

THE BIRTH OF THE CONSTITUTION

Separation of Powers

Another problem facing the Constitutional Convention was how to divide the powers of a government. Who will make the laws? Who will make sure the laws are obeyed? Who will make sure the laws are “good” laws? These questions were answered in the next set of compromises.

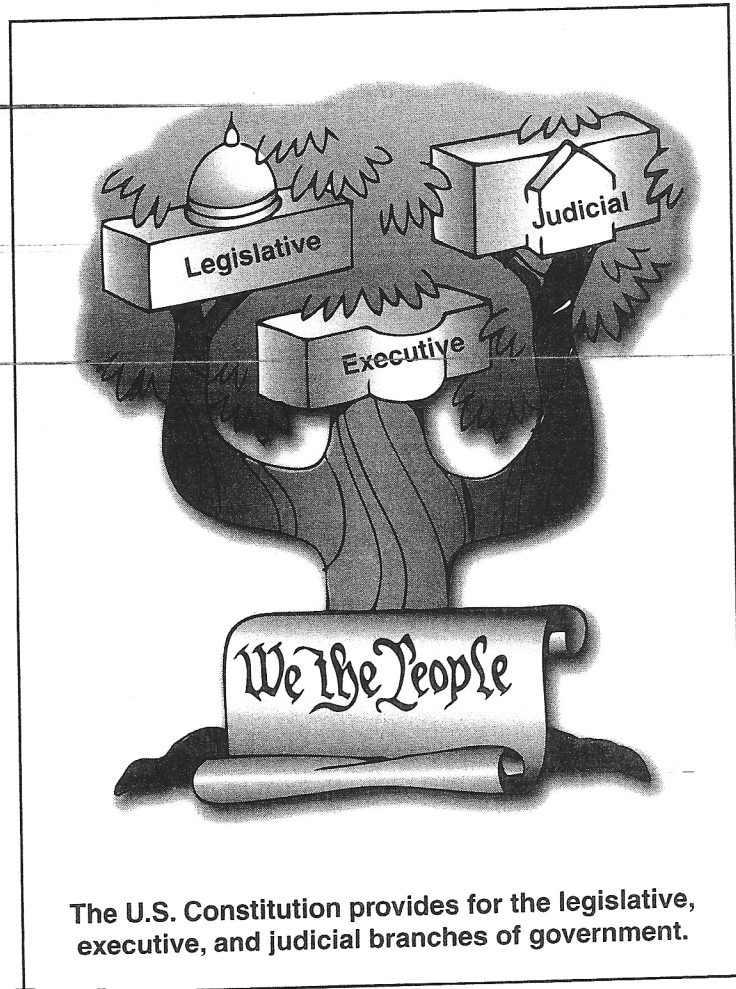
American government can be seen as a tree. The Constitution is the trunk, or base, with three branches extending from that trunk. Those three branches are the legislative branch, the executive branch, and the judicial branch. Each branch has different responsibilities and looks out for and checks the other two branches. These concepts, respectively, are called *separation of powers* and *checks and balances*.

The *legislative* branch was defined during the Great Compromise. Together, the House of Representatives and the Senate make the laws to govern our country. The legislative branch also checks the executive and judicial branches.

The second branch is the *executive* branch. Eventually, the delegates decided to create a chief executive. Under the Articles of Confederation, there was no national leader. The founding fathers had feared creating another “king.” There was much discussion, even talk of having two equally powered leaders. The convention agreed to create one president, but only if the president would be checked or watched by the legislative and judicial branches. The job of the president and the executive branch is to carry out the laws passed by the legislative branch.

The third branch established the *judicial* system. The judicial branch was to be headed by the Supreme Court. It is the job of the Supreme Court to interpret or define the laws. The justices of the Supreme Court are chosen by the president and approved by the Senate. The judicial branch checks the executive and legislative branches.

Each branch has its own specific responsibilities. Each has a separate power. Part of the responsibility of a branch is to control or check the power of the other branches. That way, no one branch gets to be too powerful; each branch is balanced.



Name: _____ Date: _____

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Separation of Powers **Challenges**

1. Define:

Separation of Powers: _____

Checks and Balances: _____

Legislative: _____

Executive: _____

Judicial: _____

2. Name three ways in which the powers of the United States are divided.

3. Why are the powers separated? _____

4. What is the job of the legislative branch? _____

5. What is the job of the executive branch? _____

6. What is the job of the judicial branch? _____

7. What two branches are checked by the legislative branch? _____

8. What two branches are checked by the executive branch? _____

9. What two branches are checked by the judicial branch? _____
