

Power in Balance

How the Constitution divides power and prevents misuse.

CE.2.e "explaining the principle of separation of powers and the operation of checks and balances."

NAME _____

DATE _____

1 READ AND MARK _____ Read it twice

YOUR JOB Underline each branch's main job, and circle each action that allows one branch to limit another, so you can identify separation of powers and checks and balances.

Three Branches, Shared Limits

- ① The Constitution divides the national government's work among three branches. Congress, the legislative branch, makes laws and controls spending. The president leads the executive branch, carries out laws, and can recommend policies. Federal courts, the judicial branch, decide cases and explain what laws mean when disputes arise. This separation of powers gives each branch important duties. It prevents one person or group from holding all national power. The branches must work together, but they do not have identical jobs.
- ② Checks and balances are powers that let one branch limit another branch when needed. For example, Congress may pass a bill, but the president may veto it. Congress can still make the bill a law by overriding the veto with a two-thirds vote in both houses. The president nominates federal judges, yet the Senate must approve those nominees. These steps require branches to share power. A check does not erase separation of powers. Instead, it keeps a branch's main job while giving another branch a way to prevent misuse.
- ③ Courts also check the other branches. In a case properly brought before them, federal courts may rule that a law or government action conflicts with the Constitution. This power is called judicial review. Courts cannot write a replacement law, because lawmaking belongs to Congress. Congress and the president have checks on courts as well: the president nominates judges, the Senate confirms them, and Congress may change the number of lower federal courts. These connected powers make government slower at times, but they protect liberty and limit abuse.

2 ANSWER WITH EVIDENCE _____ Use the passage

1 How does separation of powers prevent one person or group from holding all national power?

2 What can Congress do after the president vetoes a bill, and what vote is required?

3 Why is the president's veto an example of checks and balances?

4 What can federal courts do through judicial review, and what can they not do?

3 YOUR TURN _____ Your own words

Invent a realistic situation in which one branch acts and a different branch uses a constitutional check. Write exactly three sentences. Name each branch, describe the check, and explain how it limits concentrated power.

PART 1 • READ AND MARK

Underline each branch's main job, and circle each action that allows one branch to limit another, so you can identify separation of powers and checks and balances. Accept any marking that follows this job and points at the right text.

PART 2 • ANSWERS

#	QUESTION	ANSWER
1	How does separation of powers prevent one person or group from holding all national power?	It divides government duties among three branches, so no one person or group has all national power.
2	What can Congress do after the president vetoes a bill, and what vote is required?	Congress can override the veto and make the bill a law with a two-thirds vote in both houses.
3	Why is the president's veto an example of checks and balances?	It allows the president to limit Congress by rejecting a bill Congress passed.
4	What can federal courts do through judicial review, and what can they not do?	Courts may rule that a law or government action conflicts with the Constitution. They cannot write a replacement law.

PART 3 • YOUR TURN (SAMPLE ANSWER)

The president nominates a judge who has little legal experience. The Senate, part of Congress, refuses to confirm the nominee after reviewing the choice. This check keeps the president from choosing federal judges alone.

Accept accurate original situations that name an action by one branch and a valid check by another branch. The explanation should show that the check limits one branch from acting alone or misusing power.