

4.5.2 Practice: Do Checks and Balances Work?

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In an essay known as The Federalist 51, an important federalist known as James Madison, one of the writers of the constitution, details his idea of how the system of checks and balances should work. However, his thorough explanation of how checks and balances should work is not fully reflected in the American system of government today. The contemporary system of checks and balances is working well, but not as Madison originally intended when he wrote The Federalist 51.

The relationship between the Congress and the presidency shows that checks and balances are working as Madison intended. Madison intended for each branch of government to be “separate and distinct”(Madison, 97) which is reflected by the relationship between the Congress and the presidency. The Congress is not involved with appointing individuals to the presidency, and the president is not involved with appointing individuals to the Congress. This distinction is something that Madison intended in government, and thus this system is working as Madison intended. Also, Madison intended for there to be a balance in the “necessary partition of power among the several departments”(Madison, 97), or branches of government. This is reflected by the system of checks and balances between the Congress and the presidency. An example of these checks and balances is the power of Congress to impeach and remove the president, and the power of the president to veto acts of Congress. This balance of power and distinction between the Congress and the presidency shows that checks and balances are working as Madison intended.

The relationship between the Supreme Court and the presidency shows how the system of checks and balances is not working as Madison intended. Madison intended for the three branches of the government to be self limiting, but also to some degree independent. In The Federalist 51, Madison says that “each department should have a will of it’s own”.(Madison, 97) However, this does not work out in the case of the relationship between the Supreme Court and the Presidency. The president is responsible for appointing the supreme court justices, which means that the president can decide the will of the supreme court in some ways. Madison also specifically mentions that members of each branch should have as “little agency as possible” over the “appointment of the members of others”.(Madison, 97) Being as the presidency is responsible for appointing members of the Supreme Court, this part of the system of checks and balances is not working as Madison originally intended.

The existence of iron triangles shows that the system of checks and balances is not working as well as Madison intended. There are various iron triangles in the government today. An example of one of these iron triangles is Congress, the U.S. Military, and defense contractors. The defense contractors act as an interest group, providing campaign donations to Defense Department officials in congress, and thus benefitting the Military and in

turn themselves. These iron triangles provide potentially limitless compounding benefits to a single branch of government, which is something that Madison warns against. He supports the idea of a balanced government, with power being distributed between the three branches. Thus, the existence of iron triangles such as this one shows that the contemporary system of checks and balances in the government is not working as Madison intended.

While the contemporary system of checks and balances does not work exactly as Madison intended, it is still effective at achieving its purpose. It can reasonably be said that checks and balances are defined as provisions that allow the three branches of government to limit each other, and thus balance themselves. There are many provisions for doing this as was described previously, and given observations of the current government, these seem to be working well. No single branch of government has achieved too much power, and the branches seem to be well balanced. While not all of Madison's ideas about the system of checks and balances are reflected in contemporary American government, the system still is effective.