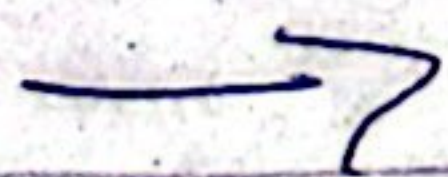


Q) Amongst the congress, the judiciary, and the executive branches of the United States government, which one of the govt branches is more powerful and why? Elaborate through the prism of the U.S separation of powers and checks and balances systems.

Ans) "The accumulation of all powers, legislative, executive and judicial in the same hands, whether of one, a few, or many, may justly be pronounced the very definition of tyranny" (James Madison)

Introduction

The United States system of check and balances and separation of powers is acclaimed throughout the world. It does not let the power to fall in the hands of few and all the branches, Executive, judicial and legislative keep a check on powers of each other. In this way power cannot be misused and through this the sovereignty of the states and its people is protected.



Who Coined this Term?

This term was first coined by "Charles Montesquieu" who was an 18th century French social and political philosopher. His publication "Spirit of the laws" is considered one of the great works in the history of politics.

Three Branches, Seperate but Equal

The three branches that are mentioned in the constitution are Executive, Judicial and Legislative. The separation of powers between the three keeps the power in check. The Article 1, 2 and 3 of the constitution mentions the three branches of the government. However, despite being three branches all of them are separate but equal. For example, when the legislative body passes a law, the president (executive head) can veto it. Similarly, the judicial branch can nullify the laws passed by the legislative branch. In the same way, the legislative body can override presidential vetoes and legislative branch can amend the constitution and to overturn decisions of the

Supreme court.

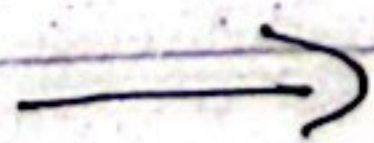
How the System of Checks and Balances Works

① Executive branch checks and balances on the legislative branch

The executive branch can veto the law passed by the legislative branch. It also appoints federal officials which enforces the laws. The executive branch can also propose new laws to the congress.

② Executive branch checks and balances on the judicial branch

The executive branch appoints the judges of the Supreme court and also nominates judges to the federal court system. The president has the power to pardon or grant amnesty to persons convicted of crimes.



③ Judicial branch checks and balances on the executive branch.

The Supreme court has the power of judicial review and it declare an executive order to be unconstitutional.

④ Judicial branch checks and balances on the legislative branch.

