

Our system of checks and balances

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Scales of Justice. Image by DonkeyHotey, Wikimedia.

When the Founding Fathers wrote the U.S. Constitution, they had an important goal in mind. They wanted to form a government that did not allow any one person to have too much control. To accomplish this, they created three branches of government, all with separate powers. Each branch has its own responsibilities, but each also works together to make the country run smoothly and to assure that the rights of citizens are not ignored or disallowed. This is done through a system called checks and balances. One branch may use its powers to check the powers of the other two in order to maintain a balance of power among the three branches of government.

The Constitution of the United States divides the federal government into three branches to ensure a central government in which no individual or group gains too much control. These branches are:

Legislative — Makes laws (Congress)

Executive — Carries out laws (president, vice-president, Cabinet)

Judicial — Evaluates laws (Supreme Court and other courts)

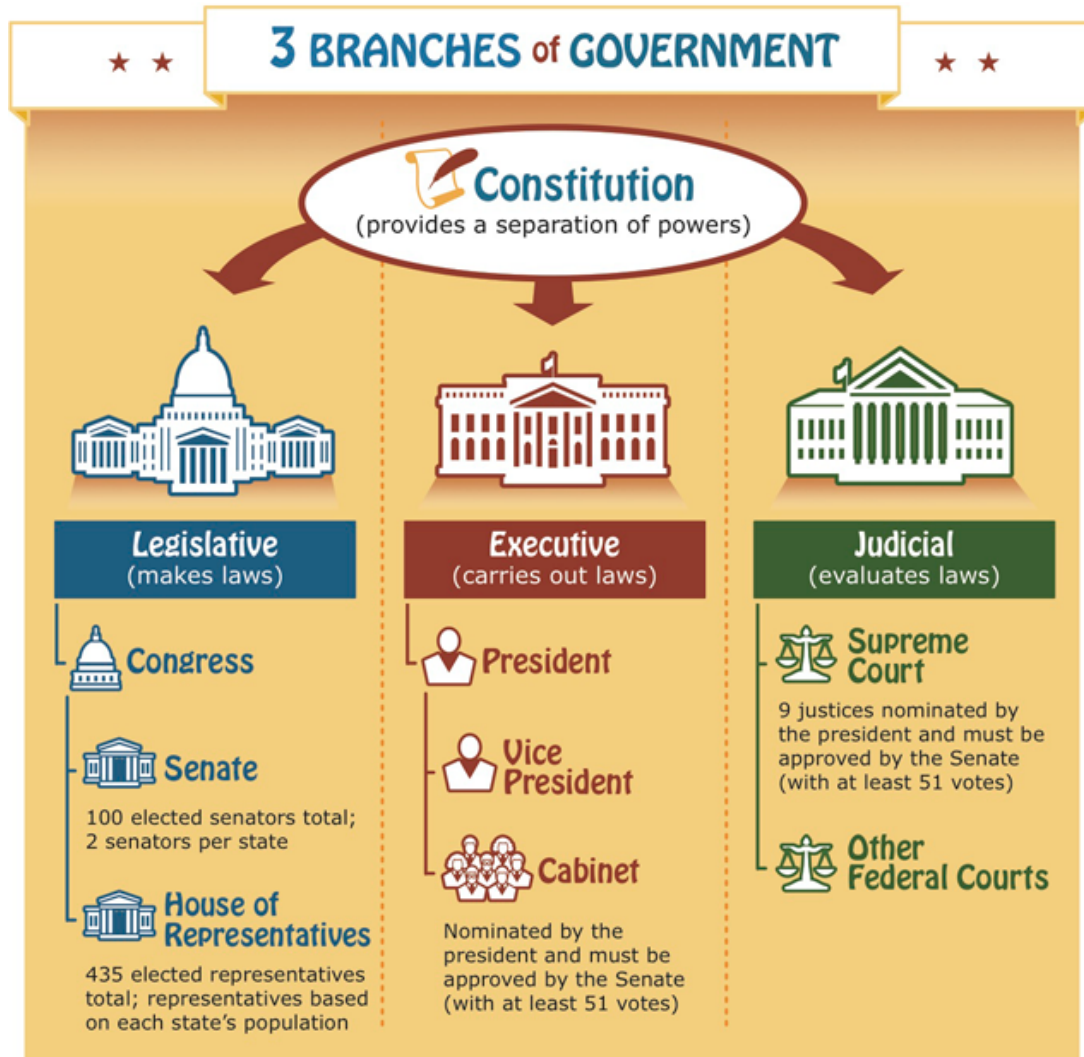
Each branch of government can change acts of the other branches. For example:

