

Three Branches

By Mr. Marcus



Well there are three branches of our government

Legislative, Executive and Judicial too

And each has a different power regarding law

Making it, enforcing it, and interpreting it too

<p><u>Legislative</u> The power to make law</p>	<p><u>Executive</u> The power to enforce the law</p>	<p><u>Judicial</u> The power to interpret law</p>
<p>Congress</p>	<p>President</p>	<p>Courts</p>

Now Congress has the power to legislate

The enumerated powers are in Article I, Section 8

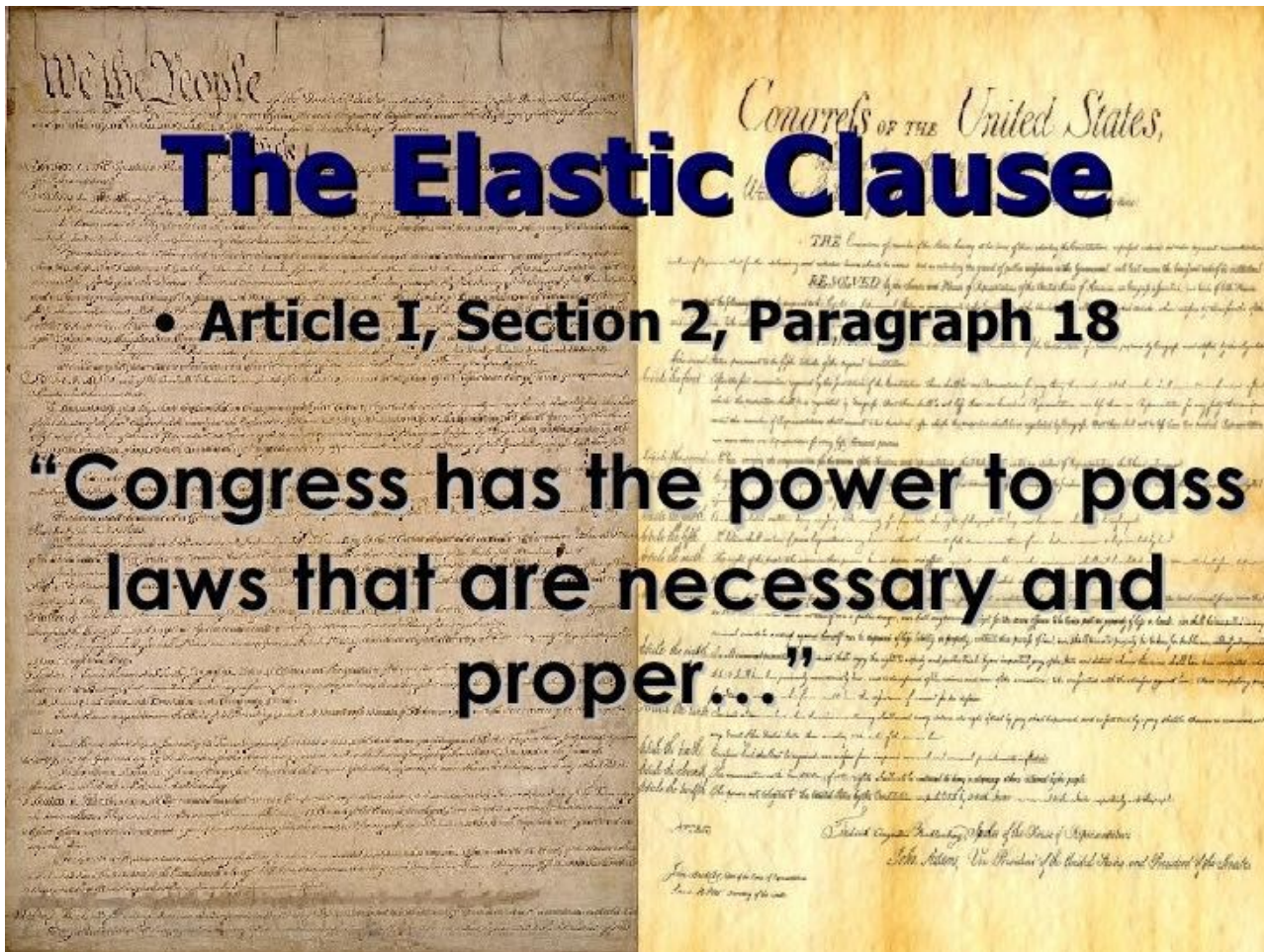
And they can tax and spend and borrow and regulate