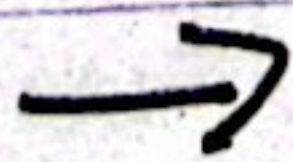
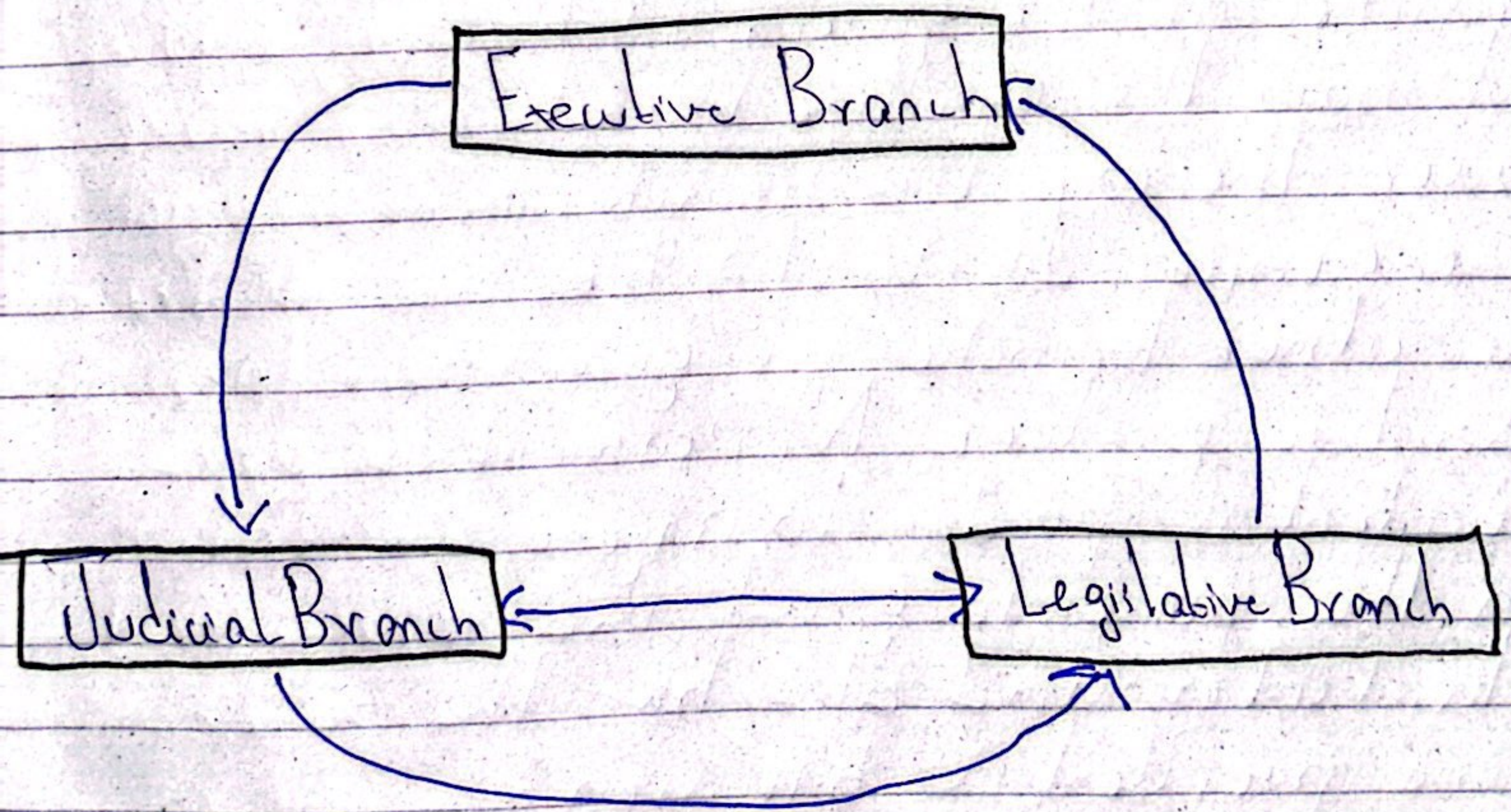
The judicial branch can declare a law passed by the legislative branch as unconstitutional and this system checks on the powers of the legislative branch.

⑤ Legislative branch checks and balances on the executive branch.

The legislative branch can over-ride the presidential vetoes. Senate can reject proposals/treaties with 2/3 vote. It can also prosecute (House) and impeach the president, the Senate serves as a jury.

⑥ Legislative branch checks and balances on the ~~Executive~~ ^{Judicial} branch.

The legislative branch can create lower courts. Senate can reject the nominees of the Federal court and Supreme court. It can amend the constitution to overturn rulings passed by the Supreme court.



Which Branch is More Powerful?

All three branches of the government have their own powers and through the system of checks and balances and separation of powers makes it difficult for any branch of the government to rule with an iron fist. However, in the start or the early days all three branches of the government had equal power but now the executive branch holds more power. The executive branch can declare national emergencies. It can also hide secrets from the other branches of government through executive privilege. Moreover, it can give presidential pardon to anyone and it also has the power to grant and revoke security classifications and also has the power to issue presidential bill signing statements.

Conclusion

The unique structure of the government of the United States plays a very significant role in checking the power of all the

three branches of the government. However, the executive branch of the United States holds more power as other branches due to its ability to declare national emergencies, give presidential pardons, signing bill statements, hiding secrets under the umbrella of executive privilege and granting and revoking security classifications.