

The Federalist, Paper Number 51

SWKT: Federalist No. 51 explains how constitutional provisions of separation of powers and checks and balances control abuses by majorities.

The framework of the American government today--a representative government with a strong federal government--was laid out in a series of essays collectively called the Federalist Papers. The author argues that the Constitution's federal system and separation of powers will protect the rights of the people.

"In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions."

SEPARATION OF POWERS

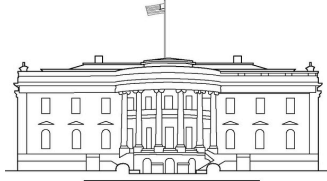
Definition - Constitutional division of powers among the legislative, executive, and judicial branches, with the legislative branch making law, the executive applying and enforcing the law, and the judiciary interpreting the law.

Legislative Branch
Congress
Makes the Law



House elected by the people in the district	Senate originally selected by state legislators
Term is for 2 years	Term is for 6 years
Direct democracy	Indirect democracy

Executive Branch
President
Enforces the Law



President elected by electoral college

Term is for 4 years

Indirect democracy

Judicial Branch
Supreme Court
Interprets the Law



Judges selected by president

Term is for life

Indirect democracy

CHECKS AND BALANCES

Definition - Constitutional grant of powers that enables each of the three branches of government to check some acts of the others and therefore ensure that no branch can dominate.

LEG OVER EXEC -Congress over President-	LEG OVER JUD -Congress over SC-	EXEC OVER LEG -President over Congress-	EXEC OVER JUD -President over SC-	JUD OVER LEG -SC over Congress-	JUD OVER EXEC -SC over President-
<ul style="list-style-type: none"> • refuse to confirm Pres. appointments • refuse to ratify treaties • declare war • impeach and remove the Pres. and V.P. • override a Presidential veto 	<ul style="list-style-type: none"> • propose amendments to overturn Court decisions • impeach and remove federal judges • refuse to confirm Supreme Court judges 	<ul style="list-style-type: none"> • veto acts of Congress • suggest laws or policies • send troops 	<ul style="list-style-type: none"> • appoints federal judges • pardon federal offenders • can "refuse" to enforce judicial rulings 	<ul style="list-style-type: none"> • appointed for life • declare acts of Congress unconstitutional 	<ul style="list-style-type: none"> • appointed for life • declare executive acts unconstitutional

FEDERALISM

Definition - Constitutional arrangement in which power is distributed between a central government and subdivisional governments, called *states* in the United States. The national and the subdivisional governments both exercise direct authority over individuals.

FEDERAL GOVERNMENT POWERS

expressed powers, implied powers, inherent powers, necessary and proper clause/elastic clause, interstate commerce clause, war power, supremacy clause, power to tax and spend, federal mandates, 14th Amendment

STATE GOVERNMENTS POWERS

reserved powers, intrastate commerce, 10th Amendment