

League of Women Voters of the Helena Area
2025 Barb Harris Student Essay Contest

THIRD PLACE WINNER

June Forsythe
Capital High School
Class of 2026

The Three Branches of Government

The United States Constitution established three branches of government, the Executive, legislative, and the Judiciary Branches. These branches are guided by a system of checks and balances which limit one branch from attaining a surplus of power. Each plays a crucial role in the functionality of laws. The Legislative Branch creates laws, the Judicial Branch interprets them, and the Executive enforces them. These separate branches of government should continue to be co-equal as when the Executive, Legislative, or Judicial Branch has an unequal amount of power, the people of the United States suffer as a result.

Over the years, the Executive Branch has gained a substantial amount of power, compared to the original intentions of the founding fathers. For example, the president was not intended to be all-powerful, as the goal was to form a democracy rather than a monarchy. However, there have been instances where the Executive Branch has used powers reserved for the other branches, such as Lincoln's suspension of habeas corpus on September 24, 1862. The suspension of habeas corpus intruded on the Legislative Branch's authority, as the president determined that individuals were no longer protected from unlawful detention, a huge violation of civil liberties. When the executive branch pushed past its limits, the people were at risk since they were no longer protected by the laws created by Congress and interpreted by the Judiciary

Branch. The citizens of the United States suffer when the Executive Branch has a surplus of power, as the Executive Branch has the power to enforce laws. When the Executive Branch violates the bounds of their responsibilities, they are enforcing laws that they were not constitutionally allowed to create.

The Legislative Branch is responsible for creating laws, regulating commerce, declaring war, and retaining the power of the purse. There have been historical instances where Congress has abused these powers, such as the creation of the Alien and Sedition Acts, the Espionage Act, and the Patriot Act. The Alien and Sedition Acts, a series of four laws created in 1798, restricted immigration and freedom of speech, directly violating the first amendment. The Espionage Act, created in 1917, restricted free speech in a time of war, which was upheld in *Schneck v. United States* where the Supreme Court sided against a man who was handing out anti-draft pamphlets. The Patriot Act, later passed in 2001 in response to the 9/11 terrorist attacks, expanded surveillance without judicial oversight, which violates American citizens' right to privacy and due process. Each of these acts have harmed the integrity of the United States and its Constitution. When the Legislative Branch extends its power, the citizens of the United States face their civil liberties being eroded as a result.

The Judicial Branch is responsible for interpreting the laws passed by Congress through the power of judicial review. When these legal cases are reviewed, precedent or *stare decisis* often plays a role in the ruling. *Stare decisis* has negatively affected the rights of the people, which has been seen in the cases of *Plessy v. Ferguson*. However, precedent has been ignored to benefit corporations, decreasing the impact of the citizens' right to vote, as seen in *Citizens United v. FEC*. In the case of *Plessy v. Ferguson*, the Supreme court ruled to put forward the "separate but equal" doctrine. This ruling of this case was influenced by the precedent of the

Louisiana's Separate Car Act which mandated that trains provide different train cars to separate the races. This precedent was used to uphold violating the 13th and 14th amendments of the Constitution, restricting the civil liberties of Black Americans. Further, a more recent case would be Citizens United v. Federal Elections Committee (FEC) in 2010. This case ignored precedent, overruling previous decisions such as the Austin v. Michigan Chamber of Commerce (1990) which prohibited corporations from funding political expenditures and candidates. The ruling of Citizens United v. FEC established that restricting corporations from political spending was a violation of the corporation's first amendment rights. This ruling on campaign finance laws has significantly affected voting rights, diminishing the voice of Americans and the impact of their vote. When the Judicial Branch has a surplus of power the constitutional rights of Americans are restricted, and they face being silenced by political corruption.

When one branch of the federal government has an unequal distribution of power, American citizens suffer the consequences. The United States was founded with the intention of being for the people, by the people. So, when one branch has a surplus of power, the government no longer has the best interest in mind for the general population. The Executive, Legislative, and Judicial branches should remain coequal so the people of the United States will retain their civil liberties and their impact on the functionality of their government.