

Constitutional Law: Principles and Practice

The Constitution and the Federal Government: An Overview

Chapter 2

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Federalism

- System of state and national governments
- Types of power
 - Express vs. implied
 - Concurrent vs. exclusive
- Principle benefit is a check on abuses of government power

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Separation of Powers

- The Constitution divides the national government into three distinct branches:
 - Legislative
 - Executive
 - Judicial
- System of checks and balances:
 - No one has too much power.
 - Each branch checks the others.

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The Legislative Branch (Article I)

- Purpose is to make the laws
- Constitution imposes no limitations on congressional membership except:
 - Age
 - Citizenship
 - Residency
- Congress determines legislative compensation.
- Civil and criminal immunity protects legislators.

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Powers of Congress

- To make laws
 - Enumerated powers
 - Necessary and Proper Clause
- To approve presidential appointments
 - Federal judges
 - Cabinet members and ambassadors
- To impeach the president, vice president, and other national officers (including judges)

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The Executive Branch (Article II)

- Purpose is to enforce the laws
- Article II describes the president's:
 - Qualifications
 - Election process
 - Specific powers

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Executive Orders and Presidential Proclamations

- Executive orders
 - Carry out presidential duties
 - Directed to an administrative agency
- Presidential proclamations
 - Recognize important events or causes
 - Inherent powers

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The Judicial Branch (Article III)

- Judicial branch of federal government
 - Interprets laws and applies them to factual disputes
 - Appointed rather than elected
- Defines judicial power as “cases” and “controversies”

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Judiciary Act of 1789

- District courts
- Circuit courts

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The Federal Court System

- Federal trial courts
- Intermediate courts of appeals
- Supreme Court