



The Constitution of the United States establishes a separation of powers by dividing the federal government into three branches, each with its own powers and duties. The Constitution provides that each branch can check the power of the other two branches. Articles I-III of the Constitution outline the powers and limits of each branch.



Legislative Branch The Senate and the House of Representatives are chosen by U.S. citizens. This branch is primarily responsible for passing laws. The Senate confirms or rejects the president's nominations. Congress passes budgets and holds the power to declare war.



Executive Branch The president and vice president are chosen through the Electoral College process. Cabinet members are nominated by the president and approved by a simple majority of the Senate. This branch is responsible for carrying out and enforcing the laws.



Judicial Branch Federal judges are nominated by the president and confirmed by the Senate. Judges preside over cases in the Supreme Court and other federal courts established by Congress. This branch is responsible for interpreting the laws and deciding if laws violate the Constitution.

Checks and Balances

Checks and balances describes the power of the branches to respond to each other and creates a separation of power. Here are some examples: the president nominates the heads of the federal agencies and appoints federal judges. The Senate will confirm or reject these nominations and Congress has the power to remove members of the executive and judicial branches from office. The Supreme Court and other federal courts have the power of judicial review, which is the authority to declare laws or presidential actions unconstitutional. Congress can propose amendments to the Constitution which would then be ratified by the States. The president has the power to veto a bill passed by Congress, but Congress can override the veto by a 2/3 vote (supermajority) of both houses.



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Judicial Independence

The Constitution protects judicial independence in three ways. Federal judges are appointed by the president and confirmed by the Senate as opposed to some state judges (including those in Louisiana, Mississippi and Texas) who are elected. Federal judges serve for life and are guaranteed a salary set by Congress. These elements grant federal judges the ability to make unpopular decisions without the fear of losing their job or a reduction in pay.

