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## LIMITS ON GOVERNMENT POWER

1. The U.S. Constitution creates a system of government with three branches: legislative or Congress, executive or the president, and judicial or the Supreme Court.
2. The Constitution also includes the principle of limited government. This means that the government can only do what the people allow it to do and each branch of the government has power that is defined and limited by the Constitution.
3. In this video, we will learn about the concepts of limited government, separation of powers and checks and balances.
4. After watching this video, you will be able to:
  - ◆ Explain the concept of limited government in the U.S. Constitution.
  - ◆ Describe and distinguish between separation of powers and checks and balances.
  - ◆ Analyze how government power is limited by separation of powers and checks and balances.
  - ◆ Recognize examples of separation of powers and checks and balances.
5. A constitution is a written set of laws that all citizens agree to, and a constitutional government is based on that set of laws. In a constitutional government, the constitution is the highest law of the land. The United States has a constitutional government and the U.S. Constitution is the highest law of the land.
6. The U.S. Constitution includes the principle of limited government. This means that the government can do only what the people allow it to do. The powers and responsibilities of the federal, or national, government and state governments are outlined in the Constitution.
7. As someone famous once said, with great power comes great responsibility, and we need to have limits on our powers. The Constitution also includes limits on the powers of the federal and state governments. It says what each level of government may and may not do.
8. Let's check in – try to answer the following in your own words. What is the purpose of limited government?  
→ ANSWER TO QUESTION
9. Let's recap what we've learned so far. Constitutional government is based on a written set of laws that all citizens agree to, and that written set of laws is called a constitution. The US Constitution includes the principle of limited government. Limited government is the idea that the government can only do what the people allow it to do.
10. So let's learn about the limitations on the federal government, these ideas of separation of

powers and checks and balances. And we'll begin with separation of powers.

11. The Framers of the Constitution set up the federal government by dividing it into three branches: legislative, executive and judicial, in order to protect the liberty of the people. All the power is not in any one branch, but split across three of them.
12. This splitting up of the powers is called separation of powers, and as we'll learn, it's NOT the same as checks and balances. Instead, it's all about the different powers granted to each branch of government.
13. So each branch has their own role and their own responsibilities, their own powers? You bet! And let's start with the legislative branch. The primary role of the legislative branch is to create new laws. Both houses of Congress work together to propose bills and vote whether to make them laws.
14. The executive branch has its own powers. For example, its primary role is to carry out and enforce laws. This means that once Congress passes and the president signs a bill into law, the law goes to an executive agency to be carried out and monitored.
15. The judicial branch has the power to interpret laws. This means that the judicial branch has the power to review the actions of the executive and legislative branches and determine whether or not they are constitutional. This power of the judicial branch, to review the actions of the executive and legislative branches to determine whether or not they are constitutional, is known as judicial review. This was established in *Marbury v. Madison* in 1803.
16. Let's check in- Try to answer the following in your own words. Define the phrase 'separation of powers.'  
→ ANSWER TO QUESTION
17. Let's recap what we've learned. Remember under the Constitution, the three branches of government have separate powers and responsibilities. The legislative branch makes laws. The executive branch carries out and enforces laws, and the judicial branch interprets laws and makes sure that the actions of all branches are constitutional. And remember that this power of judicial review that the Supreme Court has was established under the case of *Marbury vs. Madison* in 1803.
18. So, even though the Framers separated the powers of government into three distinct branches, they wanted to make sure that one branch of government could not have more power than the other two. To make sure that none of the three branches would become too powerful, the Framers also established checks and balances. Remember that this is different from separation of powers.
19. So while separation of powers means that each branch has their own powers, checks and balances is the principle that allows each branch of government to limit, or check and balance, the power of the other two branches. So let's consider some examples.
20. Remember that the legislative branch makes laws, but before a bill becomes a law, it goes to the president for signature. A check on the legislative branch's power is that the President can veto (or formally reject) the law.

21. But then a check the executive branch's power is that Congress can override the president's veto and make it a law anyway.
22. But then oh we have one more check on legislative power, because the Supreme Court can declare a law passed by Congress and signed by the president, or passed by Congress over the veto of a president, unconstitutional! So that's a check on legislative power.
23. Remember that the executive branch has the power to nominate people to serve in office for certain government positions, including for the Cabinet and for Supreme Court justices.
24. That's quite the power the president has, to be able to put anyone he wants in office, but hold on, there's a check on that executive power. The Senate, in the legislative branch of course, can approve or reject nominations made by the president. Nobody gets a position without the approval of the Senate.
25. Another power of the presidency, or the executive branch, is that it has the power to make treaties, or formal agreements, with other countries.
26. And that's a pretty good power to have too, isn't it? Being able to make agreements with other countries. But as a check on this power, the legislative branch (specifically the Senate) has the power to approve the treaties for ratification.
27. Another power the president has is to issue executive orders to the executive branch, which has the force of law, without having to go through Congress.
28. But while presidents may use executive orders to try and get around checks and balances, provided by Congress, the judicial branch can serve as a check on executive power there, because they can determine whether executive orders are unconstitutional.
29. Let's check in- Try to answer the following in your own words. How do the concepts of separation of powers and checks and balances limit the power of the government?  
→ ANSWER TO QUESTION
30. Let's recap what we've learned. Government power is limited by the principles of separation of powers and checks and balances. Separation of powers divides powers between branches. The executive branch enforces laws based by the legislative branch, while the judicial branch interprets laws. Checks and balances allow each branch to check the powers of the other branches. For example, the president can veto a law passed by Congress, Congress can override the veto, and the Supreme Court can rule the law unconstitutional.
31. We've learned a lot in this video today, but what's important for us to take away is that our Constitution established the principle of limited government. And it does this through the concepts of separation of powers and checks and balances, and these help protect our liberties.
32. Be sure to check out the other videos on limited government to learn more about our Constitution and more principles of limited government.