What is the Constitutional standard for a federal judge to remain in his/her position?*
2.
  - a. *What is the process of “judicial review”?*
  - b. *What is so important about this process?*
  - c. *How does this protect the Constitution?*
  - d. *Can decisions by the Supreme Court be overturned?*
3. *What happens to laws that do not pass the process of judicial review?*
4. *Why do panels of multiple judges hear cases at the Appellate and Supreme Court levels?*

### *Extra credit:*

1. *What are some differences between federal, state, and local court systems?*

### *Comments for Judicial Branch:*

1. *Judges are appointed by the President and confirmed by the Senate. They are not elected directly by the people. This is to protect them from being too political. Once they are in office, they cannot be removed as long as they are showing “good behavior.” They must be impeached and convicted by Congress through the same process as members of the Executive Branch.*
2. *Through the power of judicial review, the courts have the ability to declare laws unconstitutional. Decisions by the Supreme Court cannot be overturned. Instead, laws have to be rewritten and go through the legislative process again.*
3. *In order for this process to start, laws must be challenged in the Federal District Courts and work their way through the Appellate Courts to the Supreme Court.*
4. *Federal district cases are decided by one judge.  
Federal appellate cases are decided by a majority of at least three judges.  
Supreme Court cases are decided by a majority or a minimum of five out of nine judges. Since the constitutionality of a law is being determined, it is best to have more than one person providing an opinion. The majority gets to make the decision, but the minority opinion is also heard.*
5. *There are now 13 Appellate Courts with the addition of D.C. Court, which hears cases regarding the constitutionality of federal government rules and the Federal Appellate Courts, which hear cases involving patents and customs.*