The president can veto laws passed by Congress.

Congress confirms or rejects the president's appointments and can remove the president from office in exceptional situations.

The justices of the Supreme Court can overturn unconstitutional laws. They are appointed by the president and confirmed by the Senate.

The U.S. federal government seeks to act in the best interests of its citizens through this system of checks and balances.



Legislative Branch

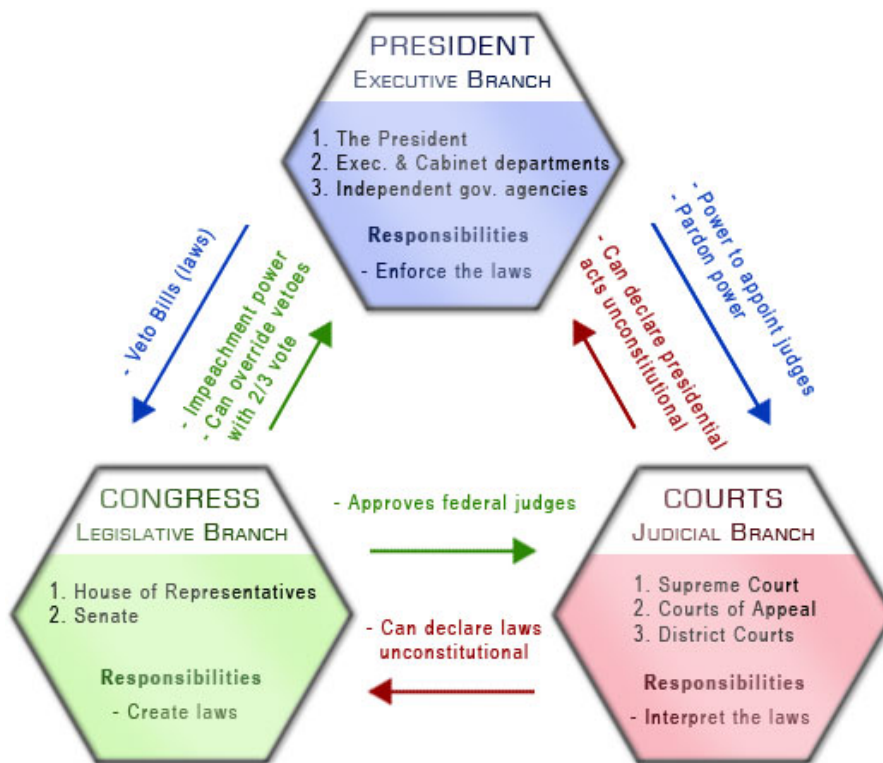
The legislative branch enacts legislation, confirms or rejects presidential appointments and has the authority to declare war.

This branch includes Congress, which is made up of the Senate and House of Representatives. It also includes several agencies that provide support services to Congress. American citizens have the right to vote for senators and representatives through free, confidential ballots.

Senate — There are two elected senators per state, totaling 100 senators. A senate term is six years, and there's no limit to the number of terms an individual can serve.

House of Representatives — There are 435 elected representatives, which are divided among the 50 states in proportion to their total population. States with more people get more representatives. A representative serves a two-year term, and there's no limit to the number of terms an individual can serve.

In order to pass legislation and send it to the president for his signature, both the House and the Senate must pass the same bill. In order for the bill to pass and become law, a majority of the senators and representatives must vote in favor of it.



