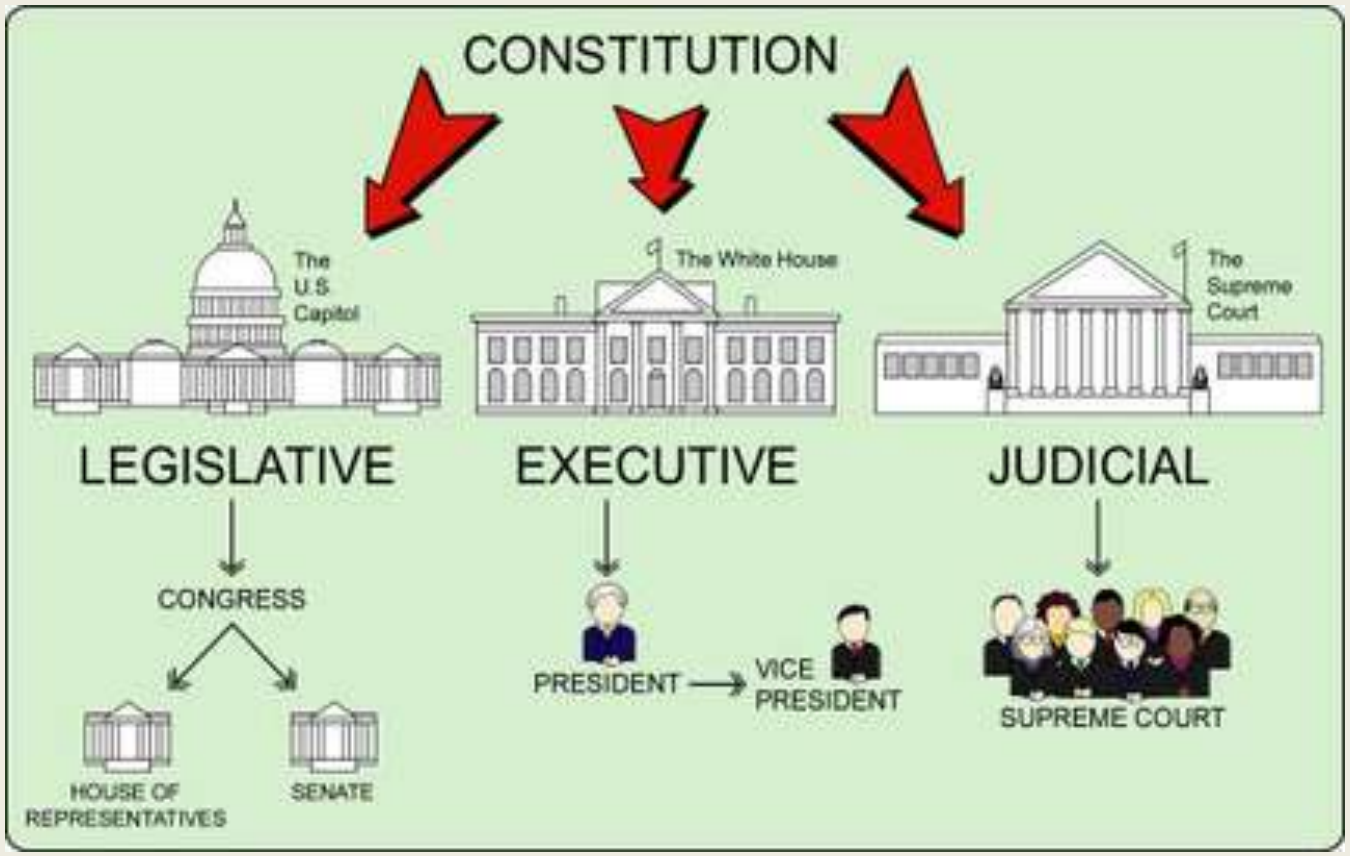
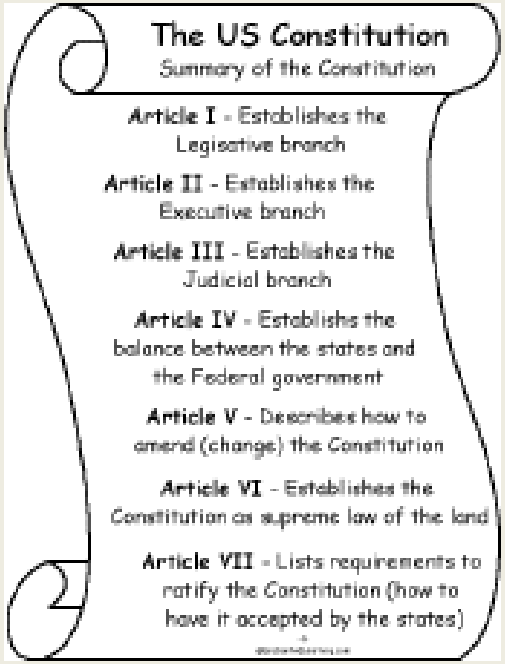
# Making the Constitution: Separation of Powers



The US Constitution has seven parts. These are called Articles. So, there are seven articles. Clearly, the first three are going to be the most important. So what are the first three articles? What do they do? The first three articles define the powers of three branches. The three branches are executive, legislative, and judicial.




Complete

1. There are ____ Articles of the Constitution.

2. The first three articles list powers of the ____ branches.

3. The branches are

_____

We always say executive first. Executive is the president. But actually Article 1 creates the Legislative Branch. It creates the bicameral legislature, the US Congress. It creates the Senate and the House of Representatives. It gives Congress the power to pass laws. Remember: At that time, Congress was seen as the MOST powerful of three equal powers.

Article 2 is about the Executive Branch. It refers to the president and his powers. At this time, they don't really know exactly what the president should do, but they want to keep from getting more powerful. He has the right to veto. Veto is when you prevent a law; so he can say "NO!" to Congress. This is checks and balances. Over time, the Executive Branch will grow more and more powerful, so that it is actually the MOST POWERFUL of the equal powers. This happens with presidents like Thomas Jefferson, Andrew Jackson, Abraham Lincoln, and Franklin Roosevelt.

The Third Article defines the power of the Judicial Branch. This is the Supreme Court. At the time of the Constitution, they weren't really sure what the Supreme Court's powers were. They knew Congress would make the laws; they knew the President could veto laws. But they didn't know what to do with the Supreme Court.

## Complete

1. Article 1 of the Constitution defines the powers of the _____ branch.

2. Article 2 of the Constitution defines the powers of the _____ branch.

3. Article 3 of the Constitution defines the powers of the _____ branch.

## Rewrite

1. The branches are supposed to be equal. But, originally, the executive branch was considered the most powerful.

2. Now, the judicial branch is considered most powerful thanks to people like Andrew Jackson and Abraham Lincoln.

3. The executive branch has the power to pass laws. The legislative branch can veto them; the judicial branches powers were clearly defined.

The man who defines judicial powers is John Marshall. He is the Chief Justice of the Supreme Court. He comes up with the idea of judicial review. It happens in a case called Marbury v. Madison. This case is complicated. Basically what happens is that someone sued the president, everybody expected the Supreme Court to punish this president, but the Supreme Court didn't. They said that they didn't have the Constitutional Power. So, from this point on, the Supreme Court becomes the ultimate judge of what you can do and what you can't, according to the Constitution. This is called Judicial Review.

Now, complete Separation of Powers notebook activity