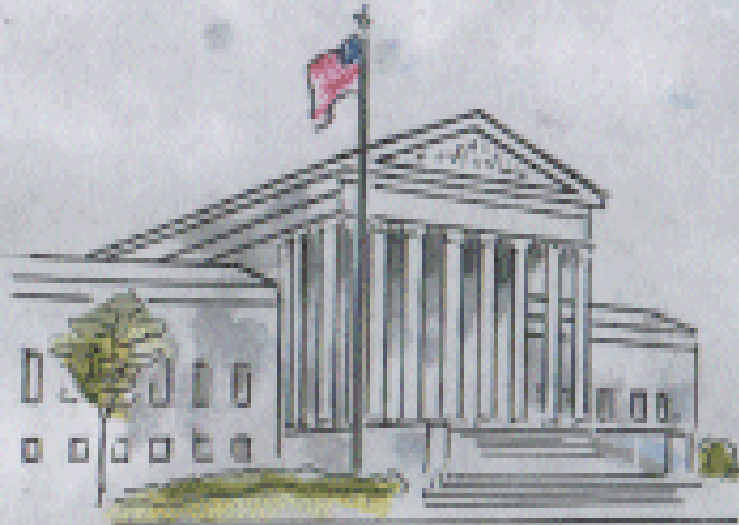
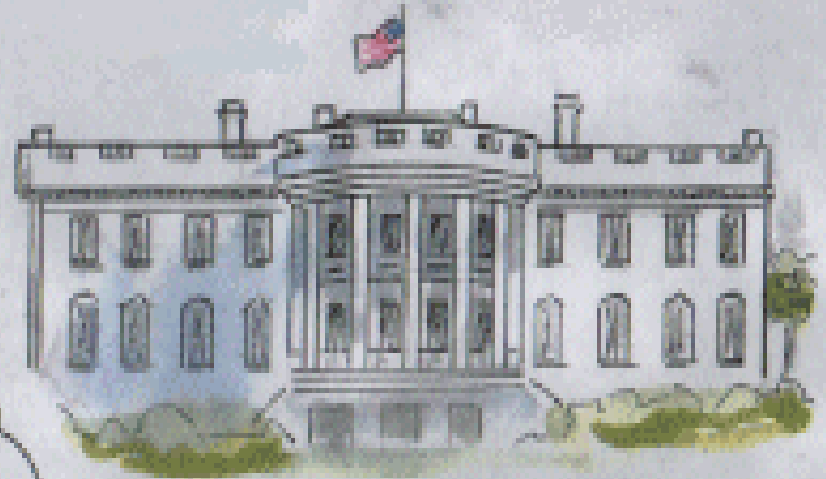