Executive Branch

The executive branch carries out and enforces laws. It includes the president; vice-president; the Cabinet; executive departments; independent agencies; and other boards, commissions and committees.

American citizens have the right to vote for the president and vice-president through confidential ballots.

Key roles of the executive branch include:

President — The president leads the country. He or she is the head of state, leader of the federal government and commander-in-chief of the U.S. Armed Forces. The president serves a four-year term and can be elected no more than two times. The president has the power

either to sign legislation into law or to veto bills enacted by Congress, although Congress may override a veto with a two-thirds vote of both houses. The executive branch conducts diplomacy with other nations, and the president has the power to negotiate and sign treaties. However, those must also be ratified by two-thirds of the Senate. The president can issue executive orders, which direct executive officers or clarify and further existing laws. The president also has unlimited power to extend pardons for federal crimes, except in cases of impeachment.

With these powers come several responsibilities, including a constitutional requirement to "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." Although the president may fulfill this requirement in any way he or she chooses, presidents have traditionally done it through a State of the Union address. This is a speech given to both the House of Representatives and the Senate in January outlining the agenda for the coming year.

Vice president — The vice president supports the president. If the president is unable to serve, the vice president becomes president. He or she can serve an unlimited number of four-year terms. The vice president also serves as the president of the U.S. Senate, where he or she casts the deciding vote in the case of a tie.

The Cabinet — Cabinet members serve as advisers to the president. They include the vice president and the heads of executive departments. Cabinet members are nominated by the president and must be approved by the Senate (with at least 51 votes).

Judicial Branch

The judicial branch interprets the meaning of laws, applies laws to individual cases and decides if laws violate the Constitution.

The judicial branch is made up of the Supreme Court and other federal courts.

Supreme Court — The Supreme Court is the highest court in the United States. The justices of the Supreme Court are nominated by the president and must be approved by the Senate (with at least 51 votes). Congress decides the number of justices. Currently, there are nine. There is no fixed term for justices. They serve until their death, retirement or removal in exceptional circumstances if they're unfit to serve.

Other federal courts — The Constitution grants Congress the authority to establish other federal courts.

Quiz

- 1 Which of these options BEST describes an interaction that reflects the system of checks and balances developed by the Founding Fathers?
 - (A) Although both the Senate and the House of Representatives have different numbers of members, all of the members are elected by U.S. citizens.
 - (B) After the Senate and the House of Representatives passes a bill, it goes to the president, who either approves it or vetoes it.
 - (C) Each state of the U.S. has members in the Senate and in the House of Representatives, but the number of members is not determined in the same way.
 - (D) The president is required by the Constitution to periodically give information to the Senate and the House of Representatives about the State of the Union.

- 2 Which statement describes a connection between the legislative branch and the judicial branch?
 - (A) The judicial branch enforces laws passed by the legislative branch.
 - (B) The legislative branch nominates justices for the judicial branch.
 - (C) Before the legislative branch passes a bill, the judicial branch must review and evaluate it.
 - (D) Except for the Supreme Court, the legislative branch has the power to establish federal courts.

- 3 Look at the graphic that comes at the end of the section "Legislative Branch."
Which statement BEST explains why the graphic is included with the article?
 - (A) to indicate that the president has more power than either Congress or the courts
 - (B) to illustrate that Congress and the courts are equal in the power they have
 - (C) to reinforce the idea that each of the three branches of government has different roles and responsibilities
 - (D) to give examples of how the system of checks and balances operates among the branches of government

- 4 Look at the chart titled "3 Branches of Government."

Based on the article, which option BEST explains why the line from the Executive box goes directly to the President symbol but not to the Vice President and Cabinet symbols?

- (A) because the vice president and Cabinet function to support the president
- (B) because the president is the only key role of the executive branch
- (C) because the vice president and Cabinet have a role only if the president is unable to serve
- (D) because the vice president is part of the Cabinet