

Unit 3 – Branches & Levels of Gov't



Objective 1

Analyze the structure and powers of the federal executive, legislative, and judicial branches.

Objective 2

Compare and contrast branches of government at the local, state, national, and international levels.

	LEGISLATIVE	EXECUTIVE	JUDICIAL
FEDERAL	U.S. Congress: - Senate - House of Rep	President, VP Cabinet Exec Dept/Agencies Exec. Office of Pres. (EOP) Fed. Bureaucracy	U.S. Supreme Ct Circuit Cts of Appeals District Courts
STATE	N.C. General Assembly: -Senate - House of Rep	Governor N.C. Councils of State Lt. Gov Cabinet	N.C. Supreme Ct Court of Appeals Superior Courts District Courts
LOCAL	Municipal: Council, Mayor County: Board of Commissioners	Municipal: Manager, Police Chief County: Manager, Sheriff	<i>Run at local level on behalf of the state:</i> - District Attorney - Lower court judges

Organization of Congress

HOUSE

Lower house

**By population – census,
districts within state**

**2 yr terms, all reps
run every time**

25 yr old, 7 yr citizen

Speaker of the House

SENATE

Upper house

Equal – 2 per state

**6 yr terms, elections
staggered 1/3 at a time**

30 yr old, 9 yr citizen

**Vice President &
President pro temp**

?

Leadership

- **Speaker of House** is the most powerful member of Congress – *why?*
 - Elected by majority party
 - Next in line after VP in line of succession
 - Can steer legislation, decide on priorities
- **VP and President pro tempore** preside over the Senate only
 - VP can only vote if there is a tie – *why?*
 - President pro temp (when VP is absent)
 - Senior member of the majority party
 - No special powers, mostly honorary position

- **Majority leader** of the Senate and **Minority leader** of the House are also very influential in organizing votes, etc.
 - Elected by majority/minority party
- **Committee chairs** have a lot of power to decide on the fate of bills
 - Chosen by seniority
 - *What are the pros/cons of this system?*
 - Committees are where bills start: they can be killed in committee before they ever go to the floor for a vote

Committees

- **Standing** = permanent
 - Examples: Budget, Foreign Relations, Armed Services, Agriculture, etc.
- **Select** = temporary, deal with a special issue
 - Examples: Homeland Security, Indian Affairs
- **Joint** = include members of both houses
 - Examples: Taxation, Economics, Library

Congressional Powers

A stylized, monochromatic blue-toned illustration serves as the background. It depicts a gavel resting on a rolled-up scroll or document. The scroll has some faint, illegible markings on it. The overall style is graphic and minimalist.

- *Review: what type of powers are given to the federal government?*
- **Money**
 - Taxes, borrowing, coining
- **Commerce**
 - Regulate interstate and foreign trade
- **Military and Foreign Policy**
 - Declare war, provide and regulate armed forces
- **Other**
 - Naturalization laws, post office

Implied Powers

- *Review: where does the Constitution give Congress its implied powers?*
- Examples:
 - Power to tax implies power to support schools, welfare programs, etc.
 - Power to borrow implies power to maintain the Federal Reserve Board
 - Power to regulate commerce implies power to prohibit discrimination in restaurants, etc.
 - Power to provide armed forces implies right to draft
 - Power to establish naturalization laws implies right to limit immigration

Impeachment

- Congress has the power to impeach federal government officials
 - Only 2 presidents have been impeached – *who?*
 - *What other officials are sometimes impeached?*
- Impeach = accuse of misconduct
- Process
 - Begins when the House votes to impeach
 - Trial takes place in the Senate
 - Ends when the Senate votes on guilt or innocence
 - 2/3rds vote necessary to remove from office

Limits

- **Bill of Rights** outlines laws that Congress cannot pass – *example?*
- **Checks and Balances:** President can veto a bill, the Supreme Court can rule an act unconstitutional
- **Other limits:**
 - Cannot favor one state over another or interfere with reserved powers of the states
 - Cannot tax intrastate commerce or exports
 - Cannot suspend the right of habeas corpus
 - Court order requiring police to bring prisoners to court to explain why they are being held
 - Cannot pass a bill of attainder
 - Punish a person without a jury trial
 - Cannot pass ex post facto laws
 - Punish an action that was not illegal when committed

