

# Term paper on checks and balances in the constitution

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The framers of the United State of America constitution did not want to create any arm of government with a lot of power or few powers. The constitution was drafted in such a way that the judiciary should check on the powers of the executive. The legislative part of the government will keep a check on the executive and judiciary. Decisions made by one arm of government can be challenged through another branch of the government. To facilitate such checks, framers of the constitution had to draft a constitution that allowed separation of powers. The separation of powers was supposed to eliminate the situation of any branch influencing decisions made by another branch of government. Non-existence of separation of power can lead to the executive influencing judges and magistrates to rule a case in their favor. The central government and federal government powers were also to be balanced. This would eliminate situations where any government had so much power and use them to intimidate or harass its citizens. Democracy requires the views of the majority and minority to be taken into consideration. The legislature was given a responsibility of making laws or changing them when need arose. This branch of the government is neither supposed to implement nor interpret the laws. Denying the congress the power of implementing the laws prevents them from making laws that favor them. Citizens who feel a law that has been passed by the congress is discriminatory against them have a chance of challenging it through the United State supreme court. Democracy is observed during legislation in congress by carrying out voting in favor or against the new law. The president is charged with the role of signing the draft to a law. The president feeling that the rule was discriminatory he or she can ask the congress to

make changes to the draft before passing it to become law. The president's role in signing new laws acts as a check to the powers of the congress in legislation (Joseph 86). The different members of congress are elected to represent wishes of their electorate. During voting on any laws, members keep in mind the wishes of their people leading to democracy prevailing in the voting process. The minority groups who feel their opinions were not included are given a chance of appealing the decision through amendments or courts. Courts will rule with impartiality because neither the legislature nor the minority group can influence their decision. Such rulings lead to democracy prevailing because of separation of powers between legislature and the judiciary.

The president's role in appointing judges can be seen as a loophole that can be used to interfere with the independence of the judiciary. Critics might see that the president might elect judges that will always rule in the executive favor. To eradicate such situations on appointments, checks and balances are ensured by requiring the congress to approve the presidential appointments (Gargarella 170). The congress has a right of not approving any person who is seen not to qualify for the job. The president can appoint judges but not sack them at his own will. Judges will act impartially even in cases regarding the president's decisions because they are in office for life. Such security of tenure ensures judges have no fear of losing their jobs on decisions they have made. To put checks on judges' behavior, tribunals can be formed to investigate judges who are seen to be corrupt or incompetent. The tribunal can recommend the removal of a judge or reprimanding of a judge on the basis of misconduct. Such check will eliminate situation where

the president will over step the mandate on judicial personnel's (Gargarella 45).

Separation of power in declaring wars, raising military and disbursing foreign aid has ensured democracy prevails. The president is the Chief of the armed forces but cannot declare a war. Checks were put to prevent the president from declaring wars to achieve personal interests. In situations where the president sees the need of the army going to a war, the congress is supposed to approve the presidents' decisions (Goldwin et. al 245).

Democracy in such a situation prevails by denying one person the role of declaring war whose repercussions would affect millions of people.

The executive is charged with the responsibly of collecting taxes and making expenditures on collected revenue. To prevent situations where the executive misuses the countries resources, every spending made by the executive has to be approved by the congress. Approval of the budget requires the executive to explain the source of the revenue and how it will be spent to benefit citizens (Gargarella 231). The congress being a representation of the people will not allow the executive to charge high taxes that seem to be punitive to the people. The congress will see equal distribution of the country's resources to all citizens without considering their political support. In a democracy, the government should be accountable to its people by providing all information on its activities. The annual reading of the budget at the end of the fiscal year allows people to gauge the performance of the government on the basis of revenue collection and development growth. Nondemocratic government lets corrupt leaders pocket the country's wealth by allocating government resources as personal

properties.

Checks have been put on the media by the government trying to see what is reported. People sending messages over the internet through facebook or mails have their emails checked by the country law enforcement agents. The checks on the media sometimes interfere with the right to privacy. The government has been seen to argue the checks are for the greater good of the country. The media on the other hand have acted as a check to the government on behalf of the citizens. The check comes in the place where media houses report on any illegal activities going on within government institutions. The media will go to the extent of telling the people of repercussions that will come out of certain unpopular government decisions, for instance when the government is sending troops to war without telling its citizens of the economic hardship they will have to bear. The media will go a step further to tell the people the cost of the war, effect on the economy in the present and the future and conclude if it was necessary to go to war. Such checks by the media prevent government officials from taking sides with unpopular decisions. The government tries to establish if the media is reporting the truth or sending wrong signals to the public that might cause social unrest within the state. Media houses that are found sending hate messages are either fined by the government or closed down.

The congress applies its checks on the president. It can impeach the president from office if it feels the president cannot perform duties well. Some of the situation that would lead to impeachment of the president is insanity and misuse of the presidency. To prevent misuse of such powers by any house of the congress support the act is supposed to be passed by the

two houses of congress. If one house of the congress does not support the decision the law cannot be implemented. The two houses are acting as a check to each other. The two houses of the congress none of them can adjourn without the consent of the other one. Such a situation will eliminate situation where one house abandons its legislation duties for more than three days. The presidential vetoes powers on issues like declaring a state of emergency can be overridden by the congress. This situation will prevent the president from declaring a state of emergency where situations do not warrant need of declaring it.

The checks and balances that exist within the constitution have made the United State Citizens have a democratic state. This is ensured by not bestowing all power on one branch of the government that might misuse it. Countries that have given the president many powers end up having a dictatorial form of government. This happens because the president is charged with the responsibility of making all key decisions within the country. In such situations, the judiciary can be forced by the president to rule on his or her favor interfering with the independence of the judiciary. The separation of powers in the United States prevents such situations from occurring. The congress on the other hand can make changes to laws used by the judiciary as a way of checking its activities.

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