

Part One, American Government and U.S. Constitution

Lesson 18: Principle 17 - *Checks and Balances*

Name: _____

Part II: The Founders' Basic Principles – 28 Great Ideas that Changed the World

Lesson 17 Time: 35:36 [for Sunday June 29, 2014]

The 5000 Year Leap: 17th Principle, Reading Assignment:

Checks and Balances (pages 205-215);

Lesson objectives: As a result of this lesson, the student should be able to discuss the following questions/topics:

17. A system of checks and balances should be adopted to prevent the abuse of power.

1. AFTER THE FOUNDERS CONVINCED THE PEOPLE OF THE NEED FOR A SEPARATION OF POWERS, WHAT GREAT CHALLENGE DID THEY FACE? (PAGE 205)

Separate but Coordinated Powers

o some wanted separation complete

-e.g. president could veto absolutely – LAW-MAKING AUTHORITY

o others wanted branches only subject to the checks of the others
(prevents abuses of others)

2. WHICH FOUNDER GAVE PERHAPS THE MOST DETAILED REASONING FOR A SYSTEM OF CHECKS AND BALANCES? WHERE IS IT RECORDED? (206-7)

James Madison; *The Federalist Papers* (# 47-51)

o Madison wrote 5 papers explaining separation is not absolute

o three branches must coordinate

o Gave Montesquieu credit

3. EXPLAIN THE DIFFERENCE BETWEEN "BLENDING" THE POWERS OF GOVERNMENT AND "USURPING" THEM.

Possessing, "directly or indirectly an overruling influence over the others"

WHY HAS IT PROVEN A DIFFICULT TASK TO MAINTAIN THE DELICATE DIFFERENCE? (207-8)

Not giving a checking influence over other branches of government prevents them from keeping their powers limited. [Cannot just separate their powers, must blend to maintain distinctions.]

o Checks prevent the usurpation of power

4. TELL ABOUT TWO DIFFERENT IDEAS THAT WERE TRIED OR SUGGESTED IN THE FOUNDING PERIOD AS WAYS OF PROTECTING THE PEOPLE FROM ABUSIVE GOVERNMENT. (208-9)

Prior Attempts to Check

o Council of Censors

-committee of citizens outside government

-powerless to help

o Vote of the People

-like initiative and referendum

5. HOW DID THE FOUNDERS FINALLY CONCLUDE THAT A SYSTEM OF CHECKS AND BALANCES WAS THE BEST AND ONLY ANSWER? (210-11)

- o Check must come from within government

Failure to Check has produced-

- o A judiciary making laws

(Example: Roe vs. Wade/ Abortion was never made into a law by Legislative branch, January 22, 1973)

- o A president making laws

- o federal taking over states rights

- o high taxes on the people

6. HOW MANY INTERNAL CHECKS ARE PROVIDED FOR IN THE CONSTITUTION?

Examples of Checks and Balances

- o House checks senate - no pass

- o Senate checks House - no pass

- o President checks Congress - veto

- o Congress checks President - no appropriation (~\$!)

- o Senate checks Pres. - no confirmation of appointments

- o Pres checks Congress - lobbies

- o Judiciary checks Congress - declares law unconstitutional

- o Congress checks Pres and judges - can impeach (Senate must remove from office)

- o Pres checks judiciary - appt judges

WHAT FINAL CHECK DO THE PEOPLE HAVE? (211-13)

- o Ballot Box! People check all – every election (house, 2yrs; pres, 4yrs; senate, 6yrs)

7. WHAT WAS GEORGE WASHINGTON'S ADVICE ABOUT PRESERVING THE CONSTITUTIONAL SYSTEM OF CHECKS AND BALANCES? (213-14)

How to Bring Changes

- o G. Washington warned against usurpation

- o Only by amendment

- o “Peaceful self-repair” - no forcible overthrow

8. HOW HAS THIS INGENIOUS DEVICE BEEN EFFECTIVELY USED AS A MEANS OF PEACEFUL SELF-REPAIR? (214- 15)

- o Watergate – ??? Nixon, 1970s il of peaceful self-repair

- o other countries copy our system but:

 - in crisis - suspend the constitution!

 - “Domestic Tranquility”

 - beauty of this constitution and republic, as worded in the preamble.