Representing the People

- **Making laws**
 - Write and introduce bills, participate in committees, debate and vote on bills on the floor
- **Casework**
 - Help constituents who request help or information
- **Pork-barrel projects**
 - Create public works projects that help home state/district
 - Help businesses at home get federal grants and contracts
 - *Why is there so much debate about “pork”?*

N.C. General Assembly

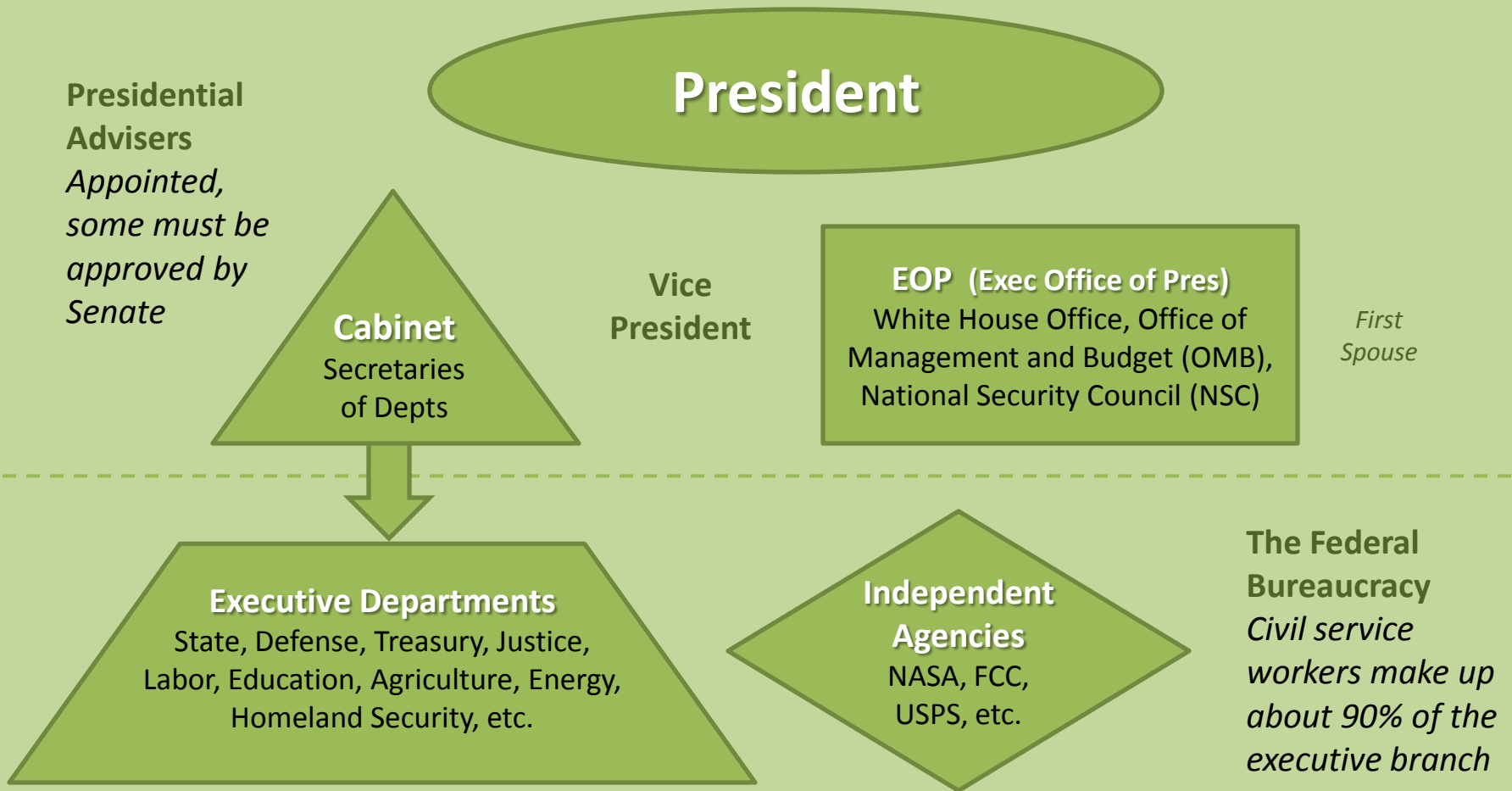
- *Review: what kind of powers are granted to the states?*
 - Regulate intrastate commerce, establish local gov'ts , run elections, provide education, protect public health and welfare
- Organization, leadership, lawmaking process, checks/balances very similar to U.S. Congress
 - One major difference: Amendments to the NC Constitution are decided through an election - *current example?*
- **Statutes** = laws that apply statewide
 - Examples: Smoking in restaurants, lottery

