SS.7.C.1.7
Describe how the Constitution limits the powers of government through separation of powers and checks and balances.

This material is adapted from resources developed by the Center for Civic Education.

SS.7.C.1.7 Benchmark Clarification 4: Students will be able to recognize examples of separation of powers and checks and balances.

In a separation of powers system, the power of government is not given to any one branch. Instead, some of the power is given to each branch. The legislative branch has the power to create new laws, the executive branch has the power to carry out and enforce laws, and the judicial branch has the power to interpret laws.

Each branch of government can check the powers of the other branches. The executive branch may veto laws passed by Congress, nominate certain government officials and Supreme Court justices, and propose new legislation. The president can make treaties, but they must be ratified by the Senate. The legislative branch can impeach and convict the president, other members of the executive branch, and federal judges. Congress may pass laws over the president's veto by two-thirds majority vote of both houses. The legislative branch may reject appointments made by the president as well as propose amendments to the United States Constitution. The judicial branch may declare executive actions and laws passed by Congress unconstitutional. This power of judicial review allows U.S. courts to examine the laws or actions of the legislative and executive branches of the government and to determine whether such actions are consistent with the U.S. Constitution. Judicial review is an important check on the legislative and executive branches because it prevents them from straying too far from the Constitution. The Supreme Court case that established the power of judicial review is *Marbury v. Madison*. Since the judicial branch has the power to interpret laws, it must be able to determine if a law is unconstitutional and declare it “null and void”.

This system of distributed and shared powers spelled out in the U.S. Constitution provides limited government to prevent the abuse of power.

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impeach - to bring formal charges of wrongdoing against a public official (such as the U.S. President)
judicial review - the power of the U.S. courts to examine the laws or actions of the legislative and executive branches of the government and to determine whether such actions are consistent with the U.S. Constitution
*Marbury v. Madison* - U.S. Supreme Court case that established judicial review
ratify - to confirm by expressing consent or approval
separation of powers - the structure of the federal government, according to the U.S. Constitution, that sets up three branches with their own distinct powers and responsibilities
veto – to a decision by an executive authority such as a president or governor to reject a proposed law or statute

Source: