



TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: May 2, 2006
SUBJECT: Law Day 2006 Essay Winners

Part of the mission of the City Attorney's Office is to educate the City officials, board and committee members, employees, and the general public. In furtherance of this goal, our office has actively participated in an annual Law Day Program, which is promoted by the American Bar Association (ABA). Each year, the ABA selects a theme for Law Day, and suggests relevant activities for the annual event. The theme for Law Day 2006 is "Liberty Under the Law: Separate Branches, Balanced Powers."

This year, the long term separation of powers of the executive, legislative, and judicial branches was a theme that easily lent itself to an essay contest for high school students who resided in the City of Troy. The essays dealt with the federal system of separation of powers and checks and balances, which has been in place for over 200 years. The students opined on "What has made this system so successful for so many years, and what are the future challenges to the system?"

There were several thoughtful and insightful essays submitted, which made the judging of the entries extremely difficult. However, our staff selected the top three essays for additional recognition at the May 8, 2006 City Council meeting. The first place winner is **Varun Sarna** (11th grade), who will read his essay (attached) at the City Council meeting. Second place is awarded to **Xinwei Gu** (9th grade). **Michael Lin** (9th grade) submitted the third place essay. These three essays will also be featured during the month of May in the Law Day Displays at the Troy Library and the Museum. The essays will also be included on the Law Day section of our departmental web site www.ci.troy.mi.us/law/lawday2006.

Excellent essays were also submitted by the following students: **Patrick Albertson** (9th grade), **Azfar Ali** (10th grade), **David Carlson** (12th grade), **Andrea Edelhauser** (10th grade), **Nicholas Flaherty** (10th grade), **Jeanie Gong** (11th grade), **Emily Jarema** (10th grade), **Geon Woo Kim** (9th grade), **Shantanu Kumar** (11th grade), **Tiffany Juo** (11th grade), **Lirija Margilaj** (10th grade), **Kunal Patel** (11th grade), **Andy Raina** (11th grade), **Nutan Sakpal** (10th grade), **Dhruv Sekhri** (9th grade), **Disha Sekhri** (12th grade), **Anuj Shah** (11th grade), **Kevin Shetler** (9th grade), **Rishdad Sidwa** (9th grade), **Ritika Singh** (11th grade), and **Michelle Szewczyk** (9th grade).

Thank you for your participation in the recognition of Law Day 2006. As always, if you have any questions, please let me know.

Name: Varun Sarna

School: Troy High School

Grade: 11th Grade

In a nation as new and as prosperous as the United States of America, a delicate structure is necessary to foster the growth of the country. Our Constitution, an admirable document that encompasses a remarkable variety of topics, is able to address numerous issues that have come into existence in our recent history. However, there are some potential flaws in having a single branch control all operations, some imbalances that make the government slightly unstable and subject to erratic decisions. Thus, the system of checks and balances was developed and a three-branch system established and, for the past 200 years, the system has remained unblemished.

When the founding fathers sat down to draft the Constitution, they took a plethora of factors into consideration, especially the monarchy that had once ruled them in Great Britain. Not wishing to imitate such a powerful government in which the power lies explicitly in the hands of a few opportunistic people, the Constitution created a government that would be able to handle domestic as well as national issues, but would also respect the decisions of its citizens. After realizing the inherent flaws in the Articles of Confederation, Americans began petitioning for a stronger government, one that would not *control* the people, but would *protect* them; thus, the Constitution of the United States of America was ratified in 1789. The American government is now based on the belief that the common American is the nucleus that powers the cell and the Federal system of separation of powers ensures that this belief is engraved into the nation's heart for years to come.

Three branches exist under the Federal government's system: the executive (president), the legislative (Congress), and the judicial (Supreme Court). Each holds certain authorities that the others lack, making each branch exclusive in some of its

operations. For example, the President has the sole power to wage war, the legislative branch has the sole power to declare war, and the judicial branch has the sole power to interpret the law and apply it to particular disputes. The main idea, then, is that branches are separated intricately. With each branch possessing the power to “check” and “balance” the other two, the government ensures that the possible, though unlikely, corruption of a single branch does not affect the well-being of the nation. This system was developed as a remedy for the abuse of power that former British subjects felt that the monarchy had exercised. Consequently, the system of separation of powers accompanied with checks and balances was developed. Although at times, the system may seem somewhat convoluted, its ability to carry out its duties and provide a reliable and trustworthy government for the people makes it the most effective in the world.

One of the largest obstacles that the government may face in the future is the power of the press and the popular sentiment of the people. The press acts, as some say, as the “fourth branch” of the Federal government. The Constitution explicitly guarantees freedom of press, making the limits on the press extremely minute. Thus, the press has the ability to alter public opinion through the huge medium of television that exists in our society today or through the newly discovered World Wide Web. Public opinion fuels our society and with any unfavorable sentiment towards the government, the system of separation of powers and checks and balances may, although unlikely, eventually topple. This structure of government previously faced its greatest threats during crises such as the Civil War, the Great Depression, and the Vietnam War. This exemplifies the fact that during desperate times, the power lies largely in the hands of the people, and, with the

ability of the press to alter public sentiment, the predominant challenge to the Federal government in the future will be controlling the public's views, even in times of chaos.

The success of the Federal government today can be largely attributed to the system of separation of powers that underlies its structure. With each branch possessing the ability to verify the actions of the other two branches, an almost invincible structure is developed that has yet to be worn out through the test of time. Most would agree that despite future challenges the Federal government may face, the system of separation of powers and checks and balances, which has survived for over 200 years, will continue to protect a nation guided by one factor – faith.