

“The constitution has failed to provide for the effective government of the USA” discuss.

The USA today can be seen as a very different USA than that of the 18<sup>th</sup> century. Over the years the constitution has been amended and interpreted and there have been many arguments. It is clear that this piece of documentation plays an important role for the political system today although some people believe that there is no need for it. The Founding Fathers made the constitution in a completely different day and a ge.

The Constitution was made for the people, but it was known as “the great compromise”, the Founding Fathers knew that they would have to sacrifice effective government for an efficient government. The Framers also knew that this compromise would be very unpopular so they made the nature of the document short and vague, this was so people could read it and interpret it the way they wanted to and people could determine and agree what certain phrases in the Constitution mean in practice. Therefore the constitution being open to interpretation allows for a wider view on things and acts as a catalyst for politicians to get their points across or legislation through. For instance, in the preamble there is a common defence clause “provide for the common defence”, this was interpreted by the congress to claim authority and build a network of roads across America.

Although the “great compromise” wasn’t always so great. It was the cause for the separation of powers, which in its own way is responsible for a great deal of the ineffective government of today. It divides powers across the three branches of government, causing them to work against each other and to slow down workflow. The separation of powers is an opportunity for one branch to obstruct the laws or goals of another branch e.g. The Supreme Court stating a law from congress as Unconstitutional. Checks and balances are used in a negative way and critics would point to the and say that they have caused the obstruction of popular political change and stopped America from dealing with some of the serious modern problems of today. Separation of powers is a way in which gridlock may occur, when none of the branches work together and no work gets through, therefore making the government ineffective and inflexible; this may also cause the government to not be able to deal with a situation which may make them seem weak and powerless therefore there would be a lot of criticism.

At times the government may seem inflexible or ineffective but that is only “at times”, some people would blame the constitution for this. The government have shown ways in which they can work together and use the constitution and the powers given to them to effectively get things done. The Supreme Court play a role in this, they can go over the Constitution and find new laws which they may deem constitutional, this may be giving a certain aspect of the political system more powers or taking powers away from a branch and giving them to another branch, or even giving state powers to the government. This shows flexibility in the constitution and also shows how the nature of the document can still show its hand at work in the political system today e.g. the development of congressional committees and executive agreements. Flexibility can also be found in the legislation from congress, think of the constitution of a basic outline, a skeleton so to speak, then congress add flesh to the bones, they do this with legislation. Legislation puts down in detail what the founding fathers sets out in the structure, e.g. The Civil Rights Act (1964) this was a landmark piece of legislation in the United States that outlawed major forms of discrimination against blacks and women, and ended racial segregation in the United States. Clearly an example of how the united states can work together to make important decisions and laws that are necessary and shows an example of how the can be effective.

Legislation is a way of adding to the constitution but it can always be put to rest by the Supreme Court, they have the power and authority to look at a piece of legislation from congress and to declare in unconstitutional, this is a way in which the effectiveness of the government can be criticised and the flexibility of the Constitution decreased. The Supreme Court can choose to work against the other branches of government, this could cause gridlock in which no works gets done or laws get passed. Gridlock is a key example of how the Constitution Is inflexible and is holding the American Political system back from being truly effective,

Changing situations have an effect on the flexibility of the constitution for example on an economic level. A rapid economic change may need a legislative action; this will show how the federal government in response to a situation will make dramatic decisions and/or laws which are needed. Roosevelt is a good example for this as until he was in power Laissez-Faire economics were believed but his “new deal” in which he used federal money to help the poor. Roosevelt believed in the flexibility of the constitution and that he could help the poor, this shows how in

Times of need the constitution can be used as flexible piece of documentation in which things can get done. Social development also shows this, in the 60's and 70's there was a rapid change in the view of the nation, with the new civil rights act the government knew that things were needed and they seemed to be very effective. The Supreme Court were finding new truths in the constitution that showed that separate and equal was no longer a fair assumption and they got the legislative support from congress. High levels of adaption that can be achieved and branches of government can actually work together to get things done in an effective manner. America can change and the government will recognise this change and learn to work with it in a flexible way.

The constitution has not changed in the last 200 years, amendments have been added and legislation has been made to support it. The Supreme Court have interpreted it and it has been used as a backbone for government and America. If the Constitution was really stopping government from being effective then it would have been scrapped. Although the constitution has stopped government from reaching its full effectiveness it has still allowed them to deal with changing situations and allowed them to get work done. It has given the people their rights and given them their basic freedoms. The constitution over the years has helped America become a fair Country and has helped all citizens. Although there are examples in which the constitution has acted as a straight jacket in which it has stopped government from doing its job e.g. hurricane Katrina, the constitution blocked government from being truly effective and stopped them from using their powers to help New Orleans. Although President Bush ordered a state of emergency and an evacuation the Political system could do little in aid of the aftermath i.e. helping people rebuild their homes all over Louisiana. This shows the inflexibility of the Constitution. In general the constitution has aided the Government and helped USA in many ways and at many times and has allowed government to make their own choices and either work together or not. It has inflexibility to an extent but not to a serious extent, the flexibility of the Constitution outweighs the inflexibility and there are ways in which the government can overcome some of these, although just because there is flexibility it doesn't mean that the hard more inflexible ways are not useless, some may argue that they are better and more permanent ways of effectiveness.