## **II. STRUCTURE OF U.S. GOVERNMENT**

**PRESENTED BY:  
JUDGE MARK A. SPEISER**



**Judicial**



**Executive**

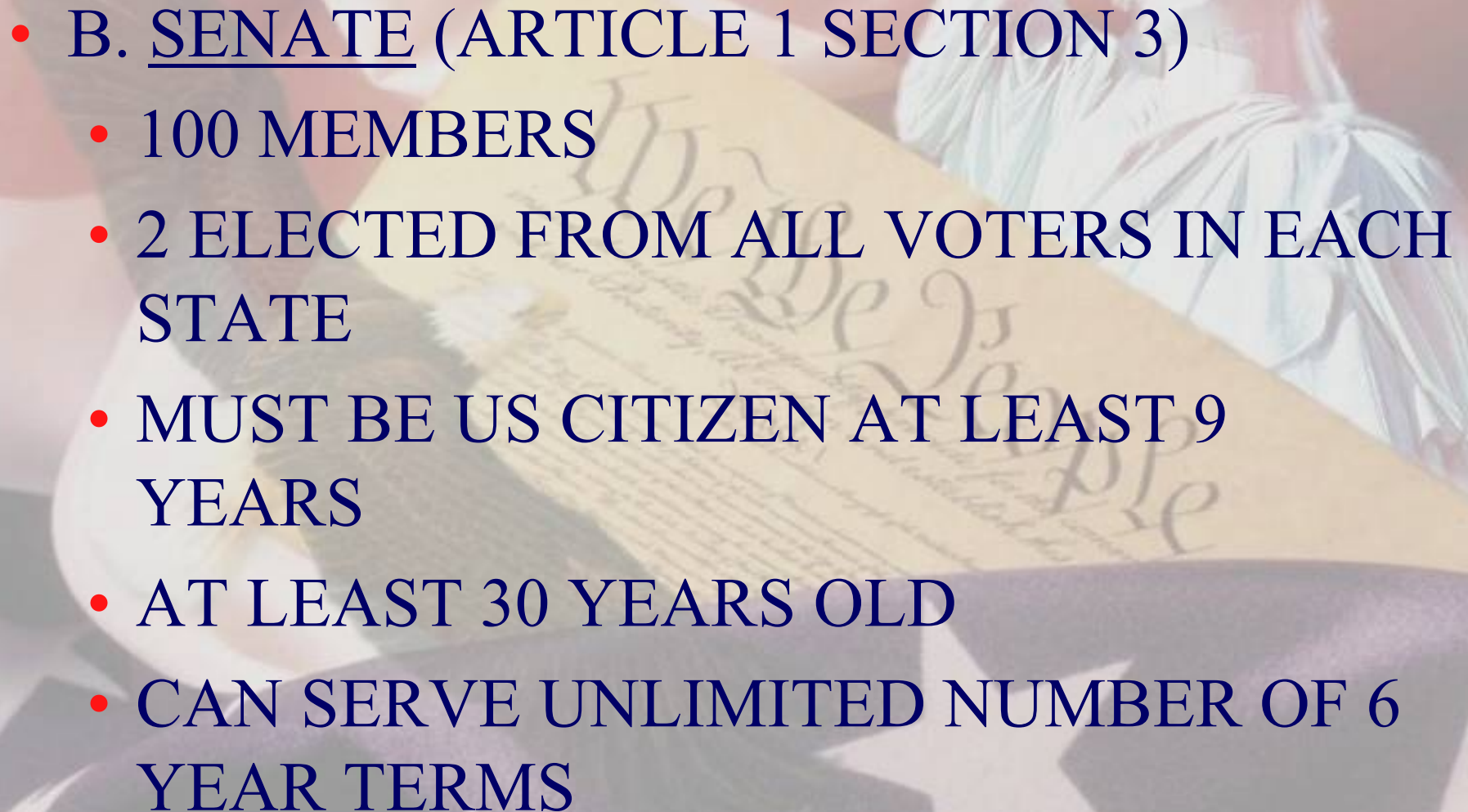


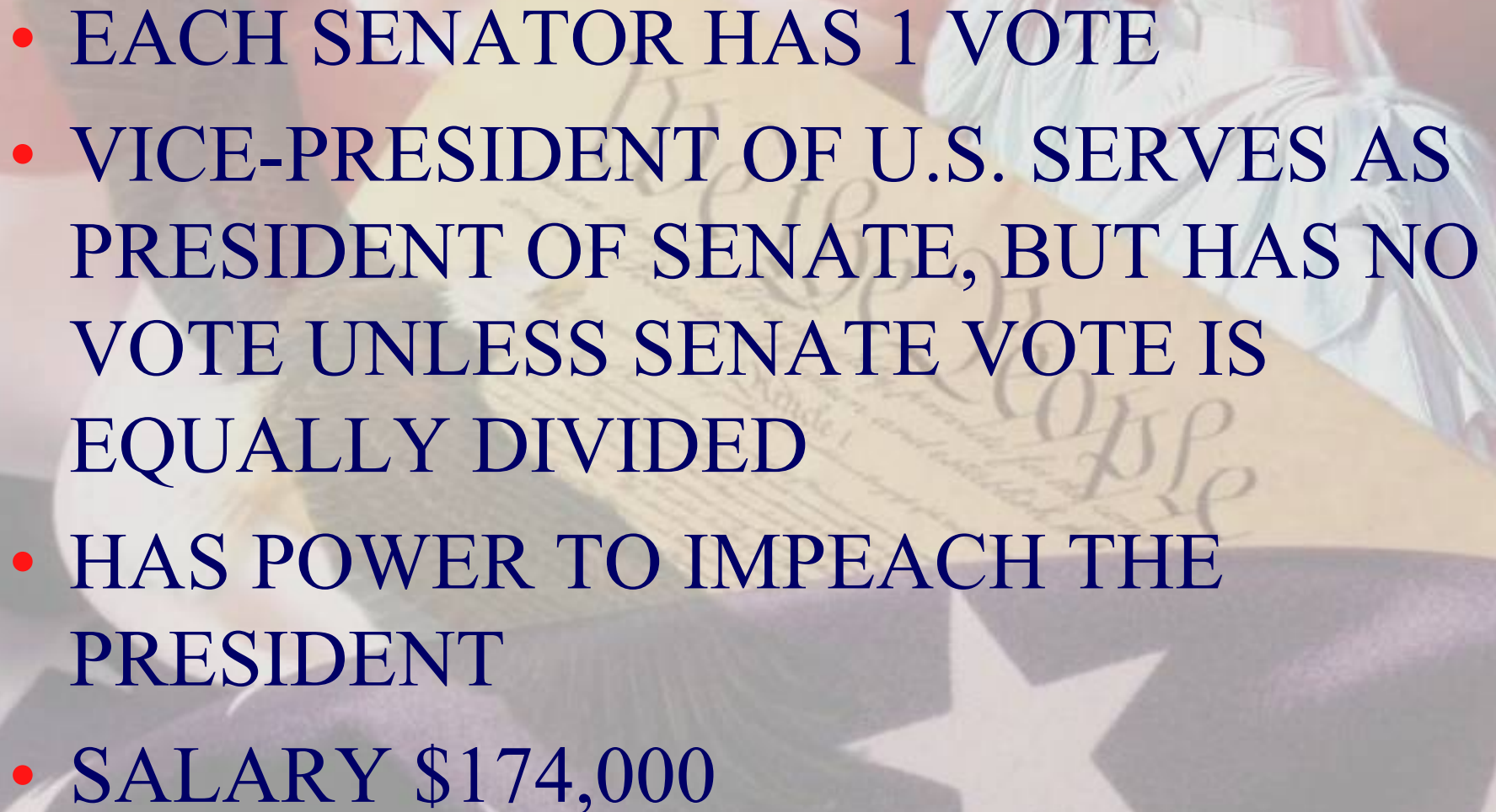
**Legislative**



# I. LEGISLATURE (ARTICLE 1)

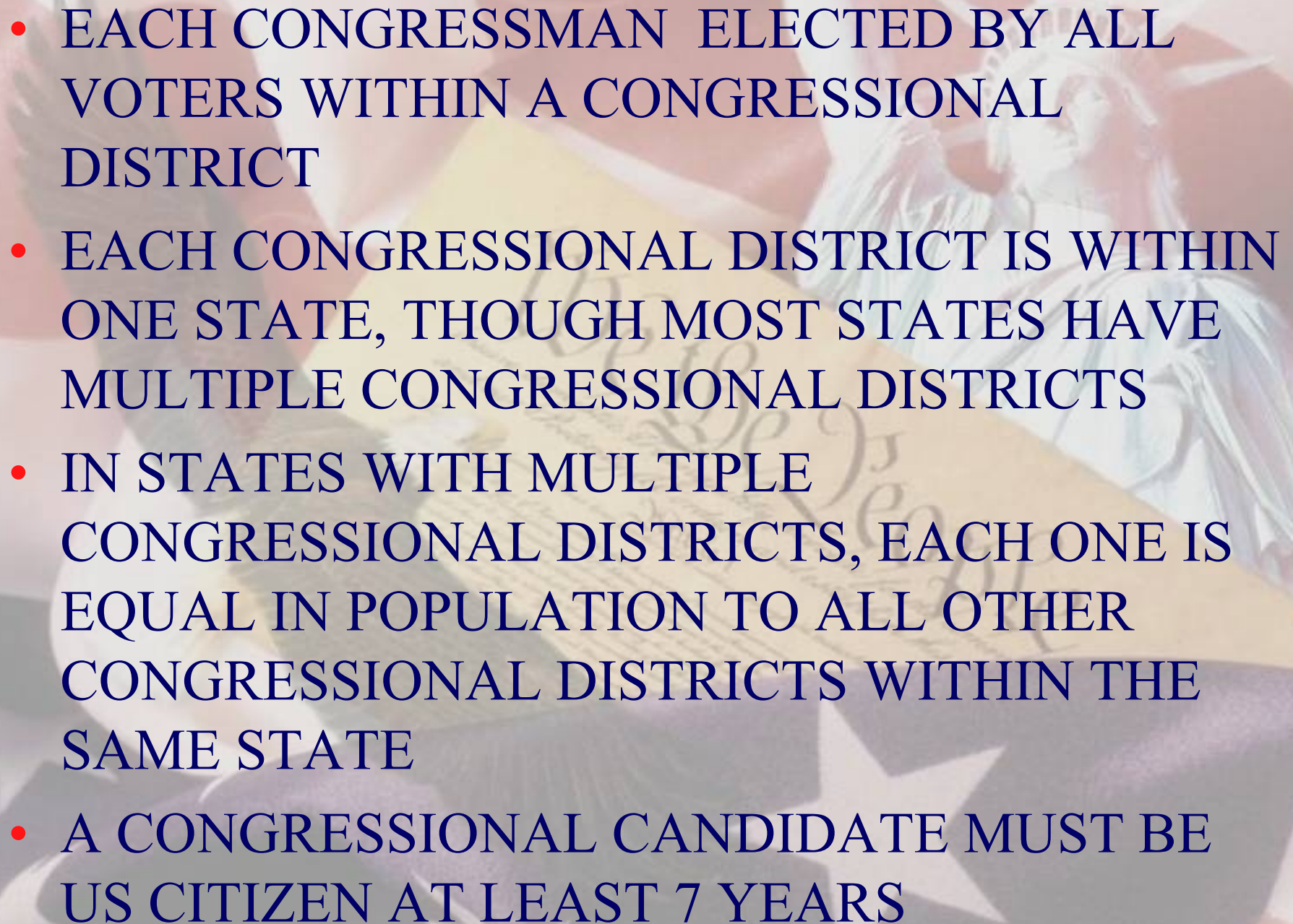
- A. 2 BRANCHES KNOWN AS CONGRESS
  - SENATE
  - HOUSE OF REPRESENTATIVES (HOUSE)
