

impeach to formally accuse an official of a crime related to official duties

judicial branch the part of government, consisting of the Supreme Court and lower federal courts, that interprets the laws

The Powers of the President The president does more than carry out laws passed by Congress. The president is commander in chief of the nation's military forces. He or she can, with the consent of the Senate, make treaties, or formal agreements, with other nations. The president nominates, or recommends, ambassadors (official representatives to other countries) and Supreme Court justices (judges). Finally, the president can grant pardons to people convicted of violating federal (national) laws.

The framers expected that the executive branch would need organizations called "departments" to carry out its duties. For example, the State Department handles relations with other nations. The Justice Department involved in law enforcement as well as in court actions. The heads of executive departments are members of the president's cabinet, a formal group of advisors.

Today, the executive branch has over a dozen departments. Each department contains smaller, specialized agencies. For instance, the Department of Health and Human Services contains the Food and Drug Administration. This agency works to ensure that foods and medicines meet safety standards that have been set by Congress.

Removing the President The Constitution gives Congress the power to remove a president or other officials from office if they commit certain crimes related to their duties. The House of Representatives can vote to impeach the president. To *impeach* means to formally accuse the president of the crimes specified in the Constitution. These include "Bribery, or other high Crimes and Misdemeanors." If the House votes to **impeach**, the Senate puts the president on trial, with the senators serving as the jury. If found guilty, the president is removed from office.

9.5 The Judicial Branch Interprets the Law

The framers intended the Constitution to be the "supreme Law of the Land." That means no other laws or actions by the government or by any state can conflict with the Constitution. Protecting the Constitution is one of the principal responsibilities of the third branch of government, the **judicial branch**. The judicial branch consists of the system of federal courts and judges.

Article III of the Constitution gives the basic framework of the judicial branch. It establishes the country's highest court, the Supreme Court. It also gives Congress the power to create "inferior" (lower) courts to meet the nation's needs.

In addition to protecting the Constitution, federal courts have the power to resolve disputes that involve national laws, the federal government, or the states. People accused of breaking national laws can be tried in federal court.

The Federal Court System Congress has authorized two main sets of inferior federal courts. These lower courts are called *district courts* and *appellate courts*.

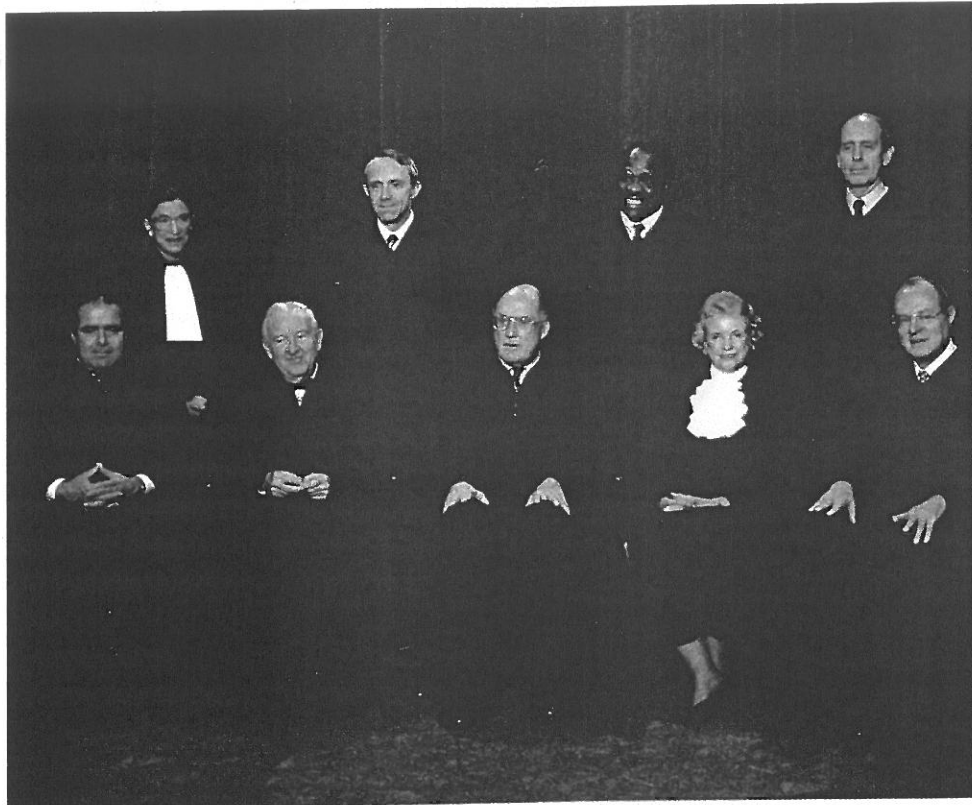
Most cases involving federal laws are first heard in district court. The United States is divided into large geographic districts. Each district covers several states. Citizens can "appeal" decisions given in district court, which means asking a higher court to review the case. Courts that review cases are called *courts of appeal* or *appellate courts*. An appellate court only considers whether the original trial was fair and legal. A decision by an appellate court can be appealed to the Supreme Court.

