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Assignment 7

### The Balance of Power in American Government

Obergefell v. Hodges sheds light on the ongoing tension between individual rights and the balance of power in the government, highlighting both the effectiveness and limitations of the mechanisms designed to maintain this balance, as demonstrated through the intricate interplay of the legislative, executive, and judicial branches and the ongoing interpretation of the 14th Amendment and the Bill of Rights.

Obergefell v. Hodges was a landmark case in which the United States Supreme Court legalized same-sex marriage in all 50 states. The case dealt with the question of whether the 14th Amendment of the United States Constitution required states to license same-sex marriages and recognize same-sex marriages from other states. The ruling, which was 5-4 in favor of same-sex marriage, was a major victory for the LGBT community and its supporters. The mechanisms designed to balance the power of government between institutions and individuals continue to work. This balance is achieved through a system of checks and balances, with the United States Constitution separating powers among the legislative, executive, and judicial branches of government. "The preservation of liberty requires that the three great departments of power should be separate and distinct." (Madison, 1788). The Bill of Rights protects individual rights, such as freedom of speech and religion, from infringement by the government. However, some argue that one center of power has grown too powerful. In particular, the United States Supreme Court has been criticized for overstepping its bounds and assuming too much power in recent years. "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." (Archives, 1787). The Supreme

Court is the highest court in the land, and as such, I feel that it is the appropriate place to make the decision. I feel like leaving it up to a state would just make half the states allow it and the other half not allow it, which is just bad for the people who are for same-sex marriage. These people should be allowed to live wherever they like, however, they like. In the Obergefell v. Hodges case, some argue that the Supreme Court was not the appropriate venue for the decision on same-sex marriage. Individual rights are being protected during these disputes, but there is an ongoing debate over how far those protections should extend. The United States Constitution and the Bill of Rights provide a framework for protecting individual rights, but the interpretation of those protections is constantly being contested. For example, in the Obergefell v. Hodges case, supporters of same-sex marriage argued that the 14th Amendment requires equal protection under the law and that denying same-sex couples the right to marry was a violation of their rights. On the other hand, those who opposed same-sex marriage argued that the ruling infringed upon their religious freedoms. "In a free government, the security for civil rights must be the same as that for religious rights." (Madison & Hamilton, 1788). A few weeks back, we read an article in The Atlantic by Paul Bloom titled "People Don't Want Equality," It talks about how people are more likely to vote for fairness instead of equality. I think this article correlates to the current discussion, and those who vote for same-sex marriage are just looking for fairness because why can they not get married? A law against same-sex marriage makes me wonder what other laws we are still enforcing that are just old and ridiculous.

Federalist Papers 10, 47, and 51 all address the balance of power between the different branches of government and between the government and the people. Federalist No. 10 argues that the government should be designed in such a way as to guard against the dangers of factions or groups with conflicting interests. Federalist No 47 discusses the importance of separating the powers of government among different branches to prevent any one branch from becoming too powerful. Federalist No. 51 emphasizes the importance of balancing the powers of government to protect individual rights. The

mechanisms designed to balance the power of government between institutions and individuals continue to work, but there is an ongoing debate over how far those protections should extend. The United States Constitution and the Bill of Rights provide a framework for protecting individual rights, but the interpretation of those protections is constantly contested. Nevertheless, the mechanisms discussed in Federalist Papers 10, 47, and 51 continue to play an important role in balancing government power and protecting individual rights.

In conclusion, *Obergefell v. Hodges* was a landmark Supreme Court case dealing with same-sex marriage and the protection of individual rights. The case highlighted the importance of the balance of power in the government and how it can impact the resolution of disputes. The mechanisms designed to balance the power of government between institutions and individuals, as outlined in the United States Constitution and the Federalist Papers, continue to play a crucial role in protecting individual rights and preserving the independence of the judiciary. The case demonstrated the significance of the judicial branch in upholding the Constitution and defending individual rights. While the case sparked controversy and debate, it also reinforced the idea that the balance of power in the government is necessary to protect the rights of all individuals and maintain the stability and integrity of the nation as a whole.

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