

CHECKS AND BALANCES • LEVEL 3: CHALLENGE

Checks and Balances: Challenge

Answer each question and explain your reasoning. Cite the Article (and Section, where you know it) of the Constitution. All bills and scenarios are fictional. Every vote says all members are present and vote.

Part 1: Vote math and constitutional rules

- 1
- The President vetoes the National Trails Act. All 435 House members and all 100 senators are present and vote on overriding the veto. What is the smallest number of yes votes needed in each chamber? Show your work.

- 2
- Does each vote pass? (Override: two-thirds of each chamber. Conviction and treaties: two-thirds of the senators present.)

ITEMS TO SORT

House override: 290 yes, 145 no

House override: 289 yes, 146 no

Senate override: 66 yes, 34 no

Senate conviction: 67 guilty, 33 not guilty

Treaty: 64 yes, 36 no

Treaty: 68 yes, 32 no

Passes	Fails

- 3 Congress sends a bill to the President. Four days later Congress adjourns, and the adjournment prevents the bill's return. The President never signs it. What happens?
- A. It becomes law after 10 days (Sundays excepted)
 - B. Congress can override it when it returns
 - C. It does not become law (a pocket veto)
 - D. The Supreme Court decides

- 4 Does the Constitution allow each action?

ITEMS TO SORT

Senate amends a revenue bill the House passed

A bill that raises taxes starts in the Senate

Cut a sitting federal judge's pay

Remove a judge the Senate convicted

House overturns a court ruling by vote

Pardon an official to stop an impeachment

Allowed	Not allowed

Part 2: Who checks whom?

- 5 A check limits another branch. Sort each check by the branch it limits. (Voids means rules unconstitutional.)

ITEMS TO SORT

President vetoes a bill

Senate rejects a treaty

Judge impeached and removed

Court voids a federal law

Court voids an executive order

Amendment reverses a ruling

Limits Congress	Limits the President	Limits the courts

- 6 Match each rule to where it appears in the Constitution. One location is extra.

Write the letter of the match on each line.

_____ The veto and the veto override

_____ The power to declare war

_____ Commander in chief, pardons, and treaties

_____ Judges serve during good behavior

_____ How amendments are proposed and ratified

A. Article IV

B. Article II, Section 2

C. Article I, Section 7

D. Article III, Section 1

E. Article I, Section 8

F. Article V

- 7 Section 6 of the (fictional) Highway Sign Safety Act bans newspapers from printing stories that criticize the new signs. A newspaper editor sues. (a) Can the editor file directly in the Supreme Court? (b) What can the Supreme Court do, and what is that power called? (c) Name one lawful thing Congress can do next and one thing it cannot do.

Answer Key

Checks and Balances: Challenge

Part 1: Vote math and constitutional rules

- 1 The President vetoes the National Trails Act. All 435 House members and all 100 senators are present and vote on overriding the veto. What is the smallest number of yes votes needed in each chamber? Show your work.

Sample answer: House: 290, because two-thirds of 435 is exactly 290. Senate: 67, because two-thirds of 100 is about 66.7, so 66 is not enough and 67 is the smallest whole number that reaches two-thirds.

Article I, Section 7 requires two-thirds of each chamber to override.

- 2 Does each vote pass? (Override: two-thirds of each chamber. Conviction and treaties: two-thirds of the senators present.)

Passes	Fails
House override: 290 yes, 145 no	House override: 289 yes, 146 no
Senate conviction: 67 guilty, 33 not guilty	Senate override: 66 yes, 34 no
Treaty: 68 yes, 32 no	Treaty: 64 yes, 36 no

Article I, Section 7 (override), Article I, Section 3 (conviction), Article II, Section 2 (treaties). The House needs 290 of 435 and the Senate needs 67 of 100.

- 3 Congress sends a bill to the President. Four days later Congress adjourns, and the adjournment prevents the bill's return. The President never signs it. What happens?

C. It does not become law (a pocket veto)

Article I, Section 7: "unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law."

- 4 Does the Constitution allow each action?

Allowed	Not allowed
Senate amends a revenue bill the House passed	A bill that raises taxes starts in the Senate
Remove a judge the Senate convicted	Cut a sitting federal judge's pay
	House overturns a court ruling by vote
	Pardon an official to stop an impeachment

Revenue bills: Article I, Section 7. Judges' pay: Article III, Section 1. Conviction and removal: Article I, Section 3 and Article II, Section 4. Pardons: Article II, Section 2 (not in cases of impeachment). No vote of Congress can overturn a court ruling.

Part 2: Who checks whom?

- 5 A check limits another branch. Sort each check by the branch it limits. (Voids means rules unconstitutional.)

Limits Congress	Limits the President	Limits the courts
President vetoes a bill	Senate rejects a treaty	Judge impeached and removed
Court voids a federal law	Court voids an executive order	Amendment reverses a ruling

- 6 Match each rule to where it appears in the Constitution. One location is extra.

The veto and the veto override: **C. Article I, Section 7**

The power to declare war: **E. Article I, Section 8**

Commander in chief, pardons, and treaties: **B. Article II, Section 2**

Judges serve during good behavior: **D. Article III, Section 1**

How amendments are proposed and ratified: **F. Article V**

Article IV (the states) is the extra location.

- 7 Section 6 of the (fictional) Highway Sign Safety Act bans newspapers from printing stories that criticize the new signs. A newspaper editor sues. (a) Can the editor file directly in the Supreme Court? (b) What can the Supreme Court do, and what is that power called? (c) Name one lawful thing Congress can do next and one thing it cannot do.

Sample answer: (a) No. Under Article III, Section 2 the Supreme Court hears a case first only when it affects ambassadors or a state is a party, so this case starts in a lower court and can reach the Supreme Court on appeal. (b) It can rule Section 6 unconstitutional (it breaks the First Amendment), so courts will not enforce it. This is judicial review, from *Marbury v. Madison* (1803). (c) Lawful: pass a new bill that follows the First Amendment, or propose an amendment (Article V). Not allowed: overturn the ruling by a vote, ask the President to veto it, or cut the justices' pay (Article III, Section 1).