- PRIMARY RESPONSIBILITY
  - ENACT FEDERAL STATUTES

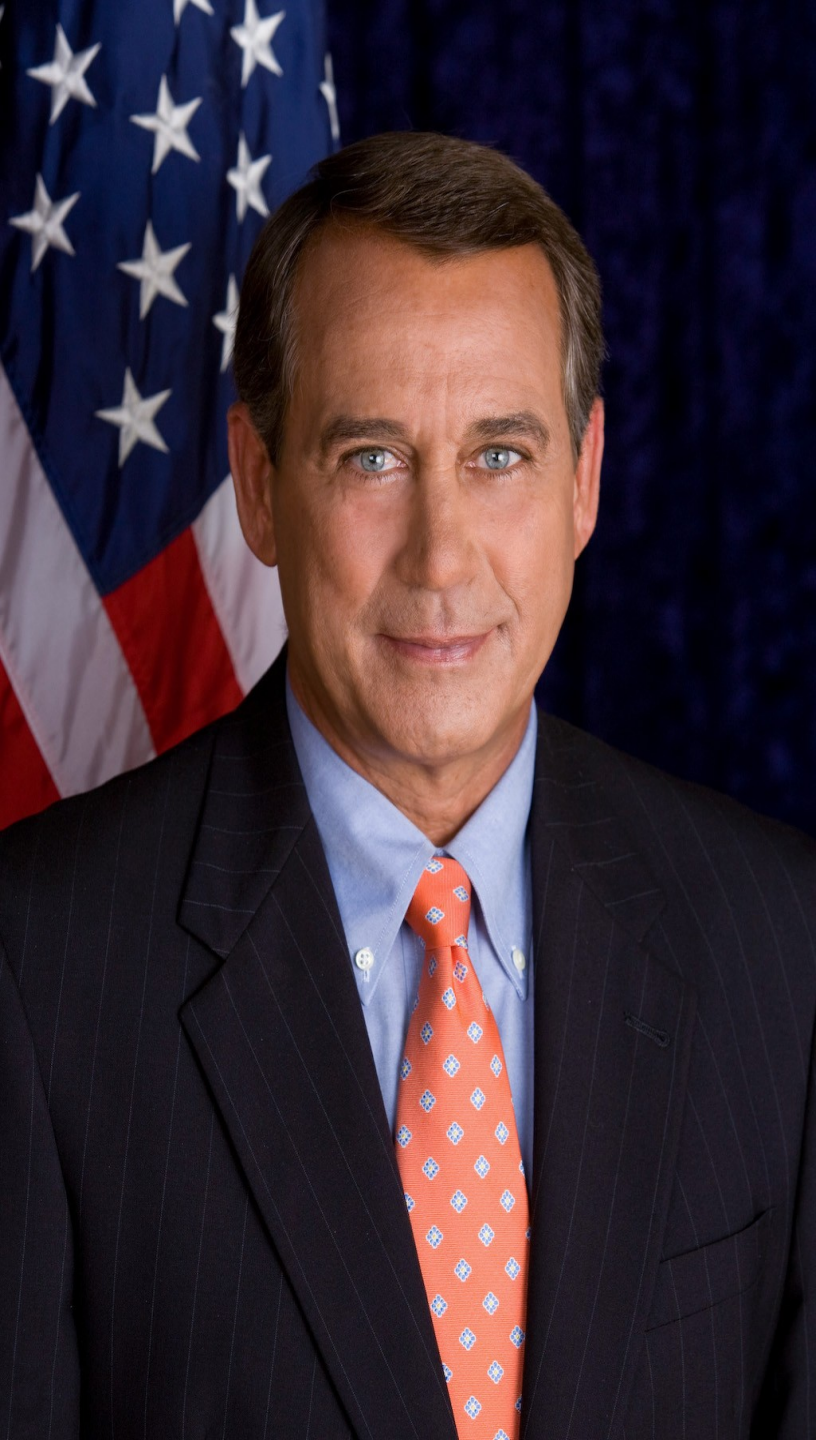
- 
- **B. SENATE (ARTICLE 1 SECTION 3)**
    - **100 MEMBERS**
    - **2 ELECTED FROM ALL VOTERS IN EACH STATE**
    - **MUST BE US CITIZEN AT LEAST 9 YEARS**
    - **AT LEAST 30 YEARS OLD**
    - **CAN SERVE UNLIMITED NUMBER OF 6 YEAR TERMS**

