Name _____ Date _____

Checks and Balances: Which Branch Can Do What?

Directions: Choose the answer the U.S. Constitution supports. The situations in these questions are invented.

1. In an invented example, the House and the Senate both pass a bill that changes how federal offices store old paper records. The president thinks the bill is a mistake. Which action can the president take to check Congress?

A. Declare the bill unconstitutional so it can never take effect.

B. Send the bill to the Supreme Court and ask the justices to reject it.

C. Dissolve Congress and order a new election for every seat.

D. Veto the bill by sending it back to Congress unsigned.

2. Rosa owns a small bakery. In an invented case, she argues in federal court that a new federal law goes beyond the powers the Constitution gives Congress. The case reaches the Supreme Court, which agrees with her and rules that the law cannot be enforced. Which power did the Court use?

A. A veto B. Impeachment C. A pardon D. Judicial review

3. In an invented case, a person is convicted of a federal crime in a federal court and sentenced to prison. Which choice names a branch that can still check this outcome, along with the power it would use?

A. The legislative branch, through a vote of Congress to pardon the person

B. The judicial branch, through the chief justice's power to grant a pardon

C. The executive branch, through the president's power to veto the court's decision

D. The executive branch, through the president's power to grant a pardon

4. In an invented year, a Supreme Court justice retires. The president nominates a federal appeals judge to fill the seat through the regular appointment process. Who must confirm the nominee before the president can appoint the judge?

A. Both the House and the Senate

B. The Senate

C. The justices already serving on the Court

D. The House of Representatives

5. The president's team finishes talks on an invented treaty with two neighboring countries about sharing weather data. Under the Constitution, what must happen before the president can make the treaty binding on the United States?

A. Two-thirds of the senators present must vote to approve it.

B. The Supreme Court must review the treaty and approve it.

C. Nothing more, because the president alone makes treaties.

D. A majority of both the House and the Senate must vote for it.

6. In an invented case, a federal judge is accused of taking bribes. The judge holds an office with no fixed term, and the president cannot fire the judge. Which choice describes how Congress could remove this judge from office?

A. The House holds a trial, and a majority vote of the House removes the judge.

B. The Senate votes to impeach the judge, and then the House holds a trial.

C. The Supreme Court holds a trial, and then the Senate votes on removal.

D. The House votes to impeach the judge, and then the Senate holds a trial.

7. In an invented example, the president wants to build a new visitor center at a national park, but no money has been set aside for it. Under the Constitution, how can the money be made available?

A. The Supreme Court can approve the spending if the project is legal.

B. The president can order the Treasury to pay for the project.

C. Congress must pass a law that sets aside, or appropriates, the money.

D. The Senate alone can approve the spending with a two-thirds vote.

8. In an invented case, the Supreme Court rules that a federal law about recycling goes against the Constitution. Many members of Congress still want the law's goal to stand. Which step could make that possible by changing the Constitution itself?

A. Ask the president to veto the Court's ruling so the law takes effect again.

B. Pass the same law again, since a court may strike down a law only once.

C. Propose a constitutional amendment for three-fourths of the states to ratify.

D. Vote to overrule the Court, with two-thirds of each chamber agreeing.

9. In an invented example, the president vetoes a bill about highway signs. The House then votes 310 to 120 to pass it again, and the Senate votes 62 to 38. What happens to the bill?

A. It goes to the Supreme Court, which decides between Congress and the president.

B. It does not become law, because the Senate vote fell short of two-thirds.

C. It becomes law, because a majority of each chamber voted for it.

D. It becomes law, because more than two-thirds of all the votes in both chambers, counted together, were yes.

10. Some powers in the Constitution tie one branch to another. Match each power to the person or group the Constitution gives it to.

Write the letter of the matching answer on each line.

1. _____ Vote in the Senate only when senators are tied
2. _____ Call Congress into a special session on an extraordinary occasion
3. _____ Preside over the Senate trial when a president is impeached
4. _____ Create federal courts below the Supreme Court

A. The chief justice

B. The secretary of state

C. The president

D. Congress

E. The Speaker of the House

F. The vice president