

THE STRUCTURE OF U.S. GOVERNMENT

SEPARATION OF POWERS, CHECKS AND BALANCES

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SEPARATION OF POWERS

By the late 1780s, it had become clear that the first governmental system of the United States, the Articles of Confederation, wasn't working. The central government under the Articles lacked a strong executive and a method for resolving disputes at the national level.

But adding a strong executive branch to the US government might pose the opposite problem. Would an executive, wielding the power of the army, become too powerful? Would a federal government with more power overall soon become tyrannical?

At the Constitutional Convention, the Framers debated these issues. Their ultimate solution was to separate the powers of government among three branches—legislative, executive, and judicial—so that each branch had to cooperate with the others in order to accomplish policymaking goals. For example, although the executive branch commands the military, only the legislative branch can declare war and make funds available to pay and provision the army. Therefore, both the legislative branch (Congress) and the executive branch (the president) must consent for the United States to go to war.

Accordingly, each branch of government has unique powers. As the branch most responsive to the will of the people (who elect its members), Congress has the power to pass laws, declare war, ratify treaties, and levy taxes. The executive branch conducts foreign affairs and commands the armed forces. The judicial branch interprets the laws of Congress and the actions of the president to determine whether they are constitutional.

CHECKS AND BALANCES

In addition to separating powers among the branches, the Framers gave each branch the power to check, or stop, the actions of the other two branches in meaningful ways. For example, the president has the power to veto, or reject, laws made by Congress. But Congress can balance out that power in its turn by overriding the president's veto with a two-thirds vote.

Powers of the branches of government



Legislative branch



Executive branch



Judicial branch

Pass laws	Veto legislation	Declare laws unconstitutional
Declare war	Command armed forces	Hear cases on federal law
Impeach president and judges	Grant pardons	Preside over impeachment trials
Approve presidential appointments	Appoint judges, ambassadors, department heads	Declare presidential acts unconstitutional
Ratify treaties	Conduct foreign affairs and negotiate treaties	
Levy taxes		
Establish number of Supreme Court justices		
Regulate Supreme Court's jurisdiction		

This system of checks and balances keeps each branch of government from overstepping its bounds, and consequently, the federal government itself from becoming too powerful.

James Madison argued for this system in *Federalist* No. 51, appropriately titled “The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments.” Madison reasoned that—because it is impossible to make all politicians angels who would never attempt to grab more power than they should—the most practical method for keeping the government in check is to structure the government so that politicians must compete with each other. “Ambition must be made to counteract ambition,” Madison wrote.

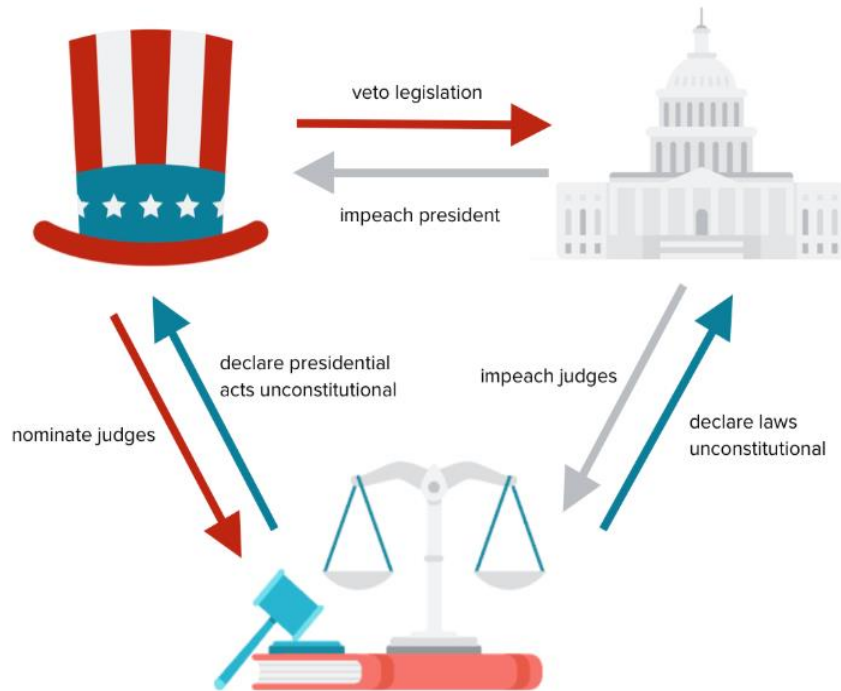


Chart with examples of powers that each branch has to check the other two branches. The red arrows show executive powers, the blue arrows show judicial powers, and the gray arrows show legislative powers.

Even if a faction, a group united by a common cause, were to take control of one branch of government, the separation of powers would prevent that faction from having too much influence on the government.

What’s important about separation of powers and checks and balances?

How does the structure of US government affect its citizens?

First, the separation of powers in the government means that making law is a long, complex process. Although this slows the pace of policymaking considerably, the Framers intended for it to be difficult for the government to act. The positive consequence of this system is that it gives people many opportunities to influence law as it travels through the policymaking process from initial idea to final implementation. For example, if Congress passes a law that a citizen disagrees with, that citizen can work to persuade the president to veto that law.

Second, checks and balances ensure that the government is working for the people’s interest and following the law. Government officials who commit crimes or abuse the power of their office may be impeached. Impeachment is the process of making formal charges against a public official. An official who is impeached undergoes a trial, and if convicted, he or she is removed from office. This process demonstrates that in the United States, no one is above the law, not even the highest public officials.