- 
- EACH SENATOR HAS 1 VOTE
  - VICE-PRESIDENT OF U.S. SERVES AS PRESIDENT OF SENATE, BUT HAS NO VOTE UNLESS SENATE VOTE IS EQUALLY DIVIDED
  - HAS POWER TO IMPEACH THE PRESIDENT
  - SALARY \$174,000

## C. HOUSE (ARTICLE 1 SECTION 2)

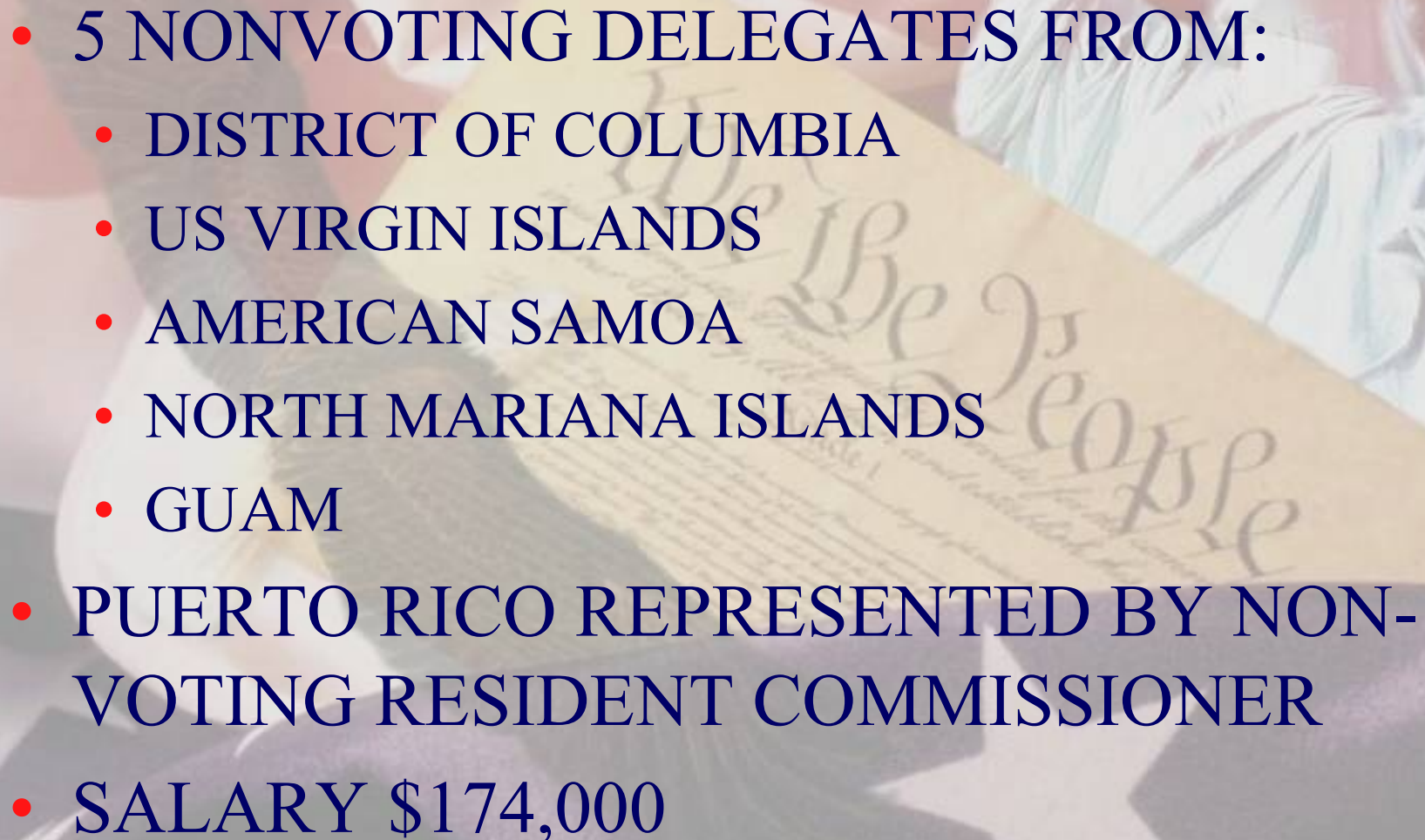
- CURRENTLY 435 MEMBERS
- TOTAL NUMBER MAY CHANGE EVERY 10 YEARS AFTER U.S. CENSUS TO ENSURE NUMBER OF MEMBERS EACH STATE HAS REFLECTS THE RELATIVE SIZE OF EACH STATE'S POPULATION COMPARED WITH OTHER STATES

- 
- The background of the slide features a faded image of a person in a dark suit and white shirt, holding a large document or map. A prominent white star is visible in the lower right quadrant of the background. The overall color palette is muted, with shades of grey, white, and dark blue.
- EACH CONGRESSMAN ELECTED BY ALL VOTERS WITHIN A CONGRESSIONAL DISTRICT
  - EACH CONGRESSIONAL DISTRICT IS WITHIN ONE STATE, THOUGH MOST STATES HAVE MULTIPLE CONGRESSIONAL DISTRICTS
  - IN STATES WITH MULTIPLE CONGRESSIONAL DISTRICTS, EACH ONE IS EQUAL IN POPULATION TO ALL OTHER CONGRESSIONAL DISTRICTS WITHIN THE SAME STATE
  - A CONGRESSIONAL CANDIDATE MUST BE US CITIZEN AT LEAST 7 YEARS