Local Legislatures

- Created by General Assembly through incorporation (charter) or annexation (addition)
- Make ordinances (local laws): taxes, budget, policies

	Municipal (city/town)	County
Legislative Body	City/town Council	Board of Commissioners
Leader	Mayor	Chairperson
Services (major examples)	Taxes, Law enforcement, Waste, Water, Libraries, Parks Streets and sidewalks Traffic control Gas Electricity	Taxes, Law enforcement, Waste, Water, Libraries, Parks Elections Jails Public schools Social services

Federal Executive Branch



The President



- **Chief Executive**

- Carry out laws, head bureaucracy, issue executive orders

- **Chief Diplomat**

- Direct foreign policy, make treaties, appoint ambassadors, issue executive agreements and trade sanctions

- **Commander in Chief**

- Head military, order troops into battle or to do other peacetime jobs

- **Chief of State**

- Greet and visit other leaders, carry out ceremonial functions

- **Legislative Leader**

- Propose and influence legislation process, veto/sign laws, give State of Union

- **Judicial Leader**

- Appoint federal/Supreme Ct judges, grant pardons or amnesty, issue reprieves

- **Economic Leader**

- Create policies to help economy grow/solve problems, plan budget

- **Party Leader**

- Lead party, fundraise, campaign for or appoint other party members

Foreign Policy

Four main goals:

- National Security
 - State Dept, Dept of Defense, Dept of Homeland Security, National Security Council (Top military commanders, CIA)
- International trade
 - *If a main goal is to encourage international trade, why would the President ever issue an embargo?*
- Promoting world peace
 - Ex. Leader in the United Nations, Middle East peace process, etc.
- Promote democracy around the world
 - *How successful have we been?*

Limits

- Can be impeached by Congress
- Executive orders subject to judicial review by Supreme Ct
 - Korematsu v. U.S. (1944): *Do you think the Court upheld the internment of Japanese Americans during WW2? Do you agree with the court's decision?*
- Senate must approve all appointments
 - Judges, Cabinet/Agency heads, Ambassadors
- Congress must declare war, approve long-term troop deployment
 - War Powers Act of 1973: *Why would Congress limit the power of the President to wage war after Vietnam?*
- Must get sponsors for bills, Congress can override veto with 2/3 vote in both houses

Advisers

- *What is the role of the Vice President?*
- **Cabinet**
 - Heads of Executive Departments
 - Must be approved by Senate
 - Sec. of State, Defense, and Treasury most powerful
- **Executive Office of the President (EOP)**
 - White House Office
 - Political appointees, closest advisers
 - Chief of Staff most powerful, Press Secretary most visible
 - Office of Management and Budget (OMB)
 - Prepares the budget, matches proposals with goals of the administration
 - National Security Council directs military and foreign policy
 - Joint Chiefs of Staff, Sec of State and Defense, Director of CIA, etc.

