Who Holds Power?

Trace a proposed law through three branches of government

8.C.4 "Examine the key principles and structure of the United States of America's government as established by the Constitution of the United States of America. Analyze the need for a written constitution..."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline each branch's job, circle each way one branch can limit another, and number the steps a bill takes toward becoming a law. Use your marks to explain why the Constitution divides power.

A River Reporting Bill

1. After several states report unsafe drinking water near factories, residents ask for a national response. The Constitution gives Congress the power to make federal laws, but no member can create a law alone. A representative introduces a bill requiring factories to report certain pollutants in rivers that cross state lines. A House committee studies it and may change its wording. If the House and Senate each pass the same text, the bill goes to the President. These steps let different elected officials examine a proposal before it can become law.

2. The President may sign the bill or veto it. A veto returns it to Congress with objections, but two thirds of both the House and Senate can vote to override the veto. If the bill becomes law, the executive branch carries it out through agencies that collect reports and enforce its requirements. Congress can hold hearings to question how an agency is carrying out the law. These checks make it harder for either lawmakers or the President to control the whole process without answering to another branch.

3. A factory might then sue, claiming the new law violates the Constitution. Federal courts can hear a case about the law and decide whether it conflicts with the Constitution. Courts cannot start a lawsuit simply to review a policy they dislike. If a court rules that part of a law is unconstitutional, the government cannot enforce that part. The Framers divided power because they feared its abuse: Congress writes laws, the executive enforces them, and courts resolve legal disputes. Each branch has a different job, and each faces limits.

2 ANSWER WITH EVIDENCE

Use the passage

1. Why can't the representative's proposal become law as soon as the House passes it?

2. How can Congress limit the President's power to stop this bill?

3. If an agency does not carry out the law as Congress expected, what can Congress do?

4. Why would a factory need to bring a case before a federal court could decide whether this law violates the Constitution?

3 YOUR TURN

Your own words

Imagine unsafe toys are sold across state lines. In four or five sentences, propose a federal response and explain what Congress, the President, and federal courts could each do. Include one check on another branch and explain how it limits power.

ANSWER KEY

Who Holds Power?

GRADE 8 · 8.C.4

PART 1 · READ AND MARK

Underline each branch's job, circle each way one branch can limit another, and number the steps a bill takes toward becoming a law. Use your marks to explain why the Constitution divides power. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	Why can't the representative's proposal become law as soon as the House passes it?	**The Senate must pass the same text, and the bill must then go to the President.**
2	How can Congress limit the President's power to stop this bill?	**Congress can override a veto with a two-thirds vote in both the House and Senate.**
3	If an agency does not carry out the law as Congress expected, what can Congress do?	**Congress can hold hearings to question how the agency is carrying out the law.**
4	Why would a factory need to bring a case before a federal court could decide whether this law violates the Constitution?	**Federal courts decide legal disputes brought before them. They cannot start a lawsuit just to review a policy they dislike.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

Congress could pass a law requiring safety tests for toys sold across state lines. The President could sign the bill, and an executive agency could enforce the law. If the President vetoed the bill instead, Congress could override the veto with a two-thirds vote in each house. A toy company could challenge the law in court if it believed the law violated the Constitution. A federal court could decide that case and prevent enforcement of any part it ruled unconstitutional, limiting Congress's power.

Accept other accurate checks, such as a court ruling that part of a law is unconstitutional. For Part 3, the court's role must involve a case, not an automatic review of every new law.