- AT LEAST 25 YEARS OLD
- CAN SERVE UNLIMITED NUMBER OF 2 YEAR TERMS
- SPEAKER OF HOUSE IS LEADER OF REPRESENTATIVES



- 
- 5 NONVOTING DELEGATES FROM:
    - DISTRICT OF COLUMBIA
    - US VIRGIN ISLANDS
    - AMERICAN SAMOA
    - NORTH MARIANA ISLANDS
    - GUAM
  - PUERTO RICO REPRESENTED BY NON-VOTING RESIDENT COMMISSIONER
  - SALARY \$174,000

# D. GENERAL POWERS OF CONGRESS (ART.1 SECTIONS 8)

- TAXING POWER TO RAISE REVENUES AND PAY DEBTS
- PROVIDE FOR THE WELFARE AND HEALTH OF CITIZENS
- REGULATE FOREIGN AND DOMESTIC INTERSTATE COMMERCE
- TO DECLARE WAR, PROVIDE A DEFENSE AND ARM THE MILITARY

- 
- TO PRINT AND REGULATE THE U.S. CURRENCY
  - ENACT LAWS
  - POSTAL POWER
  - PROMOTE SCIENCE AND ARTS
  - COPYRIGHT AND TRADEMARK POWER
  - BANKRUPTCY POWER
  - IMMIGRATION AND NATURALIZATION POWERS

## E. HOW LEGISLATION BECOMES LAW (ART. 1 SECTION 7)

- EVERY BILL (PROPOSED LEGISLATION) MUST PASS BOTH CHAMBERS OF CONGRESS BY A MAJORITY VOTE
- IF PRESIDENT SIGNS BILL IT BECOMES LAW
- IF PRESIDENT TAKES NO ACTION ON BILL AT ALL AFTER 10 DAYS, BILL AUTOMATICALLY BECOMES LAW

- IF BILL TIMELY REJECTED BY PRESIDENT (“VETO”), BILL RETURNS WITH THE PRESIDENT’S NOTED OBJECTIONS TO CONGRESS WHERE IT IS VOTED ON AGAIN. IF AFTER RECONSIDERATION, 2/3RDS OF BOTH CHAMBERS APPROVE (“OVERRIDING A VETO”) THE BILL BECOMES LAW WITHOUT THE PRESIDENT’S SIGNATURE
- OTHERWISE THE BILL FAILS AND DOES NOT BECOME LAW
- A BILL CAN ORIGINATE IN EITHER CHAMBER BY A MEMBER OF THAT CHAMBER (EXCEPT BILLS TO RAISE REVENUE, “TAXES” THAT MUST ORIGINATE IN THE HOUSE)



## II. EXECUTIVE BRANCH (ART. 2 SECTION 1)

- PRESIDENT MAY SERVE 2 TERMS, EACH TERM IS 4 YEARS
- MUST BE A NATURAL BORN U.S. CITIZEN
- AT LEAST 35 YEARS OLD AND 14 YEAR RESIDENT OF U.S.
- SALARY IS \$400,000

# A. PRESIDENTIAL POWERS (ART.2 SECTION 2)


- COMMANDER-IN-CHIEF-MILITARY
- GRANT PARDONS FOR CRIMES AGAINST U.S.
- ENTER INTO TREATIES WITH ADVICE AND CONSENT OF 2/3RDS OF SENATE
- APPOINT AMBASSADORS, CABINET MEMBERS, FEDERAL JUDGES WITH CONSENT OF MAJORITY OF SENATE
- VETO POWER OVER PROPOSED CONGRESSIONAL LEGISLATION

## B. PRESIDENTIAL CABINET (ART. 2 SECTION 2)

- SECRETARY OF STATE
- SECRETARY OF TREASURY
- SECRETARY OF DEFENSE
- ATTORNEY GENERAL (DEPARTMENT OF JUSTICE)
- SECRETARY OF INTERIOR



- 
- SECRETARY OF AGRICULTURE
  - SECRETARY OF COMMERCE
  - SECRETARY OF LABOR
  - SECRETARY OF HEALTH AND HUMAN SERVICES
  - SECRETARY OF HOUSING AND URBAN DEVELOPMENT

- 
- SECRETARY OF TRANSPORTATION
  - SECRETARY OF ENERGY
  - SECRETARY OF EDUCATION
  - SECRETARY OF VETERAN AFFAIRS
  - SECRETARY OF HOMELAND SECURITY

# C. CABINET MEMBERS

- ANNUAL SALARY \$199,700
- SERVE AT WILL OF PRESIDENT BUT MUST BE APPROVED BY A MAJORITY VOTE OF SENATE AND ONLY PRESIDENT CAN FIRE THEM
- COLLECTIVELY MEET WEEKLY WITH THE PRESIDENT

# D. FEDERAL LAW ENFORCEMENT AGENCIES

- DEPARTMENT OF JUSTICE
  - FEDERAL BUREAU OF INVESTIGATION(FBI)
  - DRUG ENFORCEMENT ADMINISTRATION (DEA)
  - BUREAU OF ALCOHOL, TOBACCO AND FIREARMS (ATF)
  - U.S. MARSHALS SERVICE
  - FEDERAL BUREAU OF PRISONS

# DEPARTMENT OF HOMELAND SECURITY (DHS)

- BORDER PATROL (USBP)
- IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)
- SECRET SERVICE (USSS)
- WHITE HOUSE POLICE FORCE
- FEDERAL AIR MARSHALS

# E. JURISDICTION OF FEDERAL LAW ENFORCEMENT

- ENFORCE NATIONWIDE FEDERAL LAWS WITHIN SCOPE OF THEIR AGENCY'S STATUTORY AUTHORITY AS SET FORTH IN U.S. CODE
- WITH PASSAGE OF U.S. PATRIOT ACT ON OCTOBER 26, 2001, FEDERAL OFFICERS' POWER EXPANDED TO STATE, COUNTY AND LOCAL LEVELS

