

'The Constitution is in fundamental need of reform'. Discuss.

The fact that the Constitution has survived for over two hundred years without being fundamentally altered shows that its essential strength. It has adjusted to the diversity and complexity of contemporary American society. It is striking that few commentators believe that the Constitution requires radical change and even those most critical of the current political system still claim that the principles it embodies remain valid. The relevance of the Constitution's principles associated with democracy remain resilient. The survival and strength of the Constitution may also be attributed to the amendments it has adopted and the Supreme Courts role in interpreting it. In order to assess the constitution we must look at the goal set by the 'Founding Fathers'. The founders set out to create a government that would be effective but limited. It would be efficient in undertaking its responsibilities, but would at the same time respect and protect both the citizen and the states.

Subsequent debates around the Constitution have examined the extent to which these goals have been achieved. Whereas some assert that the federal government is relatively powerless, others claim that it has become overbearing. Some argue that the government lacks effective power; critics argue that the checks and balances in practice have created gridlock. Decision making requires such widely shared consensus and there is insufficient agreement between institutions. The declining importance of the political parties has undermined the traditional coordinating role that parties used to play in easing tensions and bringing members of Congress and

the President together. An important issue exists for the American people. It is difficult to identify who is responsible for a particular action or decision. The lack of accountability can be traced back to the vast distribution of power in the American system of government. Another valid reason that emphasises the need for reform.

It is claimed by the committee of the Constitutional system that the core principle of the US system - the separation of powers - has encouraged 'confrontation, indecision and deadlock'. The conflict encouraged by the powers creates weak parties. Critics believe that reforms should be made in the US political system to strengthen the Presidency and increase the internal cohesion of the parties. They suggest that the President should be able to appoint members of Congress to the cabinet so as to establish closer and less confrontational relationship between the two institutions. The president would then be going against the separation of powers, which is at the core of the US political system. The president should have the power to dissolve Congress as the British PM can in the UK. This would encourage a more decisive system. It has also been suggested that there should be a six year term for the president which would strengthen his bargaining position. Critics also feel that a single party should control both Congress and the White House. They propose that the President and Congress should be elected on the same ticket in every district.

However, some have asserted that the government has become too powerful and intrusive. This mainly conservative view, argues that the federal government has become much more interventionist than the founding

fathers had intended. They point to high levels of taxation, the federal government's role in regulating business and its growing involvement in state responsibilities such as education and social policy. The federal government has simply become too big, too expansive and too expensive. The growth of the government has been identified to have emerged from several factors. The decision making process is dominated by narrow sectional interests. The Tenth Amendment has been forgotten which places the principal responsibilities of government with the states. The federal judiciary has abused judicial review.

Conservative critics propose a number of amendments to the Constitution, or seek to establish a different understanding of its articles and amendments. They back an argument which would impose term limits on members of Congress. In most of the proposals, federal legislatures would be limited to twelve year periods. Such a reform would recreate a 'citizen legislature' that would hopefully be more closely tied with the people it purports to represent. The Balanced Budget amendment would require the federal government to balance its revenues and expenditures. It would only be able to borrow in times of war or emergencies. The Tax Limitation amendment would limit the amount federal government could tax as a proportion of the GNP. There should also be stronger emphasis on the tenth amendment by all three branches of government and recognition of state's rights. Some conservatives have also called for curbs on the role of federal government.