

Checks and Balances in the US Constitution

Executive Branch

The Executive Branch (President) can check the power of the Legislative Branch (Congress) through its ability to veto proposed laws. The President can also propose laws; however, Congress does not have to accept the proposal. The President can also call Congress into session to take up matters important to the President. In addition, the President can also negotiate foreign treaties.

In addition, the Executive Branch can also check the power of the Judicial branch (United States Supreme Court) through its powers to appoint federal judges. The President can also grant federal pardons to federal offenders.

Legislative Branch

The Legislative Branch (Congress) can check the power of the Executive Branch (President) through its power to override a Presidential veto of laws. Congress also must confirm key Presidential appointments. Also, while the President can negotiate treaties, Congress must ratify the treaty before it becomes law. Congress is the only branch that can declare war despite the President's power as the Commander-in-Chief. Congress is the only branch that can appropriate money at the Federal level. In addition, Congress can impeach (bring charges) and vote to remove the President from office.

Congress can also check the power of the Judicial Branch (Supreme Court) through its power to create the lower federal courts. In addition, Congress has the power to impeach and remove federal judges from office. Congress can also propose amendments to the Constitution to overrule judicial decisions. Lastly, Congress has the power to approve appointments of federal judges.

Judicial Branch

The Judicial Branch (Supreme Court) has the power to check the Executive Branch (President) through its ability to declare the actions of the President unconstitutional. In 1952 this was done in the Youngstown Sheet and Tube Company versus Sawyer Supreme Court case.

The Supreme Court has the power to declare acts of the Legislative Branch (Congress) as unconstitutional. This was seen in the Supreme Court case of The Stolen Valor Act of 2005.