7034 AMERICAN FED GOVT

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American Federal Government

# Introduction

The idea of separation of power is linked with a fair government that divides its power between its various branches. It is a system of check and balances in the government that makes sure that none of the branches of government is superior to the other branch. Similarly, in the United States, the same system was established by the framers of the US constitution. All the three branches of the US government such as Executive, Legislative and Judicial branch are given equal powers (Posner, p.15). Under the US constitution, there are various restrictions and controls on the powers of those branches. The idea of just and fair government made the philosophers and thinkers come up with a philosophy that divides the power equally among those branches of the government.

At the same time, the system would also minimize the chances of tyranny by providing equal power to each of the branches, and it ensures that none of the branches can grab too much power. However, in actual the balance of power has been a topic of controversy throughout history. Somehow, one of the branches has always struggled to expand its power, and it has been controversial in enjoying the excessive power throughout history although all the branches have equal power with different tasks to perform but one branch always efforts to remain dominant.

# Discussion

A check and balance are maintained in the US Government to operate the functions of the whole government. At the same time, the power exercise of each branch is overlooked by two of the other branches. For instance, the president wants to implement a project then the Congress and Supreme Court will look into the matter. According to the constitution, each branch needs to concern two other branches in decision making. Each has equal authority to speak into the matter. The power of funds lies with the Congress, so it has the right to monitor the funds used by the executive office. At the same time, the president has the right to nominate the officials for Federal offices, but confirmation power is given to the Senate. Even both of the Congress houses cancel out the power of each other (Posner, p. 20). It is the same case with the other branches of the government. Similarly, a bill passed by the Congress is forwarded to the presidential office, and the president has the power to veto the bill. Likewise, The Supreme Court and the other courts have the right to declare the laws and actions of executive bodies as unconstitutional through the judicial review.

At the same time, the president has the power to check the judicial functions of the Supreme Court, and by using the power of appointment, the president can also change the practices of the federal courts. However, Congress has the right to amend the laws through different amendments in the constitution, and it has the right to check the Supreme Court Decisions. All three branches of government have an important role to play in performing the different activities of the government by enjoying equal power. However, through the check and balance, each one minimizes the chances of any misconducts by others.

Since the 19th century, the executive branch of the government has disrupted the balance of power and intended to influence the other branches of the government. Likewise, it continued today. The majority of the historians and scholars argue that the executive branch has been very influential as compared to two of the other branches. The current executive branch of the US government is more powerful than it was at the time of foundation and it can be seen that the presidents claim of most of the power in the government. There are so many examples of it.

For instance, in 1937 the challenge of check and balance occurred when Roosevelt was in office. A controversy arose between the president and the supreme court. When Roosevelt was re-elected, he believed that the supreme court creates problems for the president to implement most of the policies. Therefore, he asked Congress for more power to alter the judicial branch. It provoked tension between three of the branches.

The second evidence is from Obama's office period. With the time the government has also grown, and many issues are becoming more complex, and the separation of power between all three is blurred. All the rules and laws passed by Congress are crosschecked by the judiciary. The ruling of Obamacare also showed that the balance of power does not exist between all the three branches (Lankford, Np.). It can be seen that most of the rules and laws are propagated, understood, and managed by the officials of the Executive branch and Congress. Likewise, the executive branch has tried to shake the balance of power many times.

The supreme court has given the equal power to intervene in the matters of the government. Many of the people argue that the Supreme Court should be kept away from political matters (Kramer, N.p). But they forget that the constitution has given political power to the Federal courts along with the Legal status.

In the past, both executive and Congress used reprimand to overreach the Congress (Kramer, n.p). It is the manipulation of the balance of power that is assured by the Constitution. During Thomas Jefferson’s era, along with the executive body, Congress tried to threaten and pressurize the federal judges by delaying its term.

The Supreme court plays a central role in resolving the clashes between Congress and the Executive office (Posner, p.5). It never regards any of both very powerful instead it has shown an active role in resolving the disputes between Congress and the executive office. Therefore, the part of the federal courts cannot be ignored for balancing the power of the government. It is the duty of the courts to intervene in problems in order to maintain the balance of power. When the balance of power is upset by one branch, then it is the duty of two other departments to intervene and achieve the balance again. On its intervention, most of the times the Supreme Court becomes the victim.

However, the balance of power is the ideal way to govern a system. If it is practiced correctly, it can bring many developments for the country. There are some weaknesses in the US government that the balance of power is not adequately distributed among all the three branches.

# Conclusions

In conclusion, separation of power is linked with a fair government that divides its power between its various branches. It is a system of check and balances in the government that makes sure that none of the branches of government is superior to the other branch. However, there are some flaws in the US government that do not allow to achieve the balance of power. Since the 19th century, the executive branch of the government has disrupted the balance of power and intended to influence the other branches of the government. The supreme court has given the equal power to intervene in the matters of the government. The role of the federal courts cannot be ignored for balancing the power of the government. Thus, there are some weaknesses in the US government that the balance of power is not properly distributed among all the three branches.

# Works Cited

Kramer, Larry. "The Supreme Court V. Balance Of Powers." Nytimes.com. N. p., 2001. Web. 25 Mar. 2019.

Lankford, James."Obamacare Ruling Shows US Balance Of Power Is Off." CNBC. N. p., 2015. Web. 25 Mar. 2019

Posner, Eric A. "Balance-of-Powers Arguments and the Structural Constitution." *University of Chicago Institute for Law & Economics Olin Research Paper* 622 (2012).

Posner, Eric A. "Balance-of-Powers Arguments, The Structural Constitution, and the Problem of Executive Underenforcement." *U. Pa. L. Rev.* 164 (2015): 1677.