

How does the Separation of Powers work within the American Constitution?

When the founding fathers wrote the Constitution they came up with a revolutionary idea which is known as the separation of powers. This incorporated a system which protected the principles on which the constitution was based, such as avoiding tyranny and forming a more perfect union.

The way the separation of powers work is known as vertical and horizontal. The vertical separation of powers has three different branches, the Federal government, the state governments and the much smaller local governments. The local governments consist of a mayor, councils and county courts, these would take care of things such as legislation on parking offences and littering. The two main branches are the Federal and state governments, the Federal government is supreme and the legislation passed in the Federal legislature takes precedence over that which is passed in the states legislature. Although the system is meant to prevent one person or group gaining too much power, we saw with Roosevelt's New Deal that it can be difficult trying to prevent this. Roosevelt wanted to take some powers away from the states to help improve the economy and help the states, this though was ruled unconstitutional but was still passed when he threatened to pack the Supreme Courts with his own supporters. There are powers though that can not be taken away from any of these three branches meaning all have been limited.

To prevent the federal, state or maybe even local governments taking control of the country, the power sharing is broken down further. All three of the above branches have another three branches, these are the executive, legislature and the judiciary. All three use a system known as Checks and Balances, this allows one of the branches to be watched over and checked on by the other two branches. This works well as the Supreme Court protects the constitution by ruling on whether or not a bill is constitutional or unconstitutional. There are downsides to the Checks and Balances as was seen in 1995 during the Appropriations Crisis when government shut down for two weeks as Congress and the, then, President Clinton could not agree over the Appropriations Bill. There is also the Line Item Veto which came from the Appropriation's Crisis, this allowed the President to veto sentences or paragraphs that he did not like, this was ruled unconstitutional by the Supreme Court even though it made for more effective government.

A further separation of power is within the legislature, Congress The American system is similar to the one which exists in Britain as it is bi-cameral.

Unlike Britain both chambers, the Senate and the House of Representatives, have powers. The Senate has two members from each state, this is seen as undemocratic by some as the minority, the smaller states, may have as much power as the majority, the larger states. This may be democratic though as it stops the larger states taking control. The House of Representatives is structured differently to that of the Senate as its representation is in proportion to the size of the states, so Texas has more representatives than New Jersey, this may allow a few of the larger states to gain control and work solely for themselves.

The separation of powers was, and still is a revolutionary idea as it has changed the world and the way in which it is run, it has been adopted and has adapted through out time yet the American system would seem to be the best around. As expected the system is not perfect as there are for powers can be given or taken by certain branches but there are ways in which these can be reversed. Roosevelt's New Deal took some powers away from the states but over the years these have gradually been given back to the states by various President's. The Checks and Balances have stood strong since their inception and have protected the constitution and the rights of the American people.