Bureaucracy

Functions

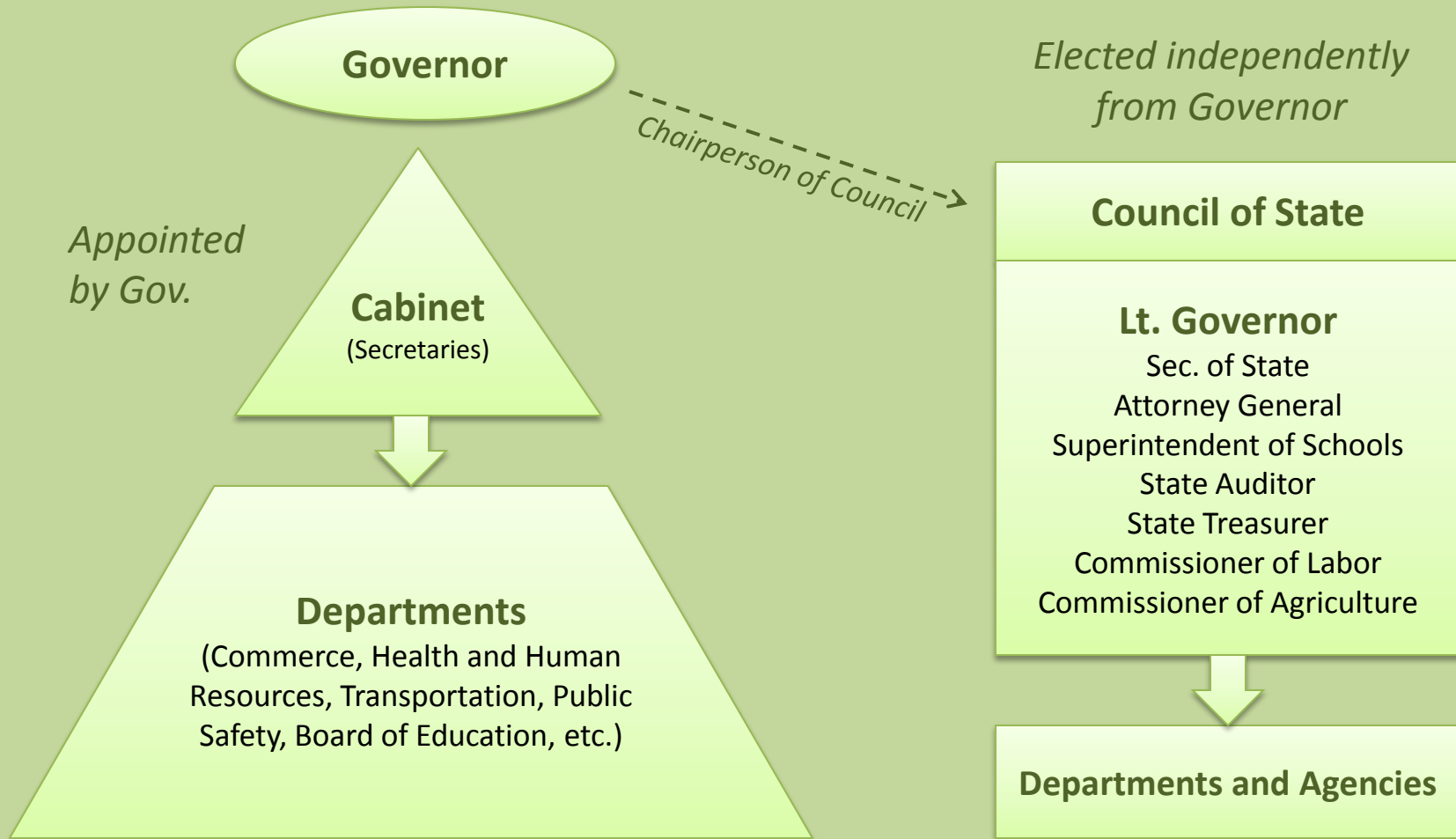
- Develop specific rules and procedures based on new legislation
- Administer day-to-day operations such as delivering mail, sending out Social Security checks, and collecting taxes
- Regulate activities of companies, labor unions, airlines, nuclear power plants, etc.

Parts

- Executive Departments (under the Cabinet)
- Independent Agencies
 - Executive Agencies (NASA), Gov't Corporations (Post Service), and Regulatory Boards/Commissions (FCC)
- Civil Service Workers
 - Federal government employees hired to work for a department or agency on a long-term basis
 - Chosen based on the **merit system**, not political – *why?*



N.C. Executive Branch



What are the pros and cons of our state's divided executive branch?

