

Constitutional law paper

Law



**ASSIGN
BUSTER**

Constitutional Law Paper BY ctndoe_272 Constitutional Law Mid Term Paper

It is evident that over the past few years, American Democracy has been losing its power. The causes toward this effect are many. Some amongst the many are decreased political participation and the minimum quality of functioning of government. Before understanding that these are some of the effects that has caused the waning in American Democracy one must understand what Democracy is and its measures as well. Democracy is a system of government by the whole population or all the eligible members of a state.

It is equal access to power where the people are the supreme source of that power. There are rights, laws, and policies that reflect the will of the people, consent of the governed, and popular sovereignty. Amongst the government, there are 6 basic principles within the democracy. They are Popular Sovereignty, Rule of Law, Separation of Powers, Checks and Balances, Judicial Review, and Federalism. The