

SEPARATION OF POWERS

[Watch It! - How is power divided in the United States government? \(3:49\)](#)

Learning Objective: Students will be able to describe the major principles of our government, specifically the concepts of separation of powers and checks and balances.

After the Revolutionary War, the writers of the Constitution knew that the best system of government would involve a separation of powers. They gave the new government three branches. Each one would have its own jobs and responsibilities. The three branches of the U.S. government are the legislative, executive, and judicial. The Constitution describes the duties that each branch has and the titles of the people who carry out these duties.

The legislative branch makes laws for the nation. In the United States the legislative branch is called Congress. Congress is bicameral, it has two parts – the House of Representatives and the Senate. Each section of Congress has a leader who oversees the lawmaking process. The Speaker of the House is the leader of the House of Representatives, the Vice President serves as President of the Senate, but there is also the President *Pro Tempore* who presides when the Vice President is not there (which is most of the time). Article One of the Constitution established the legislative branch and gives Congress several jobs to do. Congress can: (1) tax citizens, (2) borrow money, (3) print money, (4) pay the country's debts, (5) set up the federal courts, (6) declare war, (7) raise and army, and (8) have post offices.

The executive branch makes sure that the laws of the country are obeyed. The President is the head of the executive branch. He is also known as the Chief Executive of the country. The executive branch is very large because many people and groups are needed to help the President. The Vice President is the President's main helper. Others who assist are the President's Cabinet. Article Two of the Constitution established the executive branch. The Constitution gives the President the powers to do many things. The President appoints federal officials and members of the Supreme Court. The President works out, or negotiates, treaties. Also, the President is Commander in Chief of the armed forces (military).

The judicial branch answers questions about the meaning of laws and whether or not they follow the constitution. The highest court in the judicial branch is called the Supreme Court. Nine judges, or justices, make decisions about laws and other court matters. The head of the Supreme Court is called the Chief Justice. No person or court can overrule the decisions of the US Supreme Court – its decision is always final. The federal court system is made up of: (1) the Supreme Court of the United States, (2) twelve U.S. Courts of Appeals, (3) the lower federal courts. Article Three of the Constitution established the judicial branch.

Draw lines connecting the quote about working in government to the correct branch.

<p>Floor debate [on a bill] is an exhilarating experience and important duty.</p> <p><i>Carolyn Cheeks Kilpatrick, D-MI</i></p>  <p><i>The Executive Branch</i></p>	<p>Being the president is like riding a tiger.</p> <p><i>Harry S. Truman, D-MO</i></p>  <p><i>The Judicial Branch</i></p>	<p>We apply laws to facts. We do not apply feelings to facts.</p> <p><i>Justice Sonia Sotomayor</i></p>  <p><i>The Legislative Branch</i></p>
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In the spaces provided write: **L** for the **legislative branch**, **E** for the **executive branch**, and **J** for the **judicial branch**.

- _____ Which branch includes the Congress (House of Reps and Senate)?
- _____ Which branch includes the Supreme Court and all federal courts?
- _____ Which branch includes the President, Vice President, and the Cabinet?
- _____ Which branch writes the bills that become laws?
- _____ Which branch can declare laws unconstitutional?
- _____ Which branch makes sure the laws are carried out and enforced?
- _____ Which branch has members appointed for life?
- _____ Which branch has the power to declare war?
- _____ Which branch has the ability to veto?
- _____ Which branch hears cases about the laws and decides what the laws mean?