The Powers of the Supreme Court The Supreme Court is the last stop in the judicial system. Its decisions are final, and they are binding on all lower courts. The Constitution does not specify the size of the Supreme Court. Congress has set it at nine members, who are called *justices*. The Constitution says that all federal judges, including Supreme Court justices, serve for "good behavior." Once they are appointed, the justices usually serve on the Court for life.

A dispute goes directly to the Supreme Court only if it involves a state or an ambassador from another country. Any other case comes to the Supreme Court after a trial and an appeal in lower courts. Participants in either national or state courts may eventually appeal cases to the Supreme Court.

Every year, lawyers ask the Supreme Court to review thousands of cases, but they agree to consider only about a hundred. The Supreme Court usually reviews a case only if the justices think that the decision made by a lower court might conflict with the Constitution or a federal law. After hearing statements from both sides, the justices debate among themselves and vote. Supreme Court decisions are announced and explained in writing. These decisions then guide later decisions in lower courts.

Early in its history, the Supreme Court defined the power of "judicial review." This is the power to decide whether laws and actions by the legislative and executive branches conflict with the Constitution. Courts all over the country rely on the Supreme Court for guidance about what is constitutional. Judicial review gives the Supreme Court great power in its role of protecting the "supreme Law of the Land."



The nine members of the U. S. Supreme Court hold very important positions in American government. Their legal opinions on such issues as gun control, the death penalty, abortion rights, and prayer in schools are enforced in every state.

[In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.]⁸

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: — “I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III

Section 1. The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

Commanding the armed forces: The president is commander-in-chief of the armed forces of the United States.

Granting pardons: The president can grant pardons for federal crimes, except in cases of impeachment.

Checks and balances: Treaties and appointments. The president can sign treaties with other countries. But the Senate must approve treaties by a two-thirds vote. The president can name certain officials and federal judges, but the Senate must approve the president's choices.

Powers of leadership: The president can propose ideas for new laws and reports to Congress on the State of the Union. In emergencies, the president can call Congress into special session.

Checks and balances: Impeachment. Presidents and federal officials can be removed from office if they misuse their powers.

Article III: The Judicial Branch

The judicial branch consists of the Supreme Court and other federal courts. Congress has set the number of Supreme Court justices at nine. The margin notes that follow point out some of the specific powers of the judicial branch.

8. Changed by the Twenty-Fifth Amendment

Checks and balances: Interpreting the Constitution. The judicial branch has the power to decide whether laws and treaties are constitutional.

Resolving disputes: Federal courts have the power to settle disputes involving the federal government, different states, or citizens of different states.

Article IV: Relations between the States

This article says that each state must honor the laws and authority of other states, as well as the rights of their citizens. The article also describes how new states can be added to the Union.

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; —to all Cases affecting Ambassadors, other public Ministers and Consuls; —to all Cases of admiralty and maritime Jurisdiction; —to Controversies to which the United States shall be a Party; —to Controversies between two or more States, —[between a State and Citizens of another State;]⁹ —between Citizens of different States, —between Citizens of the same State claiming Lands under Grants of different States, [and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.]¹⁰

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment; shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE IV

Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State; And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

[No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.]¹¹

Section 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

9. Changed by the Eleventh Amendment

10. Changed by the Eleventh Amendment

11. Changed by the Thirteenth Amendment