Local Executives

- In NC, mayors have almost no executive power and serve mainly as the chairperson of the city/town council (“weak mayor” system)
 - *Why might this form of government developed over time to replace the strong executive mayor system?*
- So in NC municipalities and counties, the executive is a **Manager** is hired by the council/board to carry out local laws and head executive departments
 - *What are the pros/cons of this system?*
- The head of law enforcement for a municipality is the **Chief of Police** (hired by council) and for a county is the **Sheriff** (elected by voters)
 - *Why elect the sheriff?*

Shared Legislative & Executive Powers

Congress creates and funds the military, approves long-term troop use, declares war, and approves treaties

Congress, General Assembly, and local Councils/Boards approve budgets, make laws that determine how to spend tax money

WAR
(expressed)

BUDGET
(concurrent)

President commands the military, deploys troops, negotiates treaties, can ask for a war declaration

President, Governor, and local Managers propose budgets, make decisions about money allocated to programs and agencies

Federal Court System

- Jurisdiction = authority to hear and decide a case
 - **Exclusive:** Only federal courts can hear these cases
 - *Example?*
 - **Concurrent:** Federal and state courts can hear
 - *Example?*
 - **Original:** Hear case for first time
 - **Appellate:** Hear cases when lower court decision is challenged (can uphold/reverse the decision, or remand back to lower court to be tried again)
- Judges are appointed by President
 - *Who approves the appointment?*
 - Lifetime appointment (can retire or be impeached)
- *Review: what is a precedent?*

Hierarchy	Jurisdiction	Major Examples of Cases
U.S. Supreme Court (1)	<p>Appellate</p> <p>Limited original (disputes between states, diplomats)</p>	<p>Cases involving final interpretation of the U.S. Constitution (<i>examples?</i>)</p> <p>Disputes between states (<i>examples?</i>)</p> <p>Cases involving foreign diplomats</p> <p>Appeals of decisions made by Circuit Courts</p>
Circuit Cts of Appeals (13)	Appellate	Appeals of decisions made by District Courts
Federal District Courts (94)	<p>Original</p> <p>(Only level in the federal court system to hear testimony and include juries)</p>	<p>Criminal violations of federal laws (<i>examples?</i>)</p> <p>Civil lawsuits between parties from different states or against the federal gov't (<i>examples?</i>)</p> <p>Cases involving foreign gov'ts or international waters</p>

U.S. Supreme Court

- Judicial review was first established in the Supreme Court case **Marbury v. Madison**
 - *Review: What is the power of judicial review?*
 - *What branches/levels of government are subject to judicial review – examples?*
- Limits on the Court's power:
 - Depends on executive officials at all levels to enforce its decisions (Ex. Brown v. Board of Ed)
 - Congress can get around a ruling by passing a new law or adopting a new amendment to the Constitution
 - Can only rule on cases that involve federal questions and come to it through the appeals process
 - Justices are appointed by President, approved by Senate, can be impeached

Landmark Decisions

- Lawyers only present written and oral arguments, answer questions from justices
- Justices meet in conferences to discuss
 - Consider precedents, changing social conditions, and differing legal views – *current examples?*
- Justices write their **Opinions**
 - **Majority:** Official explanation of final decision
 - **Dissenting:** A justice may choose to explain why he/she disagrees with the decision – *why?*
- After the announcement, all lower courts must use the decision as the new precedent in similar cases (*stare decisis* – let the decision stand)

N.C. Courts

N.C. Supreme Court

Highest appeals, death penalty cases
state constitution/law interpretation

*When could a
case go higher
than the N.C.
Supreme Ct?*

N.C. Court of Appeals

Trial court appeals for new verdict

*Every state
level judge in
NC is elected,
not appointed
– why?*

District Courts

MINOR civil and criminal cases,
juvenile cases, search/arrest warrants

Superior Courts

MAJOR civil suits and
felony trial courts

Other judicial officers: District Attorneys, Magistrates, Public Defenders

N.C. Landmark Cases

- State v. Mann (1830)
 - Mann was a slaveholder arrested for beating an enslaved woman
 - The NC Supreme Court overturned his arrest based on interpretation of the NC Constitution
 - *When would this case have been “overturned”?*
- Leandro v. State (1997)
 - Citizens from 5 low-wealth counties sued the state for money to supplement their school budgets
 - The NC Supreme Court ruled the state is not required to ensure equal funding for all school systems
 - A follow-up case did ensure extra funding for at-risk students
 - *Do you agree with the Leandro decision?*