Immigration, weights and measures and commerce when it's interstate



Enumerated powers of Congress

- lay and collect taxes
- borrow money on the credit of the U.S.
- regulate commerce with foreign nations
- establish an uniform rule of Naturalization
- & many more...



The Elastic Clause

• Article I, Section 2, Paragraph 18

“Congress has the power to pass laws that are necessary and proper...”

And if the power isn't listed they can still make a law

They'll say it's “necessary and proper”, that elastic little clause

But there are some limits on the Congress after all

Like no bills of attainder, or ex post facto laws



Bill of Attainder - the legislature declaring someone guilty of a crime

Ex Post Facto - An action made a crime after the fact

Yes there are three branches of our government

Legislative, Executive and Judicial too

And each represents a different part of society

National, state and local and fundamental rights too

National	State/Local	Fundamental Rights
The President is elected by the whole nation	Senators are elected by people from their state, members of the House by districts	The courts are not elected and so should not be influenced by politics

Judges in the Federal Courts	1,770
Members of Congress	535
Presidents	1

Well there is only one President of the United States

So at the top of this hierarchy, there isn't much debate

But there are some duties the President will delegate

To his Cabinet on such issues as treasury and state

And we started with just four but now there are fifteen

Secretaries sitting atop this huge bureaucracy

From the FBI to the Census Bureau and FDA
OSHA, FAFSA, NASA, the IRS and FAA



Seal of the Department of Agriculture



Seal of the Department of Commerce



Seal of the Department of Defense



Seal of the Department of Education



Seal of the Department of Energy



Seal of the Department of Health and Human Services



Seal of the Department of Homeland Security



Seal of the Department of Housing and Urban Development



Seal of the Department of the Interior



Seal of the Department of Justice



Seal of the Department of Labor



Seal of the Department of State



Seal of the Department of Transportation



Seal of the Department of the Treasury



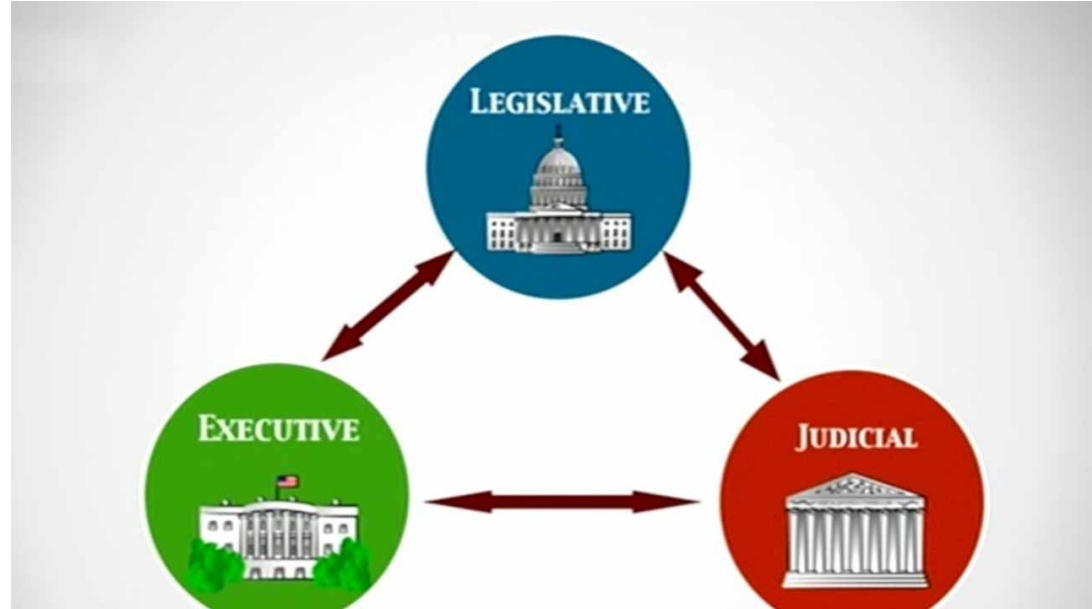
Seal of the Department of Veterans Affairs

