

How Well Does The US Constitution Work?

The United States Constitution has done its job to a great effect in the previous decades and continues to do so to date, despite being written over two hundred years ago. To meet this specific purpose of having an effective Constitution requires having it written in such a way, its tasks are clearly defined for governing a nation and must have the flexibility to evolve to meet new circumstances and worldwide changes without having its founding purpose altered in the progress. However in today's modern era, there are aspects of the Constitution that some persons strongly believe are not entirely fit in terms of dealing with new complexities facing the US today, that may have not been taken into consideration in the past but now have become topics that must be addressed.

The United States now one of the world's most powerful and respected nations of the modern era is no longer an adolescent entity trying to find its way in the world, but has matured over time into a complex nation, whose economy is beyond compare and is known as "the land of the free and opportunity". It is quite clear that a nation of such caliber and size could have only been a dream at the time of the founding fathers.

At the time at which the Constitution was written the main purpose was to escape from the European style of government at that age, being a tyrannical style of government based on the view of one person on a few individuals for personal satisfaction and power. The founding fathers may not have had any previous system in which they could have mimicked at the time to create the America they wanted, but they knew exactly what they did not want. A Constitution to provide clear guidelines in order to ensure a union between states, justice, effective defense, and most importantly ensure liberty, was the goal. What history told these men was that unchecked power in the hands of a few inevitably leads to a corrupt and oppressive form of government.

The modern era in which we all live clearly cannot be compared to two centuries ago. Universal rights and the equality of all persons are no longer

alien to US citizens. Ergo the scope by which the nation was governed at that time and the rights citizens possessed at some point needs to “change with the times” in lesser words. Therefore the Constitution’s scope should no longer be to ensure ideals are created but ensure that those ideals created are kept. The US Constitution, consisting of just around 7000 words, does not specifically state the means by which the commitment to the nations protection and liberties of its people should be kept, as the needs of a nation and circumstances is something that would be altering rather than static and that would empower the people to make changes, as they perceived a need to do so.

As a result, at times of calamity, governments have previously been able to deal with situations without infringing the liberties of citizens. Drawing from the fairly recent 9/11 disaster in the US. The Constitution showed great effectiveness in ensuring the powers of the president were not exceeded over its dimensions of the Constitution in relation to terrorists’ suspects by decisions made by the Supreme Court.

Power is a temptation even to persons of the highest veracity. The founding father were well aware of this and believed anyone could be tempted to seek more power than they actually needed for personal benefit and not solely for the well being of the people. The Constitution pays careful attention in defining where certain powers lie. In particular it does a clever job of dividing certain powers between the state and federal government. Also there are specific division or separation of powers between the three branches of the government. Monetary units, for example, are issued exclusively by the federal government.

Also if each state had its own army and own foreign policy combined. These states would be more like small countries, more like Europe. Encompassing too much authority on a state level, a main government could not function, and with too much power in the national government, states would simply be boundary lines for the names of places. The states hold just enough power to keep the federal government from having absolute control. However the “trump card” so to speak would lie in the Checks and Balances

inscribed into the Constitution, ensuring the powers of the branches of government do not drift from one to another. Furthermore each branch would be responsible for ensuring the balance of power between each other and that the powers are used responsibly.

To ensure that the separation of powers and checks and balances system continued to work effectively throughout the ages, was dependent on the Constitution and in particular the articles. Articles 1 to 3 clearly outlined the structure, functions and clearly defined the responsibilities of the different branches of the government. This ensured effective governing with strict limitation of power distribution. With respect to Article 1 in relation to checks and Balances, all actions of the President would be subjected to scrutiny by congress and the senate. Furthermore Congress would be subjected to regular review, with clear terms of office and particulars defined. Article 2 pays particular attention in defining the powers of the President. A monarch situation was undoubtedly unacceptable; therefore the powers of the President could only be used with consent of usually the legislature. Again with respect to Checks and Balances, the President's powers in comparison to the other branches would be the vetoing ability of legislation and the choice of nomination for the Supreme Court. The presidents' performance in his first term would be reviewed to determine whether or not reelection is suitable. Article 3 makes clear the powers of the judiciary being its role of passing judgment on state, diplomatic and national government incidents. With respect to Checks and Balances Constitutional powers were limited to the Supreme Court. Judicial review on the contrary continues to be one the most powerful checks present.

The Founding Fathers in order to prevent the wrongful electing of political groups to branches of the government, in particular, the legislature and executive branches. Who would in turn appoint their personal choices to the judiciary, consequently destabilizing the Checks and Balances system, organized different elections for the different branches and members, with particular dates and criteria.

Having a sound Constitution is one thing but protecting its fundamentals is another. The means by which the Constitution is changed is given by two procedures. This was and continues to ensure that groups or persons could not manipulate the Constitution for their personal agendas and does not affect the liberty of the people. A grand Majority and slow and tedious process ensured this. Both methods require at least a two-thirds majority and at least three quarters of the states to agree before it becomes a law. This tedious process accounts for why only 27 amendments out of over 5000 have ever been passed and continue to be seen today a part of the foremost Constitution.

Turning away from specifically the governing aspect of the Constitution to the rights of the people. The Bill of Rights a part of the Constitution protects individual freedoms from the government, faith, speech, movement and assembly, private property and intrusion, proper treatment due to arrest and fair trial and sentencing and also anything not previously covered by the amendments. The Constitution in particular amendments 1 to 10 as summarized above, ensure the rights of the people and that the government is unable to wrongfully intrude on these rights.

