

The US system of checks and balances is ineffective, discuss.

In the system set up by the U.S. Constitution, the national government is divided into three branches: legislative, executive, and judicial. These three branches are not independent of one another because the Constitution set up a system of checks and balances to help ensure that no one branch became too powerful. Each branch has powers that it can use to check and balance the operations and powers of the other two branches.

The Legislative Branch is given the powers to make law however the legislature may also override presidential vetoes if they manage to gain a two thirds majority in both the Senate and House of Representatives. Although the Legislature can do this, it is realistically extremely unlikely that they will gain a 2/3rds majority as even if a single party does have a majority in one house, they may not in the other such as is the case currently where the Democrats have a majority in the Senate but not in the House of Representatives. They also have the power over the purse strings to actually fund any executive actions and so if they disagree with a government budget, they can interfere with this and stop it from going through. This was done to the Clinton government when he had lost both of his majorities and so had to ask the American people to support his budget. The removal of the president through impeachment is also an option although this is unlikely to be pursued as a 2/3rds majority would again be required as well as the agreement of 3/4 of states.

The Legislative Branch also has many checks over the Judicial Branch, for instance they may impeach judges from their positions however this action would only ever be taken in extreme circumstances, and often as a result of media pursual. Senate also has the role of approving the presidential appointment of judges and so if the President chooses a candidate that senate disapproves of, then they may choose to remove them. This action would be hugely embarrassing for the President and so the President is unlikely to ever choose a candidate that is too influential. Although Congress can impeach a President, a President has never been found guilty after being impeached for instance with Clinton 1998.

The Executive Branch is given the power to carry out the laws. It several checks over the Legislative Branch including the ability to call special sessions of Congress over issues it deems as being extremely important and needing immediate action. If the government feels the Legislature or Judiciary are impeding their ability to govern, then they may appeal to the people in order to get backing on legislation and budgets to prove that those actions are

required. This can often be hugely inefficient for the legislature and Judiciary as this means that if the President can gain enough support through media and his party base, then his actions will still be put through even though the other two branches may be against it. The President can choose to Veto legislation however in practice Congress very rarely over come the President's veto and so legislation is blocked by the President's power.

The Executive Branch also a check over the Judicial Branch in that the President appoints Supreme Court and other federal judges which means they can balance the Supreme Court to be more or less Socialist or Conservative to suit their requirements however these actions can be countered by the Legislature in that if they disagree with the decision and can get a 2/3rds majority, then that appointment will not be allowed.

The Judicial Branch is given the power to interpret the laws. It also has checks over the Executive Branch including that Judges, once appointed for life, are free from controls from the executive branch which allows courts can judge executive actions to be unconstitutional through the power of judicial review. The Judicial Branch is also able to check the Legislative Branch in that Courts can judge legislative acts to be unconstitutional.

There have been some occasions where Congress and President can get into gridlock, which prevents necessary action being taken for instance in Clinton's failure to get his health reforms through 1993, Bush faced a Senate Democratic majority in 2001 and after the 2006 midterms. These instances show how the checks and balances can prove to be ineffective. The President can also take measures in foreign and security matters such as when the President didn't consult Congress over Louisiana Purchase, Civil War blockade, or even the Vietnam War. After 9/11 security measures showed that the President was taking big decisions which affect civil liberties without consulting either of the other two branches. This was also proven by Bush Jnr's decision to open Guantanamo bay and to hold trials of suspected terrorists within military courts.

The American system of checks and balances has worked well over the course of America's history. Even though some huge clashes have occurred when vetoes have been overridden or appointees have been rejected, these occasions are rare. The system was meant to keep the three branches in balance. Even though there have been times when one branch has risen preeminent, overall the three branches have achieved a workable balance with no one branch holding all the governmental power.

