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The Consequences of Abandoning Co-Equality
Among the Three Branches of Government

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Our American system of government was built on a delicate yet deliberate balance. The three branches of legislative, executive, and judicial were designed to share power, restrain each other, and protect the people from concentrated authority. This structure, known as separation of powers through checks and balances, is often celebrated as the foundation of the United States' democracy. Yet this balance is neither automatic nor permanent. It depends on political norms, constitutional interpretation, and a shared cultural commitment to the rule of law. If the three branches were to drift from co-equality, the effects would be far-reaching and potentially irreversible. An imbalance of power would alter not just how government functions, but how society experiences rights, law, and democracy itself. A system without co-equal branches is, in essence, a system in the early stages of democratic decline. The consequences of such a shift can be best understood by examining what happens when each branch gains disproportionate influence over the others.

In any case, whichever branch happens to take dominance over the other would reveal, in their own way, a different path away from constitutional democracy and toward instability, majoritarian rule, or even soft authoritarianism.

The most common and historically recognizable threat is executive dominance. This occurs when the president extends control over the administrative state, bypasses Congress through executive orders, and sidelines judicial review by evading or undermining court rulings. Executive power grows most rapidly during times of crisis such as national security threats, economic collapse, and pandemics when speed is valued over deliberation. While strong executive action can sometimes be necessary, an unchecked executive gradually begins to govern through decree rather than democratic process. As emergency powers stretch into ordinary governance, Congress becomes less relevant, courts struggle to enforce rulings, and the president's agenda becomes the nation's agenda regardless of public consent. The consequences of executive dominance are profound. Democracy becomes thinner because the president is no longer meaningfully constrained by other institutions. Policy becomes unstable as each new administration reverses the previous one's directives, leaving agencies, businesses, and citizens uncertain about long-term rules. Civil liberties, especially for dissenters and marginalized groups, are endangered as law enforcement, surveillance agencies, and regulatory bodies become tools of presidential preference. The principle that no one is above the law weakens, replaced by a system in which loyalty to the executive determines enforcement. In its most extreme form, executive dominance resembles an elected monarchy where an individual is empowered not by law, but by political momentum and institutional decay. Even if elections continue, their power to restrain leaders diminishes when institutions lack the strength to enforce those outcomes.

A separate but equally destabilizing imbalance occurs when the legislative branch becomes dominant. This might seem unlikely in an era where Congress is often portrayed as

gridlocked, but historically and theoretically, legislatures can overpower the executive and judiciary. A dominant Congress can use its control over budgets, lawmaking, and confirmations to limit the president's ability to act, reduce the independence of courts, and impose their own vision on the nation regardless of public wants or needs. It can pass sweeping laws that restrict executive discretion, manipulate judicial jurisdiction, or override constitutional norms. If one party holds a strong majority, legislative dominance may reflect the preferences of that majority while suppressing minority views. The consequences of legislative supremacy are different from executive overreach but equally concerning. Majority rule becomes absolute, allowing the largest political coalition to shape national policy without meaningful limits. Minority rights become vulnerable because the legislature, driven by electoral incentives, may value popularity over constitutional protection. Policy may swing violently with each election cycle, creating instability for citizens and institutions. Congress may also overburden federal agencies with conflicting or vague mandates, causing administrative confusion. Meanwhile, courts may lose their ability to check unconstitutional laws if the legislature restricts judicial review or manipulates the confirmation process. In this scenario, democracy technically survives, but it becomes a fragile system where long-term rights and protections depend entirely on the political winds of the moment.

The third scenario, where judicial dominance reigns, creates a subtler but equally problematic imbalance. When courts become the primary decision-makers on major political issues, they shift from interpreting laws to effectively making them. This can occur when Congress is paralyzed by partisanship and delegates policymaking to courts by failing to legislate. Judicial dominance also arises when courts aggressively expand their own authority, overturning legis-

lative frameworks or limiting executive action in areas traditionally controlled by elected officials. A government dominated by the judiciary faces its own crises. Because judges are unelected and often hold lifetime appointments in the SCOTUS, their policy decisions can weaken democratic legitimacy. When courts decide issues normally reserved for legislature, the public begins to see the judiciary not as an impartial arbiter of law but as a political actor. This perception erodes trust in the courts and invites political attempts to pack or weaken the judiciary. Over time, this back-and-forth escalation destabilizes the rule of law and undermines the predictability that courts are supposed to provide. Moreover, judicial institutions are not designed for rapid policymaking; they move slowly, rely on precedent, and decide cases only when brought before them. As a result, a system that relies too heavily on courts becomes rigid, reactive, and unable to address urgent national challenges quickly or effectively.

The truth is that the collapse of co-equality leads to one universal outcome: the erosion of democratic resilience. Whether power accumulates in the executive, legislative, or judicial branch, the result is loss of accountability, weakening of civil liberties, and increased political polarization. Concentrated power tempts abuse, and without strong checks, institutions lose their ability to restrain leaders or protect citizens. Public trust declines as the government appears less fair, less stable, and less representative. Ultimately, the end state of an imbalanced system is not effective government but a brittle one. One vulnerable to corruption, manipulation, and public disillusionment.