



Constitutional Principles and
Structures: SS.7.CG.1.9
Limits on Government Power
READING #4

Name: _____

Date: _____



SS.7.CG.1.9 Benchmark Clarification 4: Students will recognize examples of separation of powers and checks and balances.

This material is adapted from resources developed by the Center for Civic Education.

In a **separation-of-powers** system, the government power is not given to any one branch. Instead, some of the power is given to each branch. The legislative branch has the power to create new laws, the executive branch has the power to carry out and enforce laws, and the judicial branch has the power to interpret laws.

Each branch of government can check the powers of the other branches. The executive branch may **veto** laws passed by Congress, nominate certain government officials and Supreme Court justices, and propose new legislation. The president can make treaties, but the Senate must ratify the treaties.

The legislative branch can **impeach** (House of Representatives) and convict (Senate) the president, other members of the executive branch, and federal judges. Congress may pass laws over the president's veto by a two-thirds (2/3) majority vote of both houses (the Senate and the House of Representatives). The legislative branch (Senate) may reject job appointments (selections) made by the president. Congress may also propose amendments to the United States Constitution.

The judicial branch (the courts) may decide that actions by the executive branch and laws passed by Congress are unconstitutional. This is called the power of **judicial review**. Judicial review is an important check on the legislative and executive branches. The Supreme Court case that established the power of judicial review is **Marbury v. Madison**.

This system of shared powers spelled out in the U.S. Constitution ensures we have limited government to prevent the government from abusing its power.

Legislative Branch		
Branch of Government	Branch of Government	Separation of Powers or Checks and Balances
Legislative Branch has the power to create bills that may become laws	Executive Branch has the power to enforce laws	Separation of Powers
Legislative Branch has the power to create bills that may become laws	Judicial Branch has the power to interpret laws	Separation of Powers
Legislative Branch has the power to create bills that may become laws	Executive Branch can either sign the bill into law or veto the bill.	Checks and Balances
Legislative Branch has the power to create bills that may become laws	Judicial Branch can declare laws unconstitutional.	Checks and Balances
Legislative Branch can override presidential vetoes with a 2/3 majority vote.	Judicial Branch can declare laws unconstitutional.	Checks and Balances
House of Representatives can initiate the impeachment process for federal officials (i.e., President, Supreme Court Justices, federal judges and officials)	Senate conducts the impeachment trial.	Checks and Balances

Executive Branch		
Branch of Government	Branch of Government	Separation of Powers or Checks and Balances
Executive Branch has the power to enforce laws	Legislative Branch has the power to create bills that may become laws	Separation of Powers
Executive Branch has the power to enforce laws	Judicial Branch has the power to interpret laws	Separation of Powers
Executive Branch can either sign the bill into law or veto the bill.	Legislative Branch can override presidential vetoes with a 2/3 majority vote.	Checks and Balances
Executive Branch can either sign the bill into law or veto the bill.	Judicial Branch can declare executive actions unconstitutional.	Checks and Balances
Executive Branch can appoint and nominate federal officials (i.e., Supreme Court Justices, cabinet members, heads of federal agencies, ambassadors, federal judges)	Legislative Branch (Senate) must confirm presidential nominations.	Checks and Balances
Executive Branch can create and sign treaties	Legislative Branch (Senate) must ratify treaties.	Checks and Balances
Executive Branch can declare Executive Orders	Judicial Branch can declare executive actions unconstitutional	Checks and Balances

Judicial Branch

Branch of Government	Branch of Government	Separation of Powers or Checks and Balances
Judicial Branch has the power to interpret laws	Legislative Branch has the power to create bills that may become laws	Separation of Powers
Judicial Branch has the power to interpret laws	Executive Branch has the power to enforce laws	Separation of Powers
Judicial Branch can declare laws made by Congress unconstitutional.	Legislative Branch has the power to impeach Supreme Court Justices guilty of treason, high crimes, or misdemeanors	Checks and Balances
Judicial Branch can declare laws made by Congress unconstitutional.	Legislative Branch has the power to propose amendments to the Constitution.	Checks and Balances
Judicial Branch can declare executive actions unconstitutional.	Executive Branch holds the power to appoint and nominate future Supreme Court Justices.	Checks and Balances

impeach - to bring formal charges of wrongdoing against a public official (such as the U.S. President)

judicial review - the power of the judicial branch to review the actions of the executive and legislative branches and determine whether or not they are unconstitutional (this includes laws passed by Congress); the U.S. Supreme Court case *Marbury v. Madison* established this power

Marbury v. Madison - U.S. Supreme Court case that established judicial review

ratify - to confirm by expressing consent; formally approve

separation of powers - the structure of the federal government, according to the U.S. Constitution, that sets up three branches with their own distinct powers and responsibilities

veto - a decision by an executive authority such as a president or governor to reject a law passed by the legislative branch

Source:

Quigley, C., & Rodriguez, K. *We the People: The Citizen and the Constitution*. Calabasas, CA: Center for Civic Education, 2007. Print.