

# US GOVERNMENT: THREE BRANCHES – THREE DISTINCT ROLES

At the end of the American Revolution (known as the war for independence) in 1783, the US government was in a state of change. The founding fathers didn't want to become another country ruled by a king. They envisioned a strong and fair national government that honored and protected individual freedoms and protected against abuse of power.

To this end, in 1787, a new constitution established a structure of government with three separate branches – Legislative, Executive and Judiciary. Each had their own powers, which together formed checks and balances to ensure that no one branch would become too powerful. Together, all three branches would run our country to establish guidelines for all to live by.

The Legislative branch (Article I of the US Constitution) was drafted first. Many believe because it is the most important. The legislative branch's primary job is to make laws. Divided into two chambers – the House of Representatives and the Senate – make up Congress. This body of government *is elected by the people*. The House of Representatives is elected every two years. The Senate is elected every six years. In order for a law to pass, each chamber votes on the same bill, and each must secure a majority vote – thus providing a check and cross check.

The Executive Branch (Article II of the US Constitution) includes the office of the President, as Commander in Chief, the Vice President, and Cabinet. Unlike members of congress, who are elected directly by the people, the President and Vice President *are elected through the electoral college system*. They are elected every four years.

The Judicial branch (Article III of the US Constitution) is responsible for applying and interpreting laws, by way of nine Supreme Court Justices and other federal and district courts of appeal, which have the power of judicial review. Unlike other branches of the government, Supreme Court Justices are not elected. The President nominates Supreme Court candidates, and the senate votes to confirm or reject the appointment. Supreme Court Justices don't have term limits, and can serve until they die, retire, or are removed by congress.

When the constitution was first drafted, it was rather vague about the specific power of the Supreme Court. Section 1 identifies the Supreme Court to be the third branch of government empowered to decide cases; Section 2 addresses the jurisdiction, and Section 3 determines regulations around treason cases. There is no mention about interpreting the constitutionality of the laws – which, today, is what the Supreme Court is most famous for. This begs the question: How did this happen?

In an 1803 Supreme Court case, Marbury Vs. Madison, Chief Justice John Marshall ruled that the law Marbury was using to make his case was unconstitutional. This ruling established that it was the US Supreme Courts responsibility to interpret the constitutionality of laws – thus, judicial review was born. In 1869, the number of Supreme Court Justices was expanded from six to nine, where it has remained since.

The Supreme Court is the highest court in the country. When the Supreme Court makes a ruling, all other courts must follow. Decisions made by the Supreme Court are final unless a future Supreme Court determines the decision unconstitutional. This happened in the 1954 case, Brown Vs. Board of Education

Historically, the Roe V. Wade decision remains the most controversial. Today, nearly 50 years later, no other decision has caused more outcry. A nation divide, there is strong public support, and some Supreme Court Justices in agreement, that Roe should be overturned on moral and legal grounds. Deemed Judicial over-reach, the role of the Supreme Court is to be impartial and to referee, not create laws. Seven unelected Supreme Court Justices overturned the will of the people in all 50 states!

Since the inception of the constitution, only one branch of government has expanded in size and power – and that is the Supreme Court. This non-elected body of government serves for life and makes decisions that have lifetime consequences.

This calls into question, the Founding Father's intent, to have a balance of power with checks and balances causing us all to ask: How do we assess the impact of destroying over 63 million unborn children? Do you think the Supreme Court has become too powerful?