

*The Leon Jaworski  
Public Program Series*

PROGRAM VII

*Separate Branches, Balanced Powers:  
Madison's Legacy*

*May 1, 2006*



# *The Leon Jaworski Public Program Series*

## *Law in American Culture*

Since 2001, the American Bar Association Division for Public Education has conducted the Leon Jaworski Public Program Series, a continuing series of programs on the law and lawyers' role in American culture. Prior programs have examined the lawyer as reformer, the lawyer as celebrity, the lawyer as judge, the lawyer as rhetor, the lawyer as citizen, and the jury and American democracy. More fundamentally, the Jaworski Public Programs have examined themes of American law, politics, and culture and have operated on the premise that exploring fundamental legal identities and attributes helps us better understand who we are as Americans.

## *About Leon Jaworski*

As president of the ABA in 1971, Leon Jaworski established the special committee that was the genesis of the Association's Division for Public Education. In 1983, a bequest from his estate generously established the Leon Jaworski Fund for Public Education, which continues to support annual public programs, such as this one, devoted to furthering public understanding of law and the legal system.

**Response Required.** To register, go online to [www.abanet.org/publiced/jaworski.html](http://www.abanet.org/publiced/jaworski.html). You will receive a confirmation after completing the form. If you require assistance, please contact Tracie Guy at the American Bar Association at 312.988.5734. Please note that seating for the event is limited and is provided on a "space available" basis.

The American Bar Association Standing Committee on Public Education and  
Our Program Partners

invite you to attend

## *The Leon Jaworski Public Program Series*

*Separate Branches, Balanced Powers: Madison's Legacy*

PRESIDING: **Michael S. Greco**, President, American Bar Association

WELCOME: **Rubens Medina**, Law Librarian of Congress

**Peter Kalis**, National Law Day Chair

MODERATOR: **Jeffrey Rosen**

Professor, The George Washington University Law School

PANELISTS: **Richard Matthews**

NEH Distinguished Professor of Political Science, Lehigh University

**Hon. Abner Mikva**

Schwartz Lecturer, University of Chicago Law School

**Gary Rosen**

Managing Editor, *Commentary* Magazine

**Hon. Patricia Wald**

Former Chief Judge, U.S. Court of Appeals for the District of Columbia Circuit

**Ruth Wedgwood**

Edward B. Burling Professor of International Law and Diplomacy  
The Johns Hopkins University School of Advanced International Studies

May 1, 2006

4:45 p.m. – 7:15 p.m.\*

Library of Congress

James Madison Building, Madison Hall (1st Floor)

Independence Avenue, SE

Washington, D.C.

*\*Reception to precede program*

*Response required\**

## *Separate Branches, Balanced Powers: Madison's Legacy*

### FRAMING QUESTIONS

- Are the principles of separation of powers and checks and balances truly fundamental to American government?
- Are the branches of American federal government sufficiently separated? Are powers of government sufficiently balanced? What is the standard for judging this? What are the issues and points of conflict today that most vigorously challenge the separation and balance of governmental powers in the United States?
- Is the problem identified by Madison in *Federalist* No. 51—how should government be organized to be effective and yet avoid dangerous concentrations of power—still relevant? To accomplish this, is it necessary that “Ambition must be made to counteract ambition”?
- In *Federalist* No. 48, Madison wrote that “The legislative department is everywhere extending the sphere of its activity, and drawing all power into its impetuous vortex.” Of the three forms of government—executive, legislative, and judicial—which do you think has been most dangerous and capable of “everywhere extending the sphere of its activity”? Why? Has this changed historically? Varies around the world?
- Following Montesquieu, Madison identified political liberty as the end to which separation of powers—and checks and balances—were the means. Is this still the essential purpose of these two principles in contemporary American government? Might there be other means to achieving that end? How have other constitutional governments addressed this?

### PROGRAM PARTNERS

*ABA Standing Committee on Public Education*

*ABA Commission on Civic Education and the Separation of Powers*

*ABA Standing Committee on the Law Library of Congress*

*Law Library of Congress*

*Federation of State Humanities Councils*

*League of Women Voters*