



# LESSON 12

## How does the Constitution limit the powers of our government?

### LESSON PURPOSE

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The Framers wanted to limit the powers of our national government. They wanted to be sure that no one group of people in government would have too much power. So, they divided the powers of government among three groups or branches. In this lesson, you will learn more about the separation of powers and checks and balances.

### LESSON OBJECTIVES

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When you have finished this lesson, you should be able to explain

- why the Framers separated the powers of our government and
- how the Constitution balances and checks the powers of each branch of government.

### TERMS TO KNOW

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- balancing powers
- branches
- checking powers
- executive power
- judicial power
- legislative power
- separation of powers
- United States Supreme Court



## Critical Thinking Exercise

### How would you organize your government?

Suppose you want to create a government for your class. Think about how you might organize that government. It would need to have the following powers:

- 1 Power to make rules. This is called **legislative power**.
- 2 Power to carry out and enforce the rules. This is called **executive power**.
- 3 Power to settle disagreements about the rules. This includes the power to say what the rules mean. This is called **judicial power**.

Think about how you might distribute these powers in your class government. Work in small groups and answer the questions below. Be prepared to share your answers with the class.

- 1 Suppose you decide to give all the powers of your class government to one group of students. What would be the advantages and disadvantages of doing this?
- 2 Suppose you decide to give the power to three different groups of students. You divide the powers of your government among them. What would be the advantages and disadvantages of doing this?



*How might you use the idea of separation of powers to organize a school government?*

## What ideas did the Framers use to limit the power of government?

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When the Framers organized our national government, they knew they needed to limit its powers. The Framers did this by dividing the government into three parts. They called these parts the three **branches** of government. They gave certain powers to each branch.

- **Legislative branch** The Framers gave this branch the power to make laws. They called our national legislature “Congress.” Congress has two parts or houses. They are the Senate and the House of Representatives.
- **Executive branch** The Framers gave this branch the power to carry out and enforce the laws made by Congress. The president is the head of this branch.
- **Judicial branch** The Framers gave this branch the power to settle disagreements about what the laws mean. The **United States Supreme Court** is the highest court in this branch.

## What else did the Framers do to limit the power of government?

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The Framers knew that governments often gain too much power. When they do, they can violate the rights of the people. They work for the selfish interests of a few

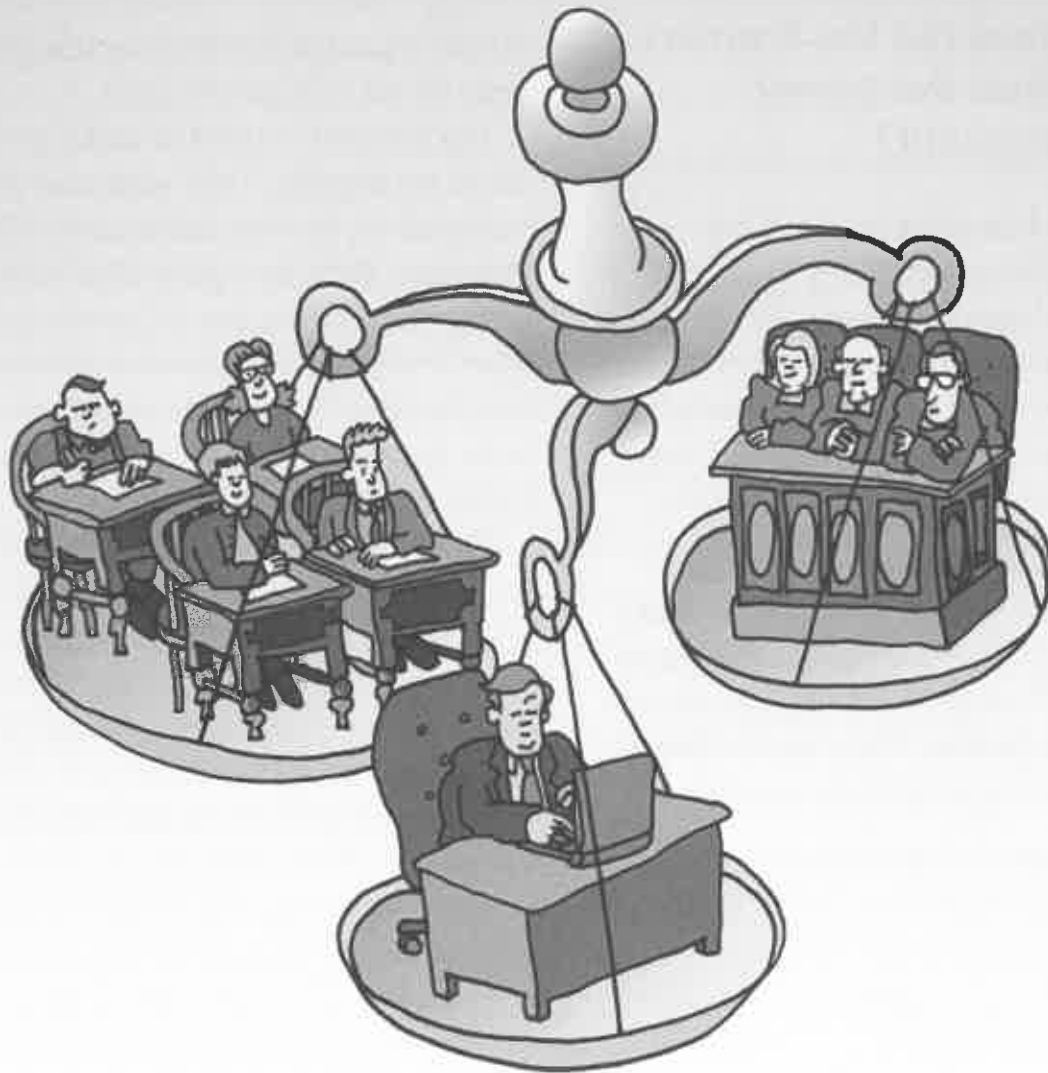
people instead of for the common good. They do not treat people fairly.

