

## The Separation of Powers and its Importance in American Government: A Step up From an Elementary School Recitation

The three branches of government are drilled into fourth-graders' brains until they become a mindless, droning recitation: "Executive. Legislative. Judicial." I am no exception to this assertion, so don't expect a philosophical rant chastising the shortcomings of the elementary school system: rather, join me in a discussion of my own thoughts on the matter. These three words—executive, legislative, and judicial—become so natural in our minds that seldom do we seriously contemplate the importance of the separation of powers in the United States government and how it defends the very system of democracy itself.

The foundation of a democratic American government is built upon the cry for justice, representation, and the separation of powers with checks and balances. The Revolutionary War ousted Great Britain to establish an independent country disillusioned with totalitarian monarchy and its lack of power separation. After struggling through a primitive draft of American justice called the Articles of Confederation, the founding fathers refined and perfected their ideas to create the Constitution, a document that embodies all of America's principles involving government and its relationship with the people. The division of government into three branches, drawing on the views of French Enlightenment philosopher Montesquieu, has existed since America's birth, and its longevity over the changing culture and politics of history has proven its strength and validity.

The Constitution establishes three distinct branches of government and their specific responsibilities, while its subsequent Amendments detail the protections of citizens' rights. Article I establishes a bicameral Congress and lists requirements to fill such offices before it

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delves into the lawmaking process and the explicit powers granted to Congress, from collecting taxes and coining money to raising an army and declaring war. Article II similarly establishes the offices of president and vice president before listing executive powers, from serving as commander in chief of the armed forces to making treaties. Article III establishes the highest Supreme Court of the land and gives it the right to decide legal cases that it agrees to hear. By creating three different branches with three very distinct jobs of lawmaking, law-enforcing, and Constitutionality-deciding, the separation of powers then limits each branch from extending its powers too far over another. The system is designed to make government function effectively and, more importantly (at least to the people), fairly—in order to protect our liberties.

This distinct separation of powers allows for the idea of checks and balances: while one branch may be assigned a certain power, another branch always has a check over this power to ensure that Constitutionality and democracy are upheld. Congress is given the power to raise, debate, and pass legislation, but the President can veto it within a minute upon its arrival to his desk. The President can nominate a Supreme Court Justice to fill an empty spot, but he or she must be confirmed by the Senate. Even with the hugely important power of deciding the Constitutionality of a law or court decision by the US Supreme Court, Congress can change the Constitution with Amendments! While these controls of power through the separate branches of government have the best intention of safeguarding democracy, they complicate and lengthen the political process to points at which the public may feel that “nothing ever gets done in Washington”. Separation of powers and their checks and balances coupled with the intensifying division of parties and the uncompromising legislators of today’s political climate have

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compounded to often stall any kind of monumental legislation from being passed or implemented.

Even with their flaws in timelines and potential for deadlocks, the separation of powers and system of checks and balances are crucial to upholding American democracy. As observed in many different countries across the world across many different time periods, lack of appropriate checks on a leader or a governing body can lead a state into ruin and revolution. The United States has yet to overthrow the system of democracy, so the complex organization of our government must be suitable in upholding justice and representation. Perhaps the next step toward understanding and appreciating the US government's system of separation of powers is to educate future voters and politicians at a younger age by moving away from the three-word recitations of a government lesson to a more formal and inspiring instruction.

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## Sources Cited

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