

“Provide a brief explanation of the three branches of the United States federal government as they are presented and limited in the United States Constitution. Describe the risks and dangers of one branch over-stepping its Constitutional authority. Provide at least one example of how a branch of the U.S. federal government has over- stepped its Constitutional role and describe in detail what steps should be taken to return the branch to its constitutionally-limited functions.”

The United States Constitution is the supreme law of our land. Under the Constitution, our constitutional republic was established by the Founding Fathers, and is and will always be the ideal form of government. The Constitution is the source of all government powers, and also provides important limitations on the government, to protect the rights of all United States citizens. As students, we have all learned about the three separate branches of the United States Government established by the Constitution — the executive, judicial, and legislative branch — and the ways in which these branches were specifically designed to provide checks and balances of one another. Checks and balances, and the limitations placed on the three branches by the Constitution are what make our constitutional republic ideal for ensuring liberty and prosperity of the citizens of our country. The purpose of the United States founding documents were to insure that every individual in our society have the natural born right to life, liberty and the pursuit of happiness.

The Articles of the United States Constitution define the structure, functions, and role of the three branches of government. The Articles also define the powers of the individual states and define the process for amending or changing the Constitution. The ultimate goal of the founding documents was to provide a document to serve and protect the liberty of the citizens of the United States forever. Another goal of the Founders was to insure that all aspects of the United States government remain harmonious and work together, and that one branch of government could not become more powerful than the others.

Article I of the Constitution defines the Legislative Branch of our government. The legislative branch is responsible for making laws. The legislature consists of two houses that make up the U.S. Congress, and the members are elected by each state. One side of Congress is the Senate, which is composed of two Senators from each state. The other side is the House of Representatives, which is made up of 435 representatives. Each state has a different amount of representatives in the House based on the state’s population. Article I of the Constitution also allows the legislative branch the authority to enact war, confirm or reject Presidential appointments, substantive investigative powers, and defines the rules for impeachment.

Article II of the Constitution defines the Executive Branch of our government. The President and Vice President are elected by the Electoral College chosen by the states. Under Article II of the Constitution, the President is responsible for the execution and enforcement of the laws created by the Congress. The President is also the Commander in Chief of the United States military, and appoints judges, ambassadors and department heads. The President can make treaties with other countries, subject to the approval of Congress.

Article III of the Constitution defines the Judicial Branch of our government. This Article establishes the court system including the Supreme Court, to insure equal justice under the law. The Judicial Branch of the government is appointed by the President and confirmed by the Senate. Article III sets out the responsibilities of the judicial branch, although Congress is in

charge of determining the shape and structure of the federal judiciary. Judges and justices of this branch serve until death or retirement in order to insulate them from electoral or political concerns. The judicial branch is in place to uphold the laws set in place by the Legislature.

Our constitution has multiple guidelines in place to ensure that each branch of our government cannot become overpowering. For example, the President has the ability to veto a law to check and balance the Congress. In turn, Congress can override a Presidential veto with a vote of two-thirds majority vote of both houses. Another example is that the President may negotiate and sign treaties with foreign countries, but the treaties must be ratified by two-thirds vote of the Senate. The President can appoint judges and ambassadors, but they too must be confirmed by the Senate. In another example, the Supreme Court may check Congress or the President by declaring a law or executive order unconstitutional. These are just a few of the checks and balances in place that limit the power of the executive, judicial, and legislative branches and keep a separation of power between the branches.

Many risks and dangers arise if one branch of the federal government were to over step its constitutional authority. Executive over reach could cause too much power to be in the hands of our chief executive. In turn, they could end up ruling like a dictator. Executives could also use the power of their office to attack their opposition. If the legislative branch were to over step their power, they could do a great deal of damage to our citizens. If the legislative branch were to over reach and pass laws that are unconstitutional, this would result in citizen's loss of individual freedoms. Beyond this, legislators could do favors for special interest groups, which would not be in the best interest of their constituents. Lastly, the judicial branch can over reach their constitutional authority when judges make rulings based on political views. Judges' rulings may interpret law in favor of personal perspective rather than by constitutional law. Despite the many different possibilities that could arise from a federal branch over stepping their Constitutional authority, the Founding Fathers developed a well-balanced distribution of authority with checks and balances, to insure that citizens' rights and freedoms are protected.

One example of a federal branch over stepping its constitutional authority would be in 2013 when the United States Internal Revenue Service revealed that it had selected political groups applying for tax-exempt status for intensive scrutiny based on their names or political stance. This is an example of the executive branch over stepping its authority. The role of the IRS falls under the Department of the Treasury, one of the cabinets under the President. Initial reports state that selections were nearly exclusive to conservative groups or groups with the Tea Party in their name. Liberal groups were receiving scrutiny at a much lower rate than conservatives. Sixteen months after the scandal started, the Senate Subcommittee confirmed that the IRS used inappropriate criteria to target Tea Party groups. This is a very good example of how the executive branch can over reach their constitutional authority to benefit their own political stance.

In the IRS case, the Executive Branch overstep can be limited in the future if there were stiff penalties to hold appointed officials accountable for their violations. Open government that is transparent and participatory is the best way to guarantee that officials in Washington effectively represent the will of the people, and that they do not overstep their constitutional authority. A stiff penalty including jail time would make officials think before they act.

Overall, the original Articles of our Constitution set out to guide our government to protect and serve the citizens of the United States. The Founding Fathers would be proud to know that the ideals they placed in a young nation years ago would be the same ideals that formed the greatest political, economic, and social union to ever exist. The checks and balances placed on our branches of government through the Constitution allow us as citizens to live with our right to life, liberty and the pursuit of happiness. When the executive, legislative, and judicial branches of government work together and abide by their Constitutional limitations, the United States government functions as it was designed.