The Framers wanted to make sure this could not happen. They separated and balanced the powers among the different branches. Then they gave each branch a way to check the use of power by the other branches. The Framers believed that the way they organized the government was the best way to protect the rights and welfare of the people.

The Framers knew from history that constitutional governments are often divided into different branches. **Separation of powers** means to divide the power of government among its branches. The Framers used the idea of separation of powers as one way to limit the power of government.

The Framers also knew that it was not enough just to separate the powers of government. If you gave too much power to one branch, it might control the others. The Framers believed that the powers of government needed to be balanced among the different branches. **Balancing powers** means that no one government branch is given so much power that it can completely control the other branches.

The Framers used one more way to limit the power of government. They gave each branch ways to check the other branches. **Checking powers** means that each branch can stop the other branches from making final decisions or from taking certain actions. For example, Congress has the power to make laws. The president can stop

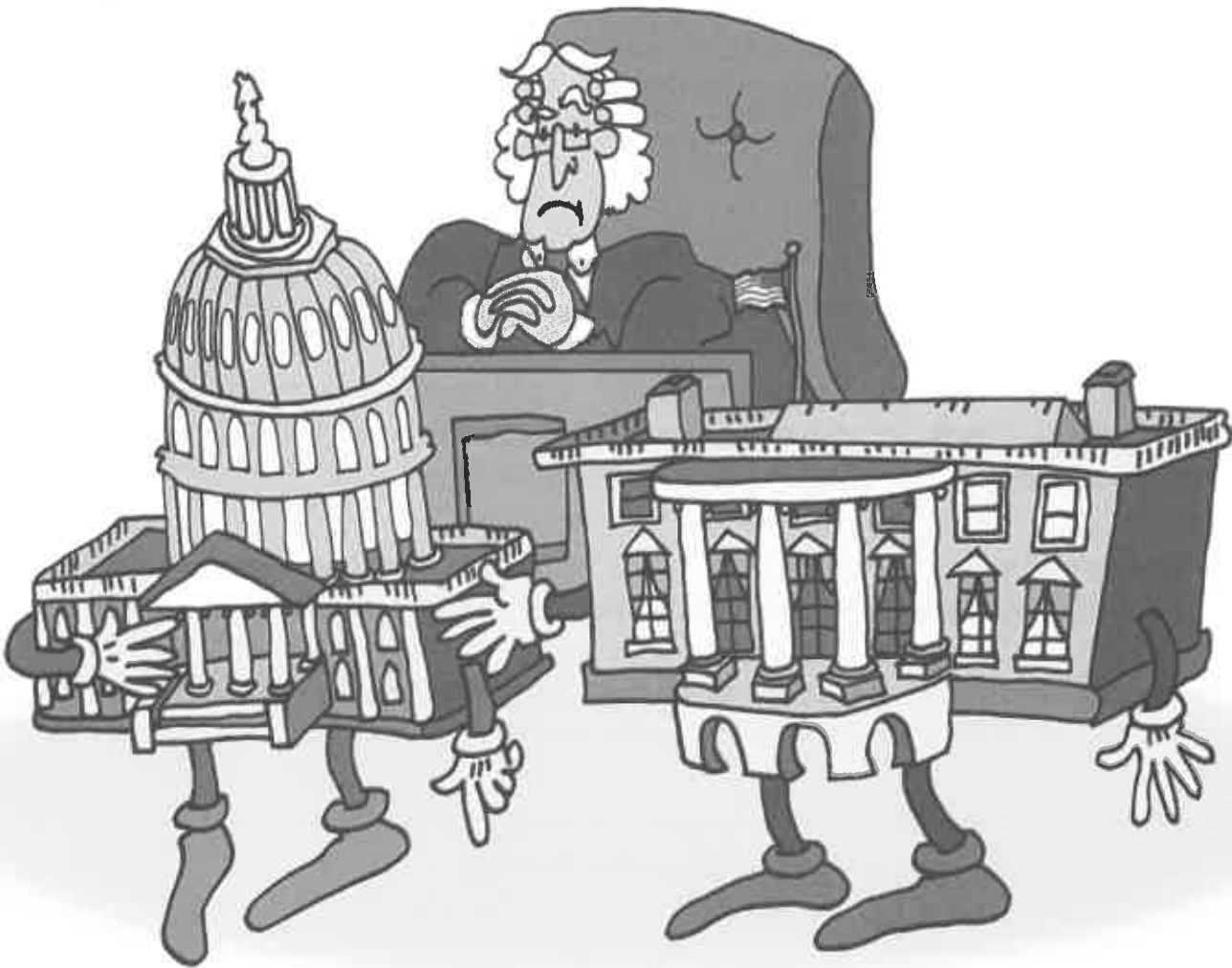


*How is power balanced among the different branches of government?*

or control this power by refusing to approve a bill passed by Congress. But, the bill might still become law. Two-thirds of the members of Congress would have to vote to make it a law. Suppose the bill does become law. The judicial branch has the power to check Congress and the president. If a case is brought before them, the courts have the power to say that a certain law is not allowed by the Constitution.