Further amendments 11 to 27 have been made not only with aspects of the people but also government, so as to ensure the Constitution is kept up to date without breaching its ideals. The 13th to 15th amendments for example, abolish slavery in 1865 and gave African Americans voting rights in 1870. Amendments 19 to 26 gave women the right to vote in 1920 and the voting age was lowered to 18 in 1971.

In relation to my view whether the US Constitution works in this era, I recognize the contrasting views of others. Particularly the Conservative and Liberal views. In the US the Republican Party represents the Conservatives perception of the Constitution. Republicans, collectively, evaluate the effectiveness of their governing by the extent to which it meddles in people's lives and morale. Their policies appeal to those who want to see traditional values restored to the modern era US. They believe that all human beings are selfish as some of them even refer to religious scripture, which states all

humans as being sinful. However they also go so far as to saying, effective leadership and disincentives can control these selfish acts. In order to have clear moral understanding throughout society, all persons must equally share the frame of mind as what is morally acceptable. Otherwise society would simply crumble due to its irresponsibility for actions. Religious morals are the general ideals of Conservatism and consequently believe the role of government should be to provide people the freedom necessary to pursue their own goals. Conservative policies generally emphasize empowerment of the individual to solve problems.

Conservatives support limited government, limited taxation, and a balanced budget. Some admit the necessity of taxes, but insist that taxes should be low. They often argue that competition in the free market is more effective than the regulation of commerce, with the exception of industries that exhibit market dominance. For a few this is a matter of belief, as it is for the libertarians and others influenced by thinkers such as "Ludwig von Mises", who believed that government intervention in the economy is inescapably wasteful and inherently corrupt and immoral. For others, "free market economics" simply represents the most efficient way to promote economic growth: they support it not based on some moral principle, but rationally, because it "works." Republicans believe that the efficiencies of free markets will drive the cost of welfare and social services down and their benefits up. Under this platform, healthcare is outsourced to health insurance companies and social security is outsourced to brokerage firms (Wall Street). The people would then pay for these entitlements either directly to corporations or via taxes, which are then in turn sent to corporations. This is often called a "conservative" or "right-wing" economic policy. It is conservative because of the reduced influence of government.

Republicans support limited diplomacy between the United States and the world. They prefer to empower the US Defense during international crises. Republicans believe that war may be a valid response and should not be limited to only a last resort. They support a limited role of the US Department of State,

discouraging direct diplomacy between the United States and nations that are considered hostile.

Now turning to the Liberal perception of the Constitution, represented today by the Democratic Party. Democrats, collectively, evaluate the effectiveness of their governing by the extent to which I protects the Constitutional rights and how their policies appeal to people who welcome the new rights of the era. Rights are given to minority groups such as gays/lesbians, which is not a considered by the Republicans.

Democrats generally support government policies that benefit working class families, seek more corporate regulation, and less government influence over the individual. Their ideals favor a government that supports lower and middle-income families and workers through higher taxes for corporations and the wealthy. They strongly support government entitlement programs such as social security and healthcare. In social matters, Democrats emphasize personal choice, privacy, and liberty. They believe that it is the responsibility of the family to promote morals and values in society and not the government's responsibility. Democrats believe that in order to have a strong economy, the government must promote policies that empower individual workers. These policies can include supporting unions, discouraging companies from exporting jobs overseas, and increasing the minimum wage. Democrats believe that companies must be regulated (to an extent) to ensure fair compensation and treatment of workers, to prevent corporations from abusing employees, and to reduce corporate fraud. In a broader sense, Democrats believe that it is better to stimulate the economy from the bottom-up (worker) rather than, the top-down (corporation). Democrats believe it is the government's responsibility to provide Americans with a basic level of healthcare, unemployment insurance (welfare), and retirement income (social security). Under this Democratic manifesto, the American worker pays for these entitlements via taxes. This is often called a "liberal" or "left-wing" economic policy.

Democrats support active diplomacy between the US and the world. Democrats typically prefer empowering the US Department of State for international matters and crises. They believe that having strong alliances is a particular advantage for the United States and its security. Having strong alliances increases the ability of the United States to negotiate with other nations, to seek out agreements and treaties that are beneficial to the United States, and empower intelligence agencies such as the CIA. Democrats believe that war is a valid option, but should only be used as a last resort when other options have been exhausted.

All the factors stated previously provide evidence of the effectiveness of the Constitution in the scope of the modern era and further illustrates, how flexible it has been over the last centuries and continues to be. Neither party follows all of the core principles outlined above perfectly, that is why it is imperative to research each party's policies and ideas regardless of their political affiliation. A person must also question what they believe the role of government to be. One viewpoint promotes individual choice, liberty, and freedom; the other viewpoint seeks to reduce individual choice, liberty, and freedom. One viewpoint benefits lower and middle-income families and workers; the other viewpoint benefits large corporations and the wealthy. Each viewpoint has its pros and cons and neither one is perfect, that is why it is vital to review each viewpoint closely and to decide which one is best.

The government originally created focused on ensuring state security both internally and between states, making treaties and ensuring trade between states. Obviously the requirements of this new era and responsibilities surpass the initial focus of the past. Government now must address new needs on a significantly greater scale but the fundamentals continue to remain intact. The Constitution has served its purpose, if not almost entirely. The effectiveness of the Constitution is therefore in the hands of the persons chosen to govern the US and their ability to follow, use and properly understand the Constitution to maximize its effectiveness.