

Separation of powers in the u.s. constitution

Law



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Separation of Powers in the U. S. Constitution Separation of powers entails a political doctrine that developed from the Spirit of the Laws, Montesquieu writings. He argued that constitutional government should have three branches which are independent. Each government branch has the ability of monitoring the powers of other government branches. This concept is referred to as separation of powers. This philosophy greatly influenced the development of the United States Constitution (Kilman & Costello 214).

The constitution illustrates three branches of government; Judicial, Executive and Legislative (Kilman & Costello 16). Each of this branches is distinct; to prevent power or authority abuse. The separation of powers, as illustrated in the U. S. Constitution effectively illustrates the checks and balances concept.

Congress is the only body with legislation powers in the United States. Non-delegation doctrine illustrates that congress cannot delegate this lawmaking duty, to any other organization (Kilman & Costello 106). Supreme Court illustrated in Clinton v. City of new York (1998) that congress cannot delegate to the president the “ line-item veto” because of guarantees in the constitution.

Executive power and authority is vested and practiced by the President of United States. The president is the Commander in Chief of the United States Army and Navy, has authority to make appointments to office and treaties, militia of states during service, receives ambassadors, receives public ministers, and ensures faithful execution of the laws. Congress writes legislation to guide executive officials in performance of the duties in accordance to the law. The Supreme Court in, INS v. Chadha (1983), illustrated that all legislative powers is vested in Congress; for bills to <https://assignbuster.com/separation-of-powers-in-the-us-constitution/>

become law, they must be approved by the President (Kilman & Costello 158).

Judicial power entails the ability of determining controversies and cases. This power is practiced by the Supreme Court, and junior courts initiated by Congress (Kilman & Costello 184). The Judges are appointed, after advice and consent of senate, by the President.

It is not clearly illustrated, in the constitution, the superiority of any government branch over others. But, James Madison illustrated in Federalist 51 that each branch has different abilities of defending itself against actions of others; for instance, in the republican government, the predominant authority is legislative.

Works Cited

Kilman, Johnny & Costello, George. The Constitution of the United States of America: Analysis and Interpretation. Washington, DC: Government Printing Office. 2000. Print.