

The branches of government law constitutional administrative essay

[Law](#)



**ASSIGN
BUSTER**

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Writing Assignment #2: Branches of Government

George Mason said " the purse and sword must never be in the same hands", during a time of American history where the idea of a king was feared. The intention of there being three separate branches of government was that power could never be monopolized and flexed under any one man's will, and that a system of checks and balances would ensure that no branch had more power to bring change than the other two branches. However, even in spite of this idea being a core issue for the Founding Fathers to cover, it is still often brought to debate if the three branches of government are truly equally limited. In terms of the policy making process, the legislative branch is typically at the forefront of the entire process. Bills can be proposed by either the House or Senate, and when a bill is proposed, it must be reviewed by a specialized committee, referred by the Speaker of the House or an officer in the Senate. After appropriate review, and after revisions are made to the bill - if any are needed - the bill is sent back to the House or Senate and put onto the floor for open debate. After more votes and revisions to the bill, it is then sent to the opposing chamber to repeat the process. In the final step the bill goes to the President, where he may either pass the bill and make it a law, or ultimately decide to veto the bill. Furthermore, the legislative branch can impose tax and opt to give funding to things like military action for the executive branch. While the legislative branch proposes bills and policies, there are methods for both the judicial and executive branch to remedy any problems they may see with policies, within certain limits. The judicial branch has the ultimate power of judicial review -

after the court case Marbury v. Madison, it was established that the Supreme Court was the ultimate authority in deciding if any policy or action made in government was constitutional or not. If the judicial branch deems that a law or policy does not fall in line with the guides of the constitution, it is forced to go under further review. Given that the Supreme Court is the only political body recognized as being able to interpret the guides of the Constitution as they would be applied to modern-day policies, the judicial branch is an appropriate avenue to keep bills proposed by the legislative branch in check. The executive branch applies checks and balances to the legislative branch with the President's role in the law-making process. When the bill is presented with to the President, the President has the power to veto to the bill, and cause it to be the subject of more review. However, it is not necessary for the President to veto a bill in order to get it revised. The President often makes his political views and preferred approaches to policy-making known, meaning Congress would already have enough knowledge to predict if the President will veto a bill or not. Based on that knowledge, they will revise a bill beforehand - this is called a 'veto threat'. However, even with the power to veto, Congress can overturn a veto if there are enough votes gathered from both chambers in favor of it, preventing the President from just blindly vetoing any bill that he does not approve of. Also, the President, being the commander and chief, has authority over the military, meaning Congress does not have the advantage of wielding both the purse and the sword, and vice versa. The people provide checks and balances to the legislative branch through the election process. Representatives - members of the House and Senate - are elected by the people themselves.

They are chosen based on their political positions and intentions that they make known when encouraging people to put them into office. This is to ensure that their political interests are represented and fought for. This being said, the people choosing their representatives causes the Congress to work as its own form of checks and balances: with different political interests being represented, there will be lines drawn across the board, causing views to clash and ensuring there will not be one prominent power in play during the creation and voting of bills. The executive branch of government is responsible for carrying out the laws that are approved. Including the act of vetoing bills and approaches to policies proposed by Congress, the President has the power to carry out executive orders - a power granted by a vague article of the Constitution (Article 2, Section 1) - establishing laws or determining how existing laws should be executed. This is a powerful tool because executive orders do not require the process of going through the drafting process of the two chambers of Congress that another bill or approach to a policy may have to go through. In a similar vein there is executive agreements, allowing Presidents to make treaties between foreign nations. However, the legislative branch of government can still overturn executive orders and agreements in a similar process to overturning a decision of the President to veto. However, this is extremely difficult to actually carry out. Party lines exist, meaning differing opinions will clash often and there is usually not enough breathing room to overturn executive orders and agreements. This usually means that there is usually very little opposition to executive orders from the legislative branch because they cannot muster up a large enough resistance. The judicial branch subjects

executive orders to the same judicial review as bills and policies drafted by Congress. However, it should be noted that the President has the ability to appoint judges to the Supreme Court, meaning they may have may have a tendency to hold political views that share the same light as the President's, giving executive orders more of a chance to follow through. Ultimately, executive orders and agreements are sure-fire power-plays from the President, and they usually put the President under fire if they are successful in being implemented. In spite of this, the legislative branch has to approve the seats that the President names for the Supreme Court, giving some type of buffer in that regard. Citizens have the power of checks and balance over the executive branch because, again, they have the use of Representatives. If a President is not favored by his citizens, they will vote representatives into Congress who clash with his views and intended policies, leading to a Congress that may always be oppositional, often resulting in chokeholds and grid-locks when bills and policies have to be approved, especially in the face of unilateral decisions such as executive orders and agreements. Executive orders and agreements already create a sense of distrust between the President and Congress, as he sees his decision as too ' important ' bother with a slower-paced and steady process. Overall, while I do not feel that any branch has more ' power ' than another, I do feel that the executive branch does have the most room to ' evade' a swing of the hammer than the other two branches do. With the power of executive orders and agreements, he has the potential to usher in laws and treaties that may not be overturned because of the clash that comes with party divisions in Congress. He can veto bills proposed by Congress, and while they can overturn his veto, there

must be a two-thirds vote across the chambers to do so, meaning more time is wasted on the policy-making process. While he is subject to judicial review, that is only a ground that would be covered if an executive order would be deemed constitutional or not - it would not be overturned by the judicial branch because of a disagreement with the policy outside of being constitutional. Even with that in mind, and if it were a possibility, the President appoints judges to the Supreme Court, meaning they would likely side with him anyway. It is not a matter of the executive branch having more power, it is based on opportunity and what is being debated if the President can push through the other branches with minimal resistance or not.