

Lesson Twenty-Five

Checks And Balances

LESSON IDEA

To show how the Constitution, through a complex latticework of checks and balances, was specifically designed to prevent the misuse of government power.

PREPARATION

Make enough copies of the Washington quote on page four to distribute to each member of the family after this lesson. Study the section of *Your Rugged Constitution* suggested in "During The Week" and decide how to use it for home study.

THE CONSTITUTION of the United States, as adopted by the 13 former British colonies, created a unique system of government. It shocked the rulers of Europe. Never, they claimed, had a government (theirs) been so badly treated. The Americans, they fumed, had dissected its power, then placed the parts in opposition to one another. They hampered and hamstrung it until it looked like a giant pinned down by myriad small ropes. How could they expect it to function?

Why was the Constitution such a shock to the rulers of Europe? Why did they not adopt a similar document for their own countries? [Encourage everyone to express an opinion.]

Government, in the minds of kings and court ministers, was meant to entail virtually unlimited power, and the authority do about as it pleased to the governed. It was to be serve as a divine powerhouse driven by kings appointed as Earthly emissaries of God Himself. Should menial subjects fail to appreciate a kings' exalted position as the sources of wisdom, severe physical punishment would often follow. This could mean the firing squad, guillotine, hangman's nooses, prison, and/or beatings. While it may never have occurred to some rulers that their policies and actions were reprehensible, and merely served to bolster their own lust for power, few if any of those beaten, imprisoned, and otherwise mistreated had any such delusions.

NEITHER DID George Washington. He was fully aware of the tendency of government to exceed its proper bounds and brutally abuse its powers. "Government," he believed, "is not reason; it is not eloquence; it is force! Like fire, it is a dangerous servant and a fearful master."

Do you think that Washington's conclusion was justified? Why did he compare Government to fire? Why is fire a dangerous servant? When is it a fearful master? [Encourage discussion. Make sure that everyone understands why powerful governments based on communism, Nazism, fascism, socialism, or other big-government "isms" tend to become as fearful to their subjects as raging forest fires become to the wildlife in their path. Also, make the point that even when a government is held in check, as the American government was by the Constitution for many decades, it is nevertheless similar to a bonfire serves as a necessary and beneficial source of heat and light, but can quickly become a conflagration if left unattended and unchecked.]

Like Washington, many delegates to the Constitutional Convention wanted no part of creating yet another "fearful master." They believed that government should be a servant of the citizenry; a legal apparatus that would act as a referee between individuals and groups, keeping the rules fair and the game clean, but leaving citizens free to enjoy liberty in their own way, provided only that they did not infringe the liberties of others. Government was not to protect individuals from the folly of their own mistakes (an effort that would inevitably lead to oppression and loss of freedom). It was, however, designed to protect the nation from threats posed by foreign powers.

Yet, creating a federal government with even minimal power was, as Washington had indicated, a dangerous venture. Power does strange things to those who wield it. As John Emerich Dalberg-Acton (Lord Acton) succinctly phrased it: "Power tends to corrupt and absolute power corrupts absolutely." The Founders believed that it was

entirely possible for champions of freedom 1776 to become dictators in the 1800s if given unlimited power, not to mention what could happen in later centuries. Aware of this possibility, delegates to the Philadelphia Convention established a unique system, based on written law, which denied excessive power to everyone — including themselves.

THE SECRET for keeping government under control was to divide its powers so that no single person, or a small group, could control and manipulate it. To achieve that crucial objective, the Constitution split federal authority into three major parts: legislative (to make the laws); executive (to enforce the laws); and judicial (to interpret laws, using a written Constitution and the intent of those who framed it as a litmus test). Each branch, they hoped, would jealously guard its areas of responsibility while holding the other two branches at bay. The legislative (Congress) would check the executive (President), and vice versa, while the judicial (Supreme Court and lower federal courts) would check them both, and in turn be restrained by both. In addition, House and Senate would serve as curbs on the excesses of each other within the all-important legislative branch.

EXACTLY HOW DOES the process work? Suppose the President wanted to build a 1,000-room mansion, replete with gold-plated walls and diamond doorknobs. Were he instead a king, emperor, or despot, he could express his will in the morning and by afternoon have his tax collectors (and armies if necessary) taking money from his subjects to pay the bills. But as head of the executive branch of the American government, he could merely submit his

request to Congress and urge the House and Senate to approve a bill appropriating the sums required to finance his extravagant whims.

Under the Constitution, all legislation involving money must originate in the House of Representatives and pass in that body before moving to the Senate. It is here that the President would face his first major hurdle, since members of the House are closest to the taxpayers who would be required to pay the bills for the presidential mansion. As voters, taxpayers decide elections, and House members must earn their approval at the ballot box every two years to stay in office. Such relatively short terms enable citizens to remember how their Representatives voted on money-related issues since the last election. In contrast, Senators have relatively lengthy six-year terms, during memory and the wrath of taxpayers can fade. The short House terms were one reason why the Founders required that all money bills originate in the legislative body closest to the people.

Suppose, however that the House opted to support the President's request. The bill would then go to the Senate, where two representatives from each State have a vote. Is it likely that more than one-half of 435 House members and 100 Senators (a minimum of 269 elected legislators) would agree to such an outlandish proposal? Why not? Is there any way the President could compel Congress to grant his wish?

[Explain that the President has no power under the Constitution to force members of Congress to vote his way. Should he be devoid of principle, however, he could resort to such tactics as blackmail or bribery. For example, he could hire investigators to dig up scandalous gossip about individual legislators and threaten to make the information public unless they vote for the new mansion. Or he could offer money or favors, such as federal grants for their districts or states. And he could promise to nominate them as ambassadors to foreign countries, or federal judges, or give them other high-paying jobs in government after they leave Congress. The temptation for a Representative or Senator would be great, perhaps so much so that he or she would opt to vote as President wishes, and risk defeat in the next election, secure in the knowledge that a lush government job awaits as a backup.]

FOR THE SERIOUS STUDENT

Find out more about the delegates who attended the Constitutional Convention. Brief descriptions and photographs of ten of the most prominent are included in *Quest Of A Hemisphere*, pages 150 through 186. Questions might include: Which delegate was the only person to sign all four great documents of early American history? How many delegates had fought in the Revolutionary War? How many were lawyers? What was the average age of the delegation? Which delegate was oldest? Which was youngest?

