When the framers of the Constitution met in Philadelphia in 1787, they created a national government with three branches that balanced one another’s powers.

The Federal System

The framers of the Constitution wanted to create a government powerful enough to protect the rights of the citizens and defend the country against its enemies. To do so, they set up a federal system of government, a system that divided powers between the states and the federal government.

- The Constitution assigns certain powers to the national government. These are called delegated powers. Among them are the right to coin money and to regulate trade.
- Reserved powers are those kept by the states. These powers include creating local governments and holding elections.
- Concurrent powers are those shared by the federal and state governments. They include tasking, borrowing money, and enforcing laws.
- Sometimes Congress has had to stretch its delegated powers to deal with new or unexpected issues. A clause in the Constitution states that Congress may “make any Laws which shall be necessary and proper” for carry out its duties. This clause, called the elastic clause – because it can be stretched (like elastic) – provides flexibility for the government.
Legislative Branch

The federal government has three branches, each with distinct responsibilities and powers. This separation balances the branches and keeps any one of them from growing too powerful.

The first branch of government is the legislative branch, or Congress. It makes the nation’s laws. Article I of the Constitution divides Congress into the House of Representatives and the Senate.

- With 435 members, the House of Representatives is the larger congressional house. The U.S. Census, a population count made every 10 years, determines how many members represent each state.
  - A system called apportionment keeps total membership at 435. If one state gains a member, another state loses one.
  - Members must be at least 25-years-old, live in the state where they were elected, and have been U.S. citizens for seven years. They serve two-year terms.
- The Senate has two members, or senators per state. Senators represent the interests of the whole state, not just the district.
  - They must be at least 30-years-old, have been U.S. citizens for nine years, and live in the state they represent. They serve six-year terms.
  - The senior senator of a state is the one who has served the longer of the two.
- Members of Congress can serve an unlimited number of terms in office.
- The political party with more members in each house is the majority party. The one with fewer members is the minority party.
- The leader of the House of Representatives, or Speaker of the House is elected by House members from the majority party.
- The U.S. Vice President serves as president of the Senate. He takes no part in Senate debates, but can vote to break ties. If he is absent, the president pro tempore (pro term for short) leads the Senate.
- Congress begins session, or meeting, each year in the first week of January.
- Both houses do most of their work in committees. Each committee studies certain types of bills, or suggested laws. For example, all bills about taxes begin in the House Ways and Means Committee.
Executive Branch

Article II of the Constitution lists the powers of the executive branch. This branch enforces the laws passed by Congress.

- As the head of the executive branch, the president is the most powerful elected leader in the United States.
- To qualify for the presidency or vice president, one must be a native-born U.S. citizen at least 35-years-old.
- Americans elect a president and vice president every four year.
- The Twenty-second Amendment (1951) limits presidents to two terms.
- If the president dies, resigns, or is removed from office, the vice president becomes president for the rest of the term.
- The House of Representatives can impeach, or vote to bring charges of serious crimes against, a president. Impeachment cases are tried in the Senate. If a president is found guilty, Congress him from office.

The president and Congress are often on different sides of an issue. However, they must still work together.

- Congress passes laws. However, the president can ask Congress to pass or reject bills. The president can also veto, or cancel laws Congress has passed. Congress can try to override, or undo, the veto. However, this is difficult since it takes a two-thirds majority vote.
- To carry out laws that affect the Constitution, treaties, and statues, the president issues executive orders. The commands have the power of law.

- The president may also grant pardons, or freedom from punishment, to persons convicted of federal crimes or facing criminal charges.

- The president also commands the armed forces. In emergencies, the president can call on U.S. soldiers. Only Congress, however, can declare war.

- Other executive duties include conducting foreign relations and creating treaties.

- Executive departments do most of the executive branch work (see below).
Judicial Branch

The third branch of government, the judicial branch, is made up of a system of federal courts headed by the U.S. Supreme Court.

- The Constitution created the Supreme Court, but the Judiciary Act of 1789 created the system of lower district and circuit courts.
- Article III generally outlines the courts’ duties.
- Federal courts can strike down a state or federal law if the court finds a law unconstitutional (in conflict with the Constitution). Congress can then try to revise the law to make it constitutional.
- The president makes appointments to federal courts. In an effort to keep federal judges free of party influence, the judges are given lifelong appointments.
- The lower federal courts are divided according to cases over which they have jurisdiction, or authority.
- Each state has at least one of the 94 district courts.
- If someone is convicted of a crime believes the trial was unfair, he or she may take the case to the court of appeals. There are 13 courts of appeals. Each has a panel of judges to decide if cases heard in lower courts were tried appropriately. If the judges uphold, or accept, the original decision, the original outcome stands. Otherwise, the case may be retried in the lower court.
- After a case is decided by the court of appeals, the losing side may appeal the decision to the Supreme Court. Thousands of cases go to the Supreme Court yearly in the hope of a hearing, but the Court has time to hear only about 100 cases. Generally the cases heard involved important constitutional or public-interest issues. If the Court decides to hear a case, the court of appeals decision is final.
- Nine justices sit on the Supreme Court. The chief justice of the U.S. leads the Court. Unlike the president and members of Congress, there are no specific constitutional requirements for becoming a justice.