

Q15 – There are three branches of government. Why?

DOUGLAS GINSBURG, Federal Judge, U.S. Court of Appeals, D.C. Circuit:

The Framers of the Constitution built in two safeguards to prevent any one branch of the federal government from becoming too powerful. The first safeguard is the separation of powers among three branches. The other safeguard is known as the system of checks and balances.

The Framers had fresh memories of the abuses of power that had sparked the American Revolution. In fact, most of the Declaration of Independence is a list of those abuses by King George of Great Britain. He dissolved colonial legislatures. He denied trial by jury. And, of course, he taxed colonists without their consent: taxation without representation.

To keep any branch from amassing too much power, the Framers gave each of them the ability to check the others. Congress writes the laws – but it depends on the president to sign them, and to enforce them. The president can veto a law – but Congress can override his veto with a two-thirds majority.

Federal judges like me can't write laws – but when a law is challenged in court, we decide whether it's constitutional.

The officials who govern us are, like most people, naturally ambitious. The Framers wisely gave each branch the ability to check the ambitions of the other branches. Because, while the laws may change with the times, human nature does not change.