

Branches of Government

The [delegates](#) to the Constitutional Convention faced a difficult challenge. They wanted to ensure a strong, [cohesive](#) central government, yet they also wanted to ensure that no individual or small group in the government would become too powerful. Because of the colonies' experience under the British monarchy, the delegates wanted to avoid giving any one person or group absolute control in government. Under the Articles of Confederation, the government had lacked centralization, and the delegates didn't want to have that problem again. To solve these problems, the delegates to the Constitutional Convention created a government with three separate branches, each with its own distinct powers. This system would establish a strong central government, while insuring a balance of power.

Governmental power and functions in the United States rest in three branches of government: the legislative, judicial, and executive. Article 1 of the Constitution defines the legislative branch and vests power to legislate in the Congress of the United States. The executive powers of the President are defined in Article 2. Article 3 places judicial power in the hands of one Supreme Court and inferior courts as Congress sees necessary to establish. A complete diagram of the branches of the U.S. Government may be found in the [U.S. Government Manual](#) (PDF, 9.7k).

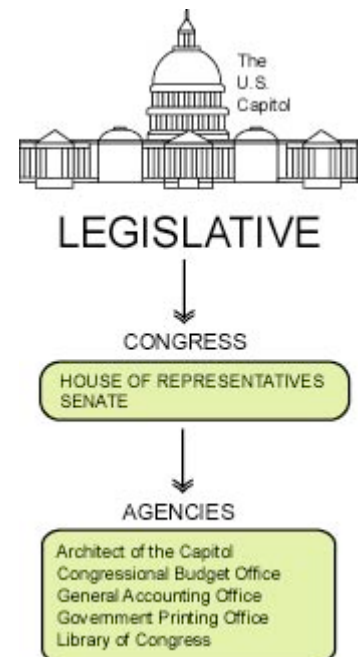
Though in this system of a "[separation of powers](#)" each branch operates independently of the others. However, there are built in "[checks and balances](#)" to prevent tyrannous concentration of power in any one branch and to protect the rights and liberties of citizens. For example, the President can [veto](#) bills approved by Congress and the President nominates individuals to serve in the Federal judiciary; the Supreme Court can declare a law enacted by Congress or an action by the President unconstitutional; and Congress can impeach the President and Federal court justices and judges.

The Legislative Branch

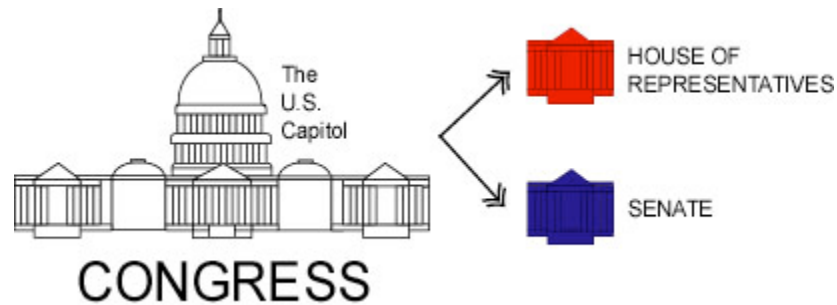
The legislative branch of government has the authority to make laws for the nation. It was established in Article I of the Constitution with the creation of Congress. Agencies such as the Government Printing Office, Library of Congress, Congressional Budget Office, and the General Accounting Office, that provide support services for the Congress are also part of the legislative branch.

Congress is [bicameral](#), that is, it is made up of two chambers, the Senate and the House of Representatives. This system was created by the Founding Fathers after much debate. [Delegates](#) to the Constitutional Convention from larger and more populated states wanted congressional representation to be based upon population. Fearing domination, delegates from smaller states wanted equal representation. The Great Compromise resulted in the creation of two houses, with representation based on population in one and with equal representation in the other.

Now members of Congress are elected by a direct vote of the people of the state they represent. It has not always been this way for the Senate. Prior to 1913 and the 17th Amendment to the Constitution, Senators were chosen by their state legislatures. The Senate was viewed as representative of state governments, not of the people. It was the responsibility of Senators to ensure that their state was treated equally in legislation.



The U.S. Congress



The primary duty of Congress is to write, debate, and pass [bills](#), which are then passed on to the president for approval.

The Constitution grants Congress "all legislative powers" in the national government. Article I, Section 8, of the Constitution lists a wide range of congressional powers, including:

- Coining money.
- Maintaining a military.
- Declaring war on other countries.
- Regulating interstate and foreign commerce.