# III JUDICIARY (ART. 3)

- U.S. SUPREME COURT
  - 9 JUSTICES  
NOMINATED BY  
PRESIDENT AND  
CONFIRMED BY  
MAJORITY OF SENATE
  - LIFETIME TENURE
  - SALARY
    - CHIEF JUDGE (1)
      - \$223,500
    - ASSOCIATE  
JUSTICES (8)
      - \$213,900



- 
- HIGHEST JUDICIAL BODY IN U.S.
  - JURISDICTION OVER TWO TYPES OF CASES
    - ORIGINAL JURISDICTION
      - VERY FEW HANDLED EACH TERM
        - CASES AFFECTING AMBASSADORS
        - DISPUTES BETWEEN STATES



# • APPELLATE JURISDICTION

- GRANTED BY FEDERAL STATUTES OR ART. III, SECTION 2 OF CONSTITUTION
  - PETITION FOR WRIT OF CERTIORARI FILED BY LOSING PARTY TO A CASE DECIDED BY A U.S.COURT OF APPEALS
  - WRIT OF CERTIORARI FROM A STATE SUPREME COURT WHERE AN ISSUE OF CONSTITUTIONAL OR U.S. STATUTORY LAW IS IN QUESTION
  - CERTIFIED QUESTION FROM A U.S. COURT OF APPEALS REQUESTING DIRECTION AS TO HOW TO DECIDE A CASE (RARE)
  - TO RESOLVE CONFLICT IN DECISIONS ON A PARTICULAR LEGAL ISSUE BETWEEN U.S. COURTS OF APPEALS IN TWO DIFFERENT CIRCUITS

## IV SEPARATION OF POWERS

- GOVERNMENT CONSISTS OF 3 EQUAL BRANCHES THAT ARE KEPT DISTINCT TO PREVENT ABUSE AND STACKING OF POWER

# EXAMPLES

- A. LEGISLATIVE POWERS (ART 1)

- ARE SINGULARLY VESTED IN CONGRESS
- POSSESSES EXCLUSIVE POWER TO ENACT LAWS, INCIDENTAL TO WHICH IS THE RIGHT TO CONDUCT INVESTIGATIONS AND HEARINGS UPON WHICH LEGISLATION MAY BE ENACTED

- CLINTON V. CITY OF NEW YORK


524.U.S.417(1998) US SUPREME COURT STATED LINE ITEM VETO ACT OF 1996 ENACTED BY CONGRESS VIOLATED “THE PRESENTMENT CLAUSE” OF ART 1, SECTION 7 OF CONSTITUTION BY GIVING PRESIDENT AUTHORITY TO SELECTIVELY NULLIFY AND CANCEL CERTAIN PROVISIONS OF APPROPRIATION BILLS BEFORE SIGNING IT INTO LAW.


- IT IS IMPERMISSIBLE FOR CONGRESS TO EXTEND TO THE PRESIDENT POWER TO UNILATERALLY AMEND PARTS OF STATUTES DULY PASSED BY CONGRESS
- CLINTON DECISION HELD ALTHOUGH PRESIDENT HAS POWER TO INITIATE AND INFLUENCE THE LEGISLATIVE PROCESS, AS WELL AS THE POWER TO RETURN TO CONGRESS AN **ENTIRE** BILL WITHIN 10 DAYS AFTER IT IS PRESENTED TO HIM (“PRESIDENTIAL VETO”), PRESIDENT HAS NO POWER TO ENACT, AMEND, APPEAL OR CANCEL PORTIONS OF A STATUTE

- CONGRESS HAS PLENARY “POWER TO REGULATE COMMERCE” AMONG THE SEVERAL STATES UNDER THE INTERSTATE COMMERCE CLAUSE (ART. 1 SECTION 8)

- U.S. V. LOPEZ

514 U.S. 549 (1995) HELD A FEDERAL LAW (“THE GUN-FREE SCHOOL ZONES ACT OF 1990) ENACTED BY CONGRESS MAKING IT A CRIME FOR ANYBODY TO KNOWINGLY POSSESS A FIREARM IN A SCHOOL ZONE IS BEYOND SCOPE OF INTERSTATE COMMERCE CLAUSE OF U.S. CONSTITUTION AND THEREFORE UNCONSTITUTIONAL

- 
- REASONING:
    - GUN POSSESSION NEAR SCHOOL IS NOT A COMMERCIAL ACTIVITY
    - NOT AN ACTIVITY THAT SUBSTANTIALLY AFFECTS INTERSTATE COMMERCE

- 
- NO “JURISDICTIONAL NEXUS” CONNECTING GUN POSSESSION TO INTERSTATE COMMERCE EXPRESSED IN STATUTE
  - CONGRESS SUBSEQUENTLY AMENDED STATUTE TO SATISFY THE “JURISDICTION NEXUS” BY PROVIDING THE LAW APPLIED ONLY TO A FIREARM “THAT HAS MOVED IN OR OTHERWISE AFFECTED INTERSTATE OR FOREIGN COMMERCE”

## **B. EXECUTIVE POWERS** **(ART 2 SECTION 1)**

- PRESIDENT HAS NO POWER TO ENACT LAWS BUT HAS POWER TO IMPLEMENT LAWS PASSED BY CONGRESS
- FEW POWERS EXPRESSLY CONFERRED UNDER ARTICLE 2 OF U.S. CONSTITUTION TO THE PRESIDENT
- SUPREME COURT INTERPRETS CONSTITUTION TO IMPLY MOST OF PRESIDENT'S DOMESTIC AND FOREIGN POWERS




- BUCKLEY V. VALEO 424 U.S. 1 (1976)
  - DECISION ANALYZES THE APPOINTMENT CLAUSE OF ART. 2 (THE EXECUTIVE BRANCH), SECT. 2, CLAUSE 2
  - ALTHOUGH CONGRESS HAS THE INHERENT AUTHORITY TO APPOINT ITS OWN INFERIOR OFFICERS TO PERFORM FUNCTIONS FOR ITS LEGISLATIVE STAFF COMMITTEES IT IS WITHOUT POWER TO APPOINT UNDER ART. 2, SECTION 2, CLAUSE 2 ITS OWN MEMBERS TO ANY FEDERAL GOVERNMENT AGENCY OR COMMISSION UNDER THE EXECUTIVE BRANCH (FEDERAL ELECTIONS COMMISSION) WITH ADMINISTRATIVE POWERS
  - LEADERS OF ADMINISTRATIVE AGENCIES UNDER THE EXECUTIVE BRANCH ARE SELECTED BY THE PRESIDENT SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE

