

## Distributing Power

Some of the most outstanding leaders of the freed colonies drafted the Constitution at the Constitutional Convention on May 25, 1787. The fifty-five delegates in attendance came from a wide variety of backgrounds and interests prolonging, but also foolproofing, the creation of the federal government and its checks and balances.

However satisfied the Framers were with the Constitution, a big contributing factor to as why the Constitution is still effective today is the equilibrium present between the three branches. It prevents tyranny and corruption. Just the functioning of one branch, reins in the power of the others. This maintains the power of parity and the power of the people.

The Legislative Branch, or Congress, is split into two houses: the Senate and the House of Representatives. The Legislative Branch's job is to draft and pass laws. Congress also accepts or rejects presidential nominations for federal agencies, federal judges, and the Supreme Court. In addition to this, Congress may dismiss a President's veto of a bill with a two-thirds vote, impeach and remove "The President, Vice President and all civil Officers of the United States" according to Article II, Section 4 of the Constitution, and declare war.

The Executive Branch is responsible for carrying out the law. Those involved in the Executive Branch include the President and his Cabinet, the Vice President, and most federal agencies. The President acts as head of government and leads the armed forces as Commander-in-Chief. He or she may give executive orders when unsatisfied with Congress's efforts or a court ruling. Nevertheless, most likely, the President's orders will be challenged by other parties. The President may also grant pardons under certain conditions. Because the President has so much responsibility and power, the Cabinet and Vice President offer their

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assistance. If the President passes away, the list of successors begins with the Vice President and continues down the line of elected officials.

The Judicial Branch interprets the meaning of laws. In other words, it decides how the law applies to individual cases, and determines whether or not a law violates what is written in the Constitution. This branch consists of the Supreme Court and other federal courts. The Supreme Court is the ultimate decision maker; it only handles the nation's most important cases. It addresses laws that seem unjust, actions made by Congress or the President that seem unlawful, and treaties that are not in accordance with the U.S Constitution.

A historical example of a violation of the checks and balances is the Immigration and Naturalization Service v. Chadha case. Jagdish Rai Chadha was a foreigner who overstayed the student visa he had been issued. After Chadha showed why he should not be deported overseas, a federal immigration judge suspended the deportation to spare Chadha of "extreme hardship". The suspension was also recommended by the Attorney General. Undermining the previous rulings, the House of Representatives performed a legislative veto. In doing so, it was able to singly, without the Senate's opinion, have Chadha deported.

As a result, Chadha ended up suing the Immigration and Naturalization Service and both houses of Congress. Once brought up to the Supreme Court, it was ruled in a 7-2 vote that the deportation violated the Constitution and its policy on separation of powers and "the bicameral requirement." Prior to this, Congress had been overstepping its boundaries by passing multiple laws containing legislative veto provisions. These allowed one house, both houses, or a congressional committee the ability to invalidate specific actions made by the president or executive agencies without requiring the President's approval. The Supreme Court's ruling

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helped ensure that Congress did not act using more power than it was entitled to and helped uphold the government's balance.

The balance between the three branches of the government has allowed for the continuation of the United States. Indeed, the Constitution has been so successful that it has acted as the model for documents constituting other democracies. This success is founded when all three branches regulate each other to keep America the land of the people.

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