

Name and Date \_\_\_\_\_

## Handout 1: The Three Branches of Government

**Overview:** Water pollution is an issue of public concern that the three branches of the federal government have addressed in the past. During the 1960s and 1970s, many Americans were concerned that rivers, lakes, and streams in the United States were filled with garbage and dangerous chemicals. According to a 1970 survey, 53% of all Americans thought the government should try to reduce water pollution. The photograph below shows a polluted river in the United States in 1972. During the 1970s, the three branches of the federal government used their constitutional powers to address the issue of water pollution.



Courtesy of National Archives

**Directions:** Read about the Clean Water Act of 1972 and then answer the questions in Parts A, B, and C with your group. You should answer the questions as a group but each student should complete their own handout.

## Part A: The Legislative Branch

This summary describes the Clean Water Act of 1972.

Congress passed the Clean Water Act of 1972 (S. 2770) to protect the nation's waterways.

The Clean Water Act

- created protections to prevent polluted water from flowing into streams, rivers, or lakes where goods and services travel from one state to another state.
- authorized funding for the Environmental Protection Agency (EPA), which is a part of the Department of the Interior.
- makes it unlawful for people and companies to dump some types of toxic materials and chemicals into water without a permit.
- allows the EPA to create clean water requirements and rules.
- directs the EPA to distribute funds to the states to carry out the law.
- allows people to sue the U.S. government in court when the law is not enforced.

1. In the Clean Water Act, Congress exercised its power to

- A. veto legislation.
- B. review court cases.
- C. carry out executive policies.
- D. approve government spending.

2. Identify a quotation from the summary to support your answer to question 1.

3. Based on the summary, describe one way Congress empowered the executive branch when the Clean Water Act was passed.

## Part B: The Executive Branch

After passing the Clean Water Act, Congress sent the bill to President Richard Nixon for his approval. This letter from President Nixon describes his response to the bill.

October 17, 1972

To the Senate of the United States:

The pollution of our rivers, lakes, and streams degrades<sup>1</sup> the quality of American life. Cleaning up the Nation's waterways is a matter of urgent concern to me, as evidenced by the ... increase in my budget for this purpose during the past four years.

I am also concerned, however, that we attack pollution in a way that does not ignore other very real threats to the quality of life, such as ... [increasing] taxes. Legislation which would continue our efforts to raise water quality, but which would do so through extreme and needless overspending, does not serve the public interest. There is a much better way to get this job done.

For this reason, I am compelled<sup>2</sup> to withhold my approval from S. 2770 [the Clean Water Act of 1972] – a bill whose laudable<sup>3</sup> intent is outweighed by its ... \$24 billion price tag....

4. In this letter, President Nixon exercised the executive branch's power to
- A. veto laws.
  - B. carry out policies.
  - C. interpret legislation.
  - D. regulate goods and services.

5. Identify a quotation from the letter to support your answer to question 4.

6. Describe one action the legislative branch could take in response to the executive branch's action described in the letter.

<sup>1</sup> degrades—lowers or weakens

<sup>2</sup> compelled—forced

<sup>3</sup> laudable—admirable

### Part C: The Judicial Branch

The Clean Water Act became law because more than two-thirds of Congress voted for the bill. After the law was passed, President Nixon told the EPA not to spend its budget on the Clean Water Act requirements, which meant that states did not receive the necessary funds to carry out the law. As a result, New York City sued the federal government. After going through the district court and the court of appeals, the case went to the Supreme Court. This is a summary of the Supreme Court's decision.

In *Train v. City of New York* (1975), the Supreme Court agreed with the Court of Appeals and ruled that if Congress directs the executive branch to spend funds that Congress has budgeted, the executive branch has to do so. The Court's decision confirmed that the president must obey Congress's spending directives.

7. Describe how the Supreme Court exercised a power of the judicial branch in its decision in *Train v. City of New York*.