Yes there are three
branches of our
government

Legislative, Executive and
Judicial too

And by dividing up the
duties of our government

We get separation of
powers, checks and
balances too





Supreme Court

- Highest court in the federal system
- Nine Justices, meeting in Washington, D.C.
- Appeals jurisdiction through *certiorari* process
- Limited original jurisdiction over some cases



Courts of Appeal

- Intermediate level in the federal system
- 12 regional "circuit" courts, including D.C. Circuit
- No original jurisdiction; strictly appellate



District Courts

- Lowest level in the federal system
- 94 judicial districts in 50 states & territories
- No appellate jurisdiction
- Original jurisdiction over most cases

Now when you make laws and enforce them some may disagree

So you need someone to judge, that's the judiciary

And there are three places where a federal court case could be

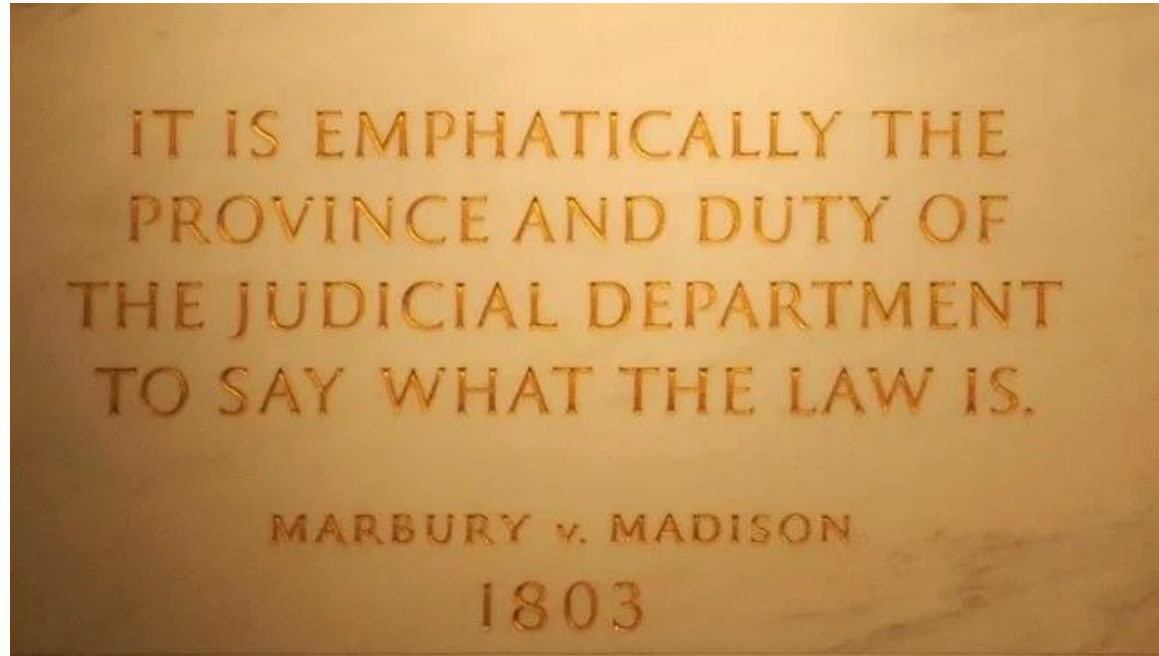
District Court, Court of Appeals and at the top is the Supreme

And the case must deal
with federal law or the
Constitution

Otherwise you won't have
proper subject matter
jurisdiction

But note Article III doesn't
mention judicial review

It took Marbury vs.
Madison to make that all
come true



Yes there are three branches of our government

Legislative, Executive and Judicial too

And once you understand all of the references in this song

You be a Constitutional scholar and a better citizen too!