Congress also controls federal taxing and spending policies—one of the most important sources of power in the government. The Constitution also gives Congress the authority to "make all laws which shall be necessary and proper," an implied source of power sometimes called the [Elastic Clause](#).

One of the most important implied powers is Congress's authority to investigate and oversee the executive branch and its agencies, such as the Department of Defense and the Department of Justice. Congress also holds hearings on matters of general public concern. Sometimes members of Congress conduct these hearings to identify problems that create a need for new laws. In other cases Congress holds hearings to raise public awareness about an issue.

There are, however, some congressional powers that are rarely used such as the ability to [impeach](#) an official and [amending](#) the Constitution.

In addition to the power described above, Congress shares powers with the president in matters such as, framing U.S. foreign policy and control over the military. For example, while the president negotiates treaties, they are only put into effect once the Senate approves them. Also, while Congress can declare war and approve funds for the military, the president is the commander-in-chief of the military.

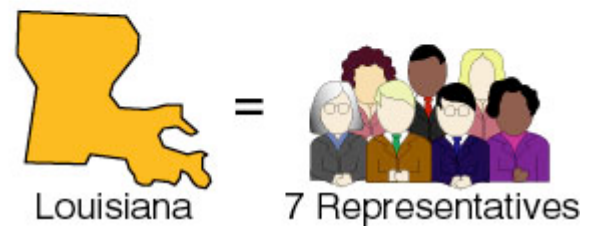
A new Congress begins in January every two years following congressional elections, in which voters choose all representatives and a third of the senators. The entire House membership faces re-election every two years, but the Senate is a continuing body because there is never an entirely new Senate. Since the First Congress, which met from 1789 to 1791, all Congresses have been numbered in order. We are currently in the 108th Congress. Congress meets once every year. Usually the session lasts from January 3rd to July 31st, but it can last much longer.

For the most part, the House and Senate each meet in their respective chamber in the U.S. Capitol in Washington, D.C. However, on rare occasions, they will meet together for a joint session of Congress in the House chamber. For example, a joint session will be called to count electoral votes for presidential elections.

The House of Representatives

When the Constitution was being drafted, a debate broke out between states with large populations and those with smaller populations. Each had a different opinion about how the states should be represented in the new government. To be fair to each group, a compromise was reached. By dividing Congress into two houses, the House of Representatives would favor states with larger populations, while the Senate would favor those states with smaller populations.

There are a total of 435 members in the House of Representatives. Each member represents an area of a state, known as a congressional district. The number of representatives is based on the number of districts in a state. Each state is guaranteed one seat. Every ten years, the U.S. Census Bureau counts the population of the states to determine what number of districts should be in each state.



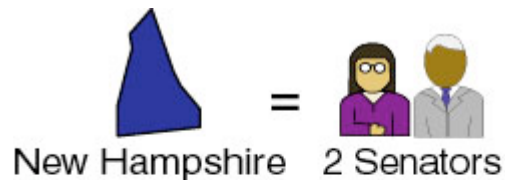
Representatives, elected for two-year terms, must be 25 years old, a citizen for at least seven years, and a resident of the state from which they are elected. Five additional members—from Puerto Rico, Guam, American Samoa, the Virgin Islands, and the District of Columbia—represent their constituencies in the House. While they may participate in the debates, they cannot vote.

The House has special jobs that only it can perform. It can:

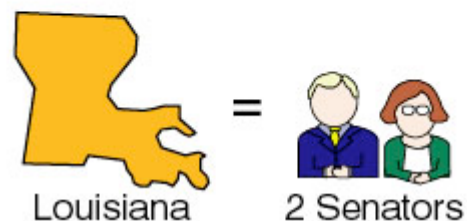
- Start laws that make people pay taxes.
- Decide if a government official should be put on trial before the Senate if s/he commits a crime against the country. This is known as impeachment.

The Senate

There are a total of 100 members in the Senate. The Constitution states that the vice president has formal control over the Senate and is known as the president of the Senate. The vice president is only present for important ceremonies and to cast a tie-breaking vote.



Senators, elected for six-year terms, must be 30 years old, a citizen for at least nine years, and a resident of the state from which they are elected.



As in the House, the Senate also has special jobs that only it can perform. It can:

- Say yes or no to any treaties the president makes.
- Say yes or no to any people the president recommends for jobs, such as cabinet officers, Supreme Court justices, and ambassadors.
- Can hold a trial for a government official who commits a crime against the country.