

# “Why Judges Must Not Run the Executive Branch”

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**By George Landrith**

ARLINGTON, Va.—The United States Constitution is built on a system of separation of powers, ensuring that each branch of government—the legislative, executive and judicial—operates within its own clearly defined sphere of authority. Article II of the Constitution explicitly vests executive power in the president, granting him the sole authority to run the executive branch, hire and fire federal employees and manage the implementation of federal policy.

However, in recent years, judicial overreach has increasingly threatened this fundamental structure. Activist judges have repeatedly interfered with executive decisions, particularly regarding federal employment and budgetary matters, effectively attempting to seize control of the executive branch. This kind of judicial activism is not only unconstitutional but also dangerous to the very principles of self-governance and democratic accountability.

## **The Executive Power Belongs to the President Alone**

Article II, Section 1 of the U.S. Constitution states: “The executive power shall be vested in a President of the United States of America.” This is not an ambiguous statement—it makes clear that executive authority belongs to the president, not to Congress, not to the courts and not to unelected federal bureaucrats.

Among the responsibilities that come with executive power is the authority to hire and fire federal employees. The president, as the head of the executive branch, is responsible for ensuring that federal employees serve the interests of the American people effectively and efficiently. If an administration determines that certain employees are unnecessary, redundant or incompetent, it is well within the president’s constitutional authority to dismiss them.

No federal employee has a constitutional right to a government job. Employment in the federal government is not a protected right, and courts have no legitimate authority to override the president’s decisions on workforce management.

Despite this clear constitutional framework, we have seen repeated attempts by liberal judges to interfere with the executive branch's authority by blocking efforts to reduce the federal workforce, demanding that terminated employees be rehired, or even forcing the president to spend taxpayer money on wasteful programs that he deems unnecessary.

Such rulings are blatant violations of the separation of powers and represent an unacceptable intrusion into executive functions.

### **Judicial Overreach: Courts Acting as Legislators and Executives**

The role of the judiciary is to interpret laws and rule on matters of constitutionality—not to govern. When courts attempt to dictate how the executive branch should function, they undermine the very structure of our constitutional republic. Recent examples of judicial overreach include:

- **Blocking the Dismissal of Federal Employees:** Courts have issued rulings that prevent the president from reducing the size of the federal workforce, despite the fact that hiring and firing decisions fall exclusively under the president's executive authority.
- **Forcing the Executive to Fund Programs:** Courts have ruled that the president must allocate taxpayer dollars to programs created by unelected bureaucrats, even when the president deems these programs inefficient or wasteful.
- **Mandating Policy Implementation:** Judges have attempted to compel presidents to enforce policies from prior administrations, essentially stripping the executive branch of its discretion to set policy priorities.

These judicial actions represent an erosion of executive authority and a dangerous precedent where courts assume powers they were never meant to have.

### **The Proper Role of the Courts**

The judiciary exists to interpret laws and ensure they comply with the Constitution. If the executive branch were to violate the constitutional rights of individuals—for example, by attempting to silence political opponents or outlaw religious institutions—then courts would have a clear role in declaring such actions unconstitutional.

However, personnel decisions within the executive branch do not fall into this category. There is no constitutional right to a government job, nor is there a constitutional requirement that the executive branch continue to fund every program established by previous administrations.

The founders of this nation designed a system of government that deliberately separated powers to prevent any one branch from becoming too powerful. The judiciary was given the responsibility of checking unconstitutional actions, not of micromanaging the executive branch. Courts that attempt to dictate hiring, firing and spending decisions are operating far outside their constitutional mandate.

## Why Judicial Overreach Is Dangerous

When judges take it upon themselves to run the executive branch, they create a serious threat to democratic governance. Unlike elected officials, federal judges do not answer to the voters. If the president makes poor decisions regarding hiring and firing, or if he mismanages the budget, he can be held accountable by the electorate in the next election.

However, if unelected judges make these decisions instead, the American people have no recourse to challenge their rulings.

Judicial overreach also weakens the executive branch's ability to function effectively. A president who cannot remove ineffective or insubordinate employees is handicapped in his ability to implement policy. If the courts dictate how the executive branch must allocate its resources, then the executive's ability to set policy priorities is effectively nullified. This is not how the government was designed to function.

## Restoring Constitutional Balance

The Constitution is clear: the president alone holds executive power.

While the judiciary plays a crucial role in ensuring that government actions adhere to constitutional principles, it has no authority to run the executive branch or interfere with its operations. The increasing trend of judicial overreach—particularly in matters of federal employment and spending—represents a serious threat to the constitutional separation of powers.

If the United States is to remain a nation governed by laws and democratic accountability, courts must stay within their proper constitutional role. The president, as the head of the executive branch, must be free to make decisions regarding the workforce and budget without judicial interference.

The American people must recognize the dangers of judicial overreach and demand that courts respect the constitutional boundaries that ensure the proper functioning of our government. Only by restoring this balance can we protect the integrity of our democratic system and ensure that power remains where the Constitution intended.