- BOWSHER V. SYNAR 478 U.S. 714(1968)
  - CONGRESS HAS NO POWER TO RESERVE THE AUTHORITY TO SUMMARILY REMOVE AN OFFICER IN THE EXECUTIVE BRANCH GIVEN THE RESPONSIBILITY TO EXECUTE THE LAWS AND HAVING FIXED TERMS, OR OFFICERS PERFORMING JUDICIAL OR QUASI-JUDICIAL FUNCTIONS (FEDERAL TRADE COMMISSIONER OR AN ADMINISTRATIVE LAW JUDGE)
  - OTHERWISE PERSONS CHARGED WITH EXECUTING THE LAWS WOULD BE ANSWERABLE TO CONGRESS WHEN IN FACT THE CONSTITUTION PROVIDES THIS IS AN EXECUTIVE BRANCH FUNCTION OVERSEEN BY THE PRESIDENT

## V. INTERBRANCH CHECKS UPON EXERCISE OF FEDERAL POWER

- SEPARATION OF POWERS BETWEEN THREE BRANCHES IS NOT ABSOLUTE
- IT IS QUALIFIED BY DOCTRINE OF “CHECKS AND BALANCES”
- EACH BRANCH HAS CONSTITUTIONAL CONTROL OVER EACH OTHER
- SYSTEM ALLOWS EACH BRANCH TO RESTRAIN ABUSE BY ANOTHER BRANCH

- 
- CONGRESSIONAL LIMITS ON THE EXECUTIVE
    - HAS AUTHORITY TO IMPEACH PRESIDENT AND VICE PRESIDENT
    - APPROPRIATIONS POWER TO PREVENT PRESIDENT FROM IMPOUNDING FUNDS EXPLICITLY SET ASIDE FOR EXECUTIVE FUNCTIONS
    - LEGISLATIVE VETO



