Power Meets Resistance

Two disputes test the limits of presidential power

USG.C.3.3.D "Examine historical and contemporary examples of the system of checks and balances to illustrate the intent of the Framers and evaluate the effectiveness of the system."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline actions that limited or attempted to limit a president, circle the branch that took each action, and number two details that help you judge whether a check worked.

When Presidents Met a Check

1 In 1974, a fight over secret White House recordings tested whether a president could refuse a court order. During the Watergate investigation, President Richard Nixon claimed executive privilege, the need to keep some presidential conversations private. The Supreme Court agreed that confidentiality matters but ruled unanimously that Nixon had to turn over recordings needed for a criminal trial. Nixon complied. The tapes added to evidence of his role in the cover-up, and he resigned as the House moved toward impeachment. The episode showed why the Framers gave courts authority to decide legal disputes even when the president objects.

2 In 2020, a different check played out over the annual defense policy bill. President Donald Trump vetoed it, citing objections that included its requirement to rename military bases honoring Confederate leaders. Congress had passed the bill by large majorities. The Constitution lets a president reject a bill, but it also lets Congress make that bill law with a two-thirds vote in each chamber. The House and Senate both cleared that threshold, overriding the veto on January 1, 2021. Unlike a court ruling, this check used votes from elected lawmakers, including members of the president's party.

3 Both clashes reveal a design meant to prevent any one branch from having the final say in every dispute. In the Watergate case, the Court could require evidence, but it did not remove Nixon; the threat of impeachment and lost political support also mattered. In the defense bill fight, Congress could overcome a veto, but only because enough members agreed to reach a demanding threshold. These checks worked in these cases by limiting presidential choices. They do not guarantee quick action or agreement: judges need a case to decide, and lawmakers may lack the votes to override a veto.

2 ANSWER WITH EVIDENCE

Use the passage

1. How did the Supreme Court check Nixon, and which presidential claim did its ruling limit?

2. Why did the Watergate check depend on more than the Court's order to end Nixon's presidency?

3. How did Congress overcome Trump's veto, and what makes that check hard to use?

4. Using one detail from each episode, evaluate whether checks can restrain a president who disagrees.

3 YOUR TURN

Your own words

Imagine a president orders an agency to spend money on a new project that Congress has not funded. In four or five sentences, explain one action Congress could take and one action a court could take if a lawsuit reached it, then judge whether these checks would stop the project and identify one limit.

ANSWER KEY

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HIGH SCHOOL · USG.C.3.3.D

PART 1 · READ AND MARK

Underline actions that limited or attempted to limit a president, circle the branch that took each action, and number two details that help you judge whether a check worked. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How did the Supreme Court check Nixon, and which presidential claim did its ruling limit?	**The Court ordered Nixon to turn over recordings needed for a criminal trial, limiting his claim of executive privilege.**
2	Why did the Watergate check depend on more than the Court's order to end Nixon's presidency?	**The Court required evidence but did not remove Nixon. The threat of House impeachment and his loss of political support also mattered before he resigned.**
3	How did Congress overcome Trump's veto, and what makes that check hard to use?	**Both chambers voted to override the veto. Each needed a two-thirds vote, a threshold lawmakers may not always reach.**
4	Using one detail from each episode, evaluate whether checks can restrain a president who disagrees.	**Yes, in these cases: Nixon turned over the recordings after the Court's ruling, and Congress made the defense bill law despite Trump's veto. Neither check was automatic.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

Congress could investigate the order and refuse to approve money for the project. If someone brought a valid lawsuit, a court could rule that spending without congressional funding is unlawful. Together, these checks would likely stop the project because the agency needs legal authority to spend. A court could not act until a proper case reached it, so its check might take time.

Accept evaluations that cite accurate evidence from both episodes and distinguish a check's effect from its limits. For Your Turn, accept other lawful congressional actions and conditional court actions that fit the scenario.