

## Historical Background

The U.S. Constitution establishes a system of **separation of powers** among three branches of government. The Framers in the Constitutional Convention were concerned with ways to prevent the **tyranny** they saw in King George. They drew the idea of separating powers from a French philosopher named Montesquieu.

Article I of the Constitution designates the legislative branch, known as Congress, to make the laws. Article II appoints the executive branch, led by the President, to carry out the laws. Then, Article III specifies the judicial branch, known as the Supreme Court, to interpret laws.

While power is separated into three branches, the Framers also designed the system to allow for restraints on the power of each branch. This is called **checks and balances**. For example, when both houses of Congress pass a law, the President has the power to veto, meaning to stop it from becoming a law. If a President vetoes a law, Congress can override the veto with a two-thirds vote. Further, the President nominates judges for the Supreme Court, then the Senate in Congress has the power to confirm the nomination. Ultimately, we can think of our system of government as three separate branches with shared powers.

James Madison, in *Federalist 51*, wrote, “Ambition must be made to counteract ambition. . . If men were angels, no government would be necessary.” This means that people are motivated to seek power, honor or wealth, and we cannot count on them to restrain their own self-interested aspirations. Madison believed that a system of checks and balances was necessary to prevent government officials from pursuing their own interests instead of those of the people.