

Checks and Balances in the Federal Government

- 1 The powers of the federal government are shared by three main branches—the executive, the legislative, and the judicial. Those three branches are in balance. Each has ways of *checking* (restricting) the powers of the other two branches. Thus, no one branch can gain too much power.

HISTORY THROUGH DOCUMENTS

Checks and Balances in Action

5 . . . [The President] shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments
10 are not herein otherwise provided for, and which shall be established by law; . . . *

On November 21, 1969, the U.S. Senate was filled with visitors. All 100 senators were present. The air was alive with excitement. After a three-
15 month debate, the Senate was about to vote for or against Clement Haynsworth—President Richard Nixon's choice to become a Supreme Court justice. As President of the Senate, Vice President Spiro Agnew was ready to cast the deciding vote in case
20 of a tie.

Some people thought that more was at stake than the appointment of a Supreme Court justice. For them, the power of the Presidency was being tested. The Senate had exercised its constitutional right to
25 reject a President's choice for the Supreme Court only nine times in U.S. history.

Trouble had begun to develop as soon as President Nixon nominated Haynsworth. Labor and civil rights groups opposed Haynsworth because of
30 some of his decisions as a judge in the lower federal

courts. Labor leader George Meany called Haynsworth "antilabor." Also, questions were raised in the Senate about private business dealings that Haynsworth had supposedly made while a judge.

35 President Nixon had strongly defended Haynsworth. The President had said, "I find that Judge Haynsworth is an honest man. I find that he has been . . . a lawyer's lawyer and a judge's judge. I think he will be a great credit to the Supreme
40 Court, and I am going to stand by him until he is confirmed [approved]. I trust he will be."

In the Senate debate, Senator Strom Thurmond of South Carolina was one of Haynsworth's strongest supporters. Thurmond called Haynsworth a
45 "gentleman and a scholar, . . . one of the finest lawyers in the country." Other senators, though, sharply criticized the judge.

As the senators began to vote, the crowd grew silent. One after another, the senators answered
50 *Yea* or *Nay* ["Yes" or "No"]. Finally, Vice President Agnew announced the results: "The Yeas are
45. The Nays are 55. The nomination is rejected."

The Senate had used its power of advice and consent; it had refused to consent to Haynsworth's
55 appointment. For the tenth time, a presidential nomination to the Supreme Court had failed. Once again, checks and balances had played a part in U.S. history.

* Article II, Section 2, paragraph 2 of the U.S. Constitution.