Power Meets Power

How separated powers and checks limit government authority

USG.C.3.3 "Analyze how the Framers designed a system of separated powers to prevent the concentration and potential abuse of power.. Describe and compare the scope of the powers vested to the Legislative Branch (Article 1)..."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline one power assigned to each branch, circle two ways one branch can check another, and number the two court cases that tested executive power.

Who Gets the Final Say?

1. When a president announces a new policy, that announcement is not the same as a law. The Constitution divides national authority among three branches. Article I gives Congress, the legislative branch, power to make laws, raise and spend money, and declare war. Article II places executive power in the president, who carries out laws, commands the armed forces, and can veto bills. Article III places federal judicial power in the Supreme Court and lower federal courts Congress establishes. Judges decide cases within their jurisdiction. These different jobs make it harder for one official to write a rule, enforce it, and settle every dispute about it.

2. Different jobs alone would not prevent a branch from grabbing more power. In Federalist No. 51, James Madison wrote, "Ambition must be made to counteract ambition." He argued that officials need both the means and the motive to resist another branch's overreach. A president may veto a bill, but two-thirds of each house of Congress can override the veto. The Senate also must consent to many presidential appointments. Courts can rule that a law or executive action violates the Constitution when a relevant case comes before them. Judges cannot simply cancel a policy because they dislike it; a legal dispute must reach the court.

3. In 1974, President Richard Nixon refused to release recordings sought as evidence in a criminal trial. In United States v. Nixon, the Supreme Court ruled that his claim of executive privilege did not justify withholding the recordings in that case, and he complied. In 2023, the Supreme Court blocked an executive branch plan to cancel many federal student loans. In Biden v. Nebraska, the Court ruled that the law the administration relied on did not authorize that program. Both decisions limited executive action, but neither means judges run the executive branch. Court decisions depend on cases being filed, and disagreement about a law's meaning can persist.

2 ANSWER WITH EVIDENCE

Use the passage

1. Compare Congress's Article I role with the president's Article II role in making and carrying out a law.

2. A president wants to create a new federal spending program and settle any legal challenge to it alone. Which powers listed in the passage belong to other branches, and why does that matter?

3. How do the veto and the override put Madison's idea of competing ambitions into practice?

4. Compare what the Court limited in the Nixon and student-loan cases. What limit on the courts' checking power does the passage identify?

3 YOUR TURN

Your own words

Imagine Congress approves a bill banning public criticism of Congress. In 80 to 110 words, explain how the executive and judicial branches could check it, how the First Amendment applies, and why the checks might not stop the bill immediately.

ANSWER KEY

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HIGH SCHOOL · USG.C.3.3

PART 1 · READ AND MARK

Underline one power assigned to each branch, circle two ways one branch can check another, and number the two court cases that tested executive power. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	Compare Congress's Article I role with the president's Article II role in making and carrying out a law.	**Congress makes laws under Article I. The president carries them out under Article II and may veto bills.**
2	A president wants to create a new federal spending program and settle any legal challenge to it alone. Which powers listed in the passage belong to other branches, and why does that matter?	**Congress has the power to make laws and raise and spend money. Federal courts decide legal cases. The president cannot control all three steps alone.**
3	How do the veto and the override put Madison's idea of competing ambitions into practice?	**The president can resist a bill through a veto, while two-thirds of each house of Congress can override that veto. Neither branch has the final word in every case.**
4	Compare what the Court limited in the Nixon and student-loan cases. What limit on the courts' checking power does the passage identify?	**In the Nixon case, the Court rejected a claim used to withhold evidence. In the student-loan case, it ruled that the cited law did not authorize the cancellation program. Courts need cases to be filed before they can rule.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

Congress could approve the bill, but the president could veto it before it becomes law. Congress could still override the veto with two-thirds of each house, so the veto is not final. If the bill became law and someone challenged it in court, federal judges could rule that banning public criticism violates the First Amendment's protection of free speech. A court could then block enforcement of the law. These checks might not stop the bill immediately: Congress could override the veto, and courts usually need a case before they can decide whether a law is constitutional.

Accept responses that distinguish a presidential veto from judicial review and explain that a court acts through a case. For Part 3, look for the First Amendment, the possibility of a veto override, and a reason judicial review may take time.