Finally, the Tenth Amendment to the Constitution says that the powers that are not given to the national government are to be kept by the state governments or the people. States can use these powers as they wish. However, they cannot do things that violate laws made by Congress or the Constitution. The following are some things state governments have the powers to do.

- They can create and run public school systems.
- They can make laws protecting people's lives, liberty, and property.
- They can create law enforcement agencies and courts to try people accused of breaking state laws.
- They can organize and run elections for people running for positions in their governments and the national government.
- They can give areas within them, such as towns, cities, and counties, the right to organize and run their own governments.



*How does the judicial branch check the power of the executive and legislative branches?*

# Reviewing and Using the Lesson

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- 1 What are the three branches of our government? What power does each branch have?
- 2 Why did the Framers separate the powers of our government? How are they separated?
- 3 Why did the Framers balance the powers of our government?
- 4 Why did the Framers provide ways for each branch of our government to check the powers of the other branches? Give an example of how one branch can check the power of another.

## Activities

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- 1 Write a short letter to a friend. Describe what you have learned about the separation of powers and checks and balances. Tell why you think these ideas are important. Share your letter with the class.
- 2 Draw a diagram. In your diagram, show your understanding of how separation of powers and checks and balances work. Share your diagram with the class.
- 3 Find newspaper or magazine articles that report examples of the use of checks and balances. Share your articles with the class.
- 4 Watch the news on television. Report to the class any story about one branch of government checking another branch.