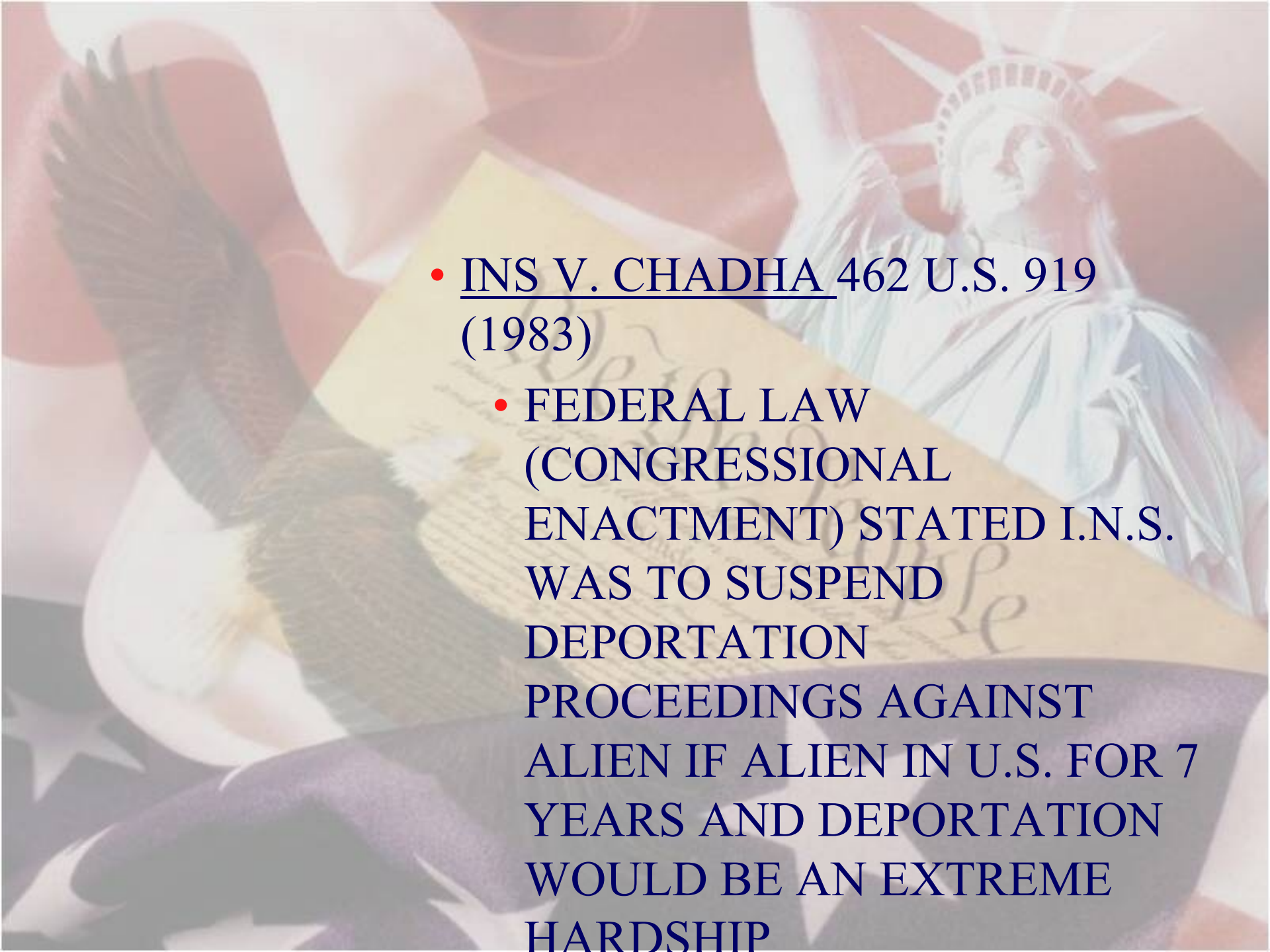
- EXECUTIVE CHECK ON CONGRESS

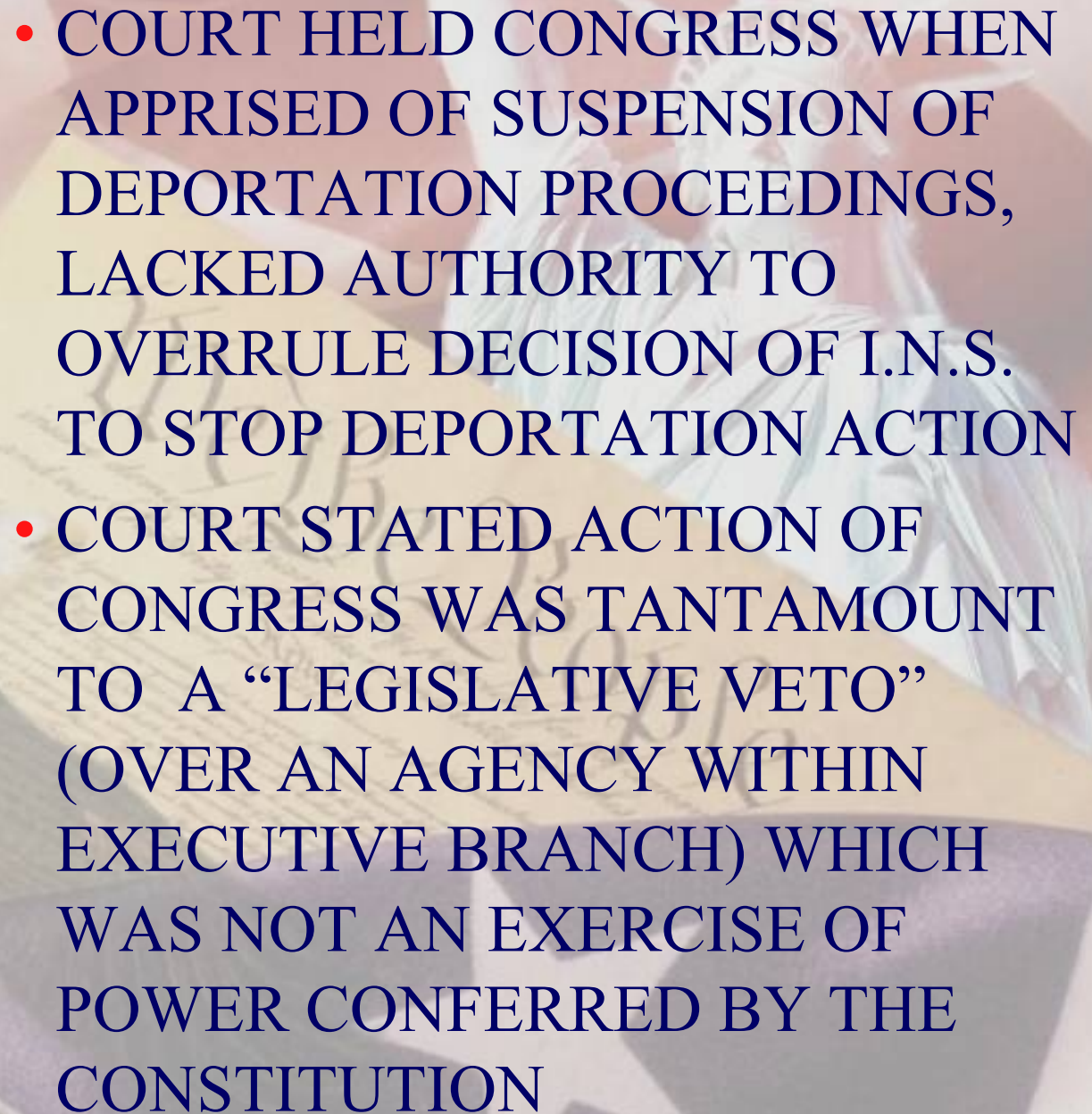
- PRESIDENT (ART. 1 SECTION 7) HAS POWER TO VETO ACTS OF CONGRESS TO PREVENT THEM FROM BECOMING LAW



- JUDICIAL RESTRAINTS ON PRESIDENT AND CONGRESS  
(ART. 3 SECT. 2)

- LOWER FEDERAL COURTS AND ULTIMATELY THE U.S. SUPREME COURT HAS FINAL AUTHORITY OVER CASES INVOLVING INTERPRETATION OF THE CONSTITUTION, ENACTMENTS OF CONGRESS, OR A FEDERAL TREATY

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- The background of the slide features a faded, artistic representation of the Statue of Liberty on the right side, holding a tablet. On the left side, there is a large, stylized eagle with its wings spread, set against a backdrop of a map of the United States. The overall color palette is muted, with soft blues, greys, and earthy tones.
- INS V. CHADHA 462 U.S. 919 (1983)
    - FEDERAL LAW (CONGRESSIONAL ENACTMENT) STATED I.N.S. WAS TO SUSPEND DEPORTATION PROCEEDINGS AGAINST ALIEN IF ALIEN IN U.S. FOR 7 YEARS AND DEPORTATION WOULD BE AN EXTREME HARDSHIP

- 
- The background of the slide features a stylized, semi-transparent image of the United States Capitol dome and an eagle with its wings spread, set against a light, warm-toned background. The eagle is positioned on the left side, with its wings extending towards the center. The Capitol dome is visible in the upper right portion of the background.
- COURT HELD CONGRESS WHEN APPRISED OF SUSPENSION OF DEPORTATION PROCEEDINGS, LACKED AUTHORITY TO OVERRULE DECISION OF I.N.S. TO STOP DEPORTATION ACTION
  - COURT STATED ACTION OF CONGRESS WAS TANTAMOUNT TO A “LEGISLATIVE VETO” (OVER AN AGENCY WITHIN EXECUTIVE BRANCH) WHICH WAS NOT AN EXERCISE OF POWER CONFERRED BY THE CONSTITUTION



A collage of American symbols including the Statue of Liberty, the bald eagle, the American flag, and the Constitution. The text "THE END" is overlaid in the center.

**THE END**