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A Simple Concept, An Essential Protection

By Sarah McIntosh

People are naturally passionate creatures. They have interests and feelings and they work to protect and defend those emotions. Sometimes this is done consciously, but often we act without awareness or recognition of these reasons.

Self-interest exists whether or not we want it to. There is a reason a person supports one action and not another. People are bound to act with ambitions and a drive for power. Nowhere is this more evident than in government.

Whether on a local or national level, politicians are elected to serve the interests of their constituents. This is supposed to become their “self-interest.” Sometimes it does and sometimes it doesn’t. But whatever the basis for this interest, the structure of how our government operates needs to be based on an acknowledgment of these passions.

While we are in the heart of the legislative session in Kansas, it is especially important to stay alert to the various positions and passions of the members of the Legislature. Their passions will likely dictate what decisions they make, the coalitions they will build, and ultimately which laws are passed.

The framers recognized how people acted, what their interests were and how they were going to behave, and built a governmental process based on that. They looked at the natural behavior of people and created a framework for government within that behavior.

On the other hand, governments and economies that try to reinvent human behavior fail. If they start from the point of how they think people ought to act rather than how they do act, a botched system is created. People are smart and will figure out a way to behave in a system to get what they want from it. Therefore the most effective system recognizes this and has its structure created accordingly.

The concept of checks and balances and the balance of power are taught in the most basic of American government classes. But this seemingly simple concept is extremely important; it is critical that the people make sure this system remains and is not subverted by people who want to make the system “more efficient” or others who perhaps think they are above the law and want to expand their powers.

In creating the American government, the founders established three branches Congress, the president and the court. As these three branches consider the laws, delay is inevitable and will

vary in degree.

These governmental structures were created to ensure that the passions of lawmakers weren't knee-jerk but were debated and well thought out. Sometimes this creates what is now called gridlock, particularly when it concerns a key issue that involves a lot of passions. Perhaps what we should worry about is fast-track legislation and laws that get passed too quickly. We should worry not when a law is delayed or takes time to pass but rather when a law passes too easily and is not debated back and forth. Instead, we should ask why that law passed so easily. Is it because the passions of two or three branches were all in line at once? Did this crowd out the opportunity for well-reasoned debate and inspection of the law?

In addition to the creation of laws, this system is meant to be a control on the governmental actors working within the framework. Government officials, whether acting on the local level as legislators, governors and courts or on the national level as Congress, the president and the Supreme Court, will naturally try to expand the boundaries of their power. This process is meant to be a check on that and if it fails to do, so it is up to the people to demand that balance be enforced.

As the legislative session wraps up in the next few weeks, people should be aware of what passions drive their representatives and senators. The constituents of these legislators have the responsibility to make sure their own interests are represented. Voting and holding government responsible are the people's ultimate check in a representative government.

People are complex and have a wide variety of emotions and beliefs. This does not disappear when people become leaders and government officials. As James Madison famously wrote in the Federalist No. 51, "If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary."

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