

Name _____



Keeping Things in Check - Three Branches of Government

By Phyllis Naegeli

Our government has three branches. Imagine a triangle. At the top is the **executive branch**. The two bottom corners are the **judicial branch** and the **legislative branch** - also called Congress. Each part of the government is connected to the other. Each has its own responsibilities and powers. A **system** of checks and balances prevents one branch from gaining too much power. So how does this all work?

One way is through the process of creating laws. Congress is responsible for making laws. A law starts this process as a bill. When Congress passes a bill, it goes to the president who reviews it. If he likes it, he signs it, and it becomes a law. If the president does not like it, he vetoes it. When the president decides to veto a bill, the Congress can vote on it again. If two-thirds of the Congress votes in favor of the bill, they **override** the veto. The bill becomes a law. The judicial branch can review laws made by Congress and approved by the president. They are responsible for deciding if the law agrees with our constitution. Should the judicial branch decide the law does not agree, it is ruled "**unconstitutional**." If the Congress still believes the idea should be a law, they must pass a constitutional amendment. Adding an amendment to the constitution is a long process. In addition to passing Congress, three-fourths of the state legislatures must approve an **amendment** for it to become a part of our constitution.

The president's powers are limited in the system of checks and balances. As the leader of the executive branch, the president ensures the **enforcement** of the laws in our country. In part, he does this by appointing leaders for the many departments and agencies in our government. These departments and agencies work to make our lives better. They make sure our food, air, water, and businesses are safe. They run the military, collect taxes, and help the elderly and disabled. They manage the National Parks and promote space travel. Our safety and protection on highways and roads, in airports, and in our health care system are all part of the government's responsibility

to us. In order to limit the powers of the president, the Congress must approve the people chosen to fill these jobs.

Other important jobs of the president include meeting with **dignitaries** from foreign countries, visiting other nations, and negotiating treaties. There are many different reasons for **treaties**. Treaties end wars. They form agreements between our country and another country for trade, defense, economic, and other reasons. However, treaties only go into effect when approved by the Congress. The president must be careful to consider the views of the Congress before negotiating a treaty. If he does not Congress may vote against the treaty.

As the head of the branch responsible for spending money to enforce laws, the president puts together a budget each year. A budget is a proposal outlining the money the executive branch wants to spend. However, "the power of the purse" lies with Congress. Before any money can be spent, the Congress reviews the budget. Then Budget Committees draft bills to set aside the funds requested by the executive branch. The Senate and House of Representatives review and debate these bills. They make many compromises before the final bills receive a vote. Congress must approve the budget before the executive branch can spend the money.

When running for election, the presidential candidate chooses who will run as vice-president. This is a very important decision for two reasons. First, the vice-president's main job is to be ready to become president. If the president becomes very ill or dies, the vice-president takes his place. The vice-president is also the leader of the Senate. In this job, he places a tie-breaking vote and decides who will speak to the Senate. Because the vice-president works closely with the president, the executive branch has a voice in the Congress.

The judicial branch is different from the other two branches. The individuals who serve in the judicial branch are not elected, they are **appointed**. The president decides whom to appoint for these positions. However, the Congress must approve these appointments. Once appointed and approved, the judges may serve for life. This term of service was established to keep judges free from **political** pressure.

Impeachment is another way the system of checks and balances works. This power lies with Congress. Impeachment occurs when an important government official - such as the president, vice-president, or federal judge - is accused of a **crime** against our

Name _____



nation. The two houses of Congress have separate jobs in an impeachment. The House of Representatives decides on the charges brought against the official. The Senate holds the **trial** with the vice-president acting as **judge**. The only time the vice-president does not act as judge is if the president is impeached. Because the vice-president would become president - if the president is found guilty - the **chief justice** of the Supreme Court acts as judge. This eliminates a **conflict of interest** for the vice-president.

In drafting our constitution, our government was set up to be a government of the people. The writers worked very hard to avoid a **tyrannical** government where one person or group of people gained too much power. This system of checks and balances helps to keep our government a democracy.

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Questions

- _____ 1. What does our system of checks and balances prevent?
 - A. a treaty from being a law
 - B. a president from being impeached
 - C. a bill being passed
 - D. one branch of government from gaining too much power

- _____ 2. Who is responsible for naming department leaders?
 - A. the president
 - B. the judges
 - C. the Congress
 - D. the vice-president

- _____ 3. Which branch of our government decides if a law is "unconstitutional"?
 - A. the executive branch
 - B. the judicial branch
 - C. the legislative branch
 - D. all of the above

- 4. Who becomes president in the event the president is very ill or dies?

- 5. Which house of Congress holds the trial in an impeachment?

- _____ 6. Which branch of our government holds the "power of the purse"?

- A. the judicial branch
- B. the executive branch
- C. the legislative branch
- D. all of the branches share in this power

- _____ 7. The vice-president always acts as judge in an impeachment trial.

- A. True
- B. False

- _____ 8. Federal court judges are appointed for life.

- A. True
- B. False

