**Checks and Balances**

When the Founding Fathers put their heads together, they didn’t just say “Hey, here’s a novel idea!” Well, maybe they did. We’ll never know. But here’s one thing we do know -- they didn’t make random decisions. Every idea that ended up in the Constitution of the United States, as well as in the Declaration of Independence, was given serious consideration and shows us that these were well-educated men who did not take their task lightly.

Our Founding Fathers relied upon each other’s strengths as well as the philosophical writings of others. John Locke and Charles-Louis de Secondat, Baron de La Brède et de Montesquieu were two particularly brilliant thinkers whose work strongly influenced the documents that guide us today. Locke argued not only that humankind had the natural rights of life, liberty, and property, but also that the role of government was to protect those rights—while itself being limited by features such as a separation of powers. Meanwhile, Montesquieu further developed the separation of powers, citing the need for three branches -- and that those branches check each other.

Their works inspired the Founding Fathers, and today, we do indeed have three branches: the executive, the legislative, and the judicial.

These three branches must work together because each one relies upon the other in some way, shape, or form. Sometimes the reliance is minimal; other times it is significant. It all depends on what’s being done, why, and how. Before we get into examples, let’s quickly review the major functions of the branches:

# Legislative Branch (Congress)

* creates the laws
* establishes budget
* ratifies treaties
* can override presidential vetoes
* can impeach federal officials
* can declare war
* establishes federal and district courts
* approves presidential appointments
* are elected by the people

# Executive Branch (President)

* executes the laws passed by Congress and decisions by federal courts
* signs or vetoes the laws, budgets
* negotiates treaties
* pardons those accused of federal crimes
* is the Commander in Chief
* appoints justices to the federal courts, including the Supreme Court
* appoints federal officers, with the consent of the Senate for high-ranking officers
* is elected by the people

# Judicial Branch (Federal courts)

* hears cases concerning federal law or the Constitution
* determines if federal or state laws or executive actions are constitutional
* SCOTUS hears appeals from federal and state courts

It might look like the judicial branch doesn’t do much, but that’s not the case in the least -- since the other two branches create and sign laws, it’s the job of the judicial branch to make sure that the other two following the Constitution with those laws. It’s not a case of “two against one,” by the way. The branches are not checked and balanced that way.

“Checks and balances” refers to the way that the three branches interact and counter each other. For example, let’s say that the president nominates a judge for the Supreme Court, but the judge is completely underqualified or has a questionable past. Since Supreme Court justices are appointed for life and are expected to interpret the Constitution interpret the Constitution faithfully, Congress can reject the nomination, forcing the president to select a more qualified or honorable candidate. By giving the Senate the ability to confirm or deny federal judicial or executive appointments, the president has to choose someone acceptable to the Senate, not just someone he or she likes best.

Another example would be the way the executive branch checks and balances the legislative branch. Congress is able to pass bills that can become laws, but that’s the extent of it. Actually, signing the bills and enforcing them as law falls upon the executive branch. If the president does not think that a law is good enough or that it needs revision, then he or she can veto it. This means that Congress has to either make changes or give up and move on.

In short, if one branch tries to take too much power, the Constitution gives the other two branches means to remedy the situation by giving each branch a say in what the other two do.

One way to remember this is to think about a triangle. Just as every corner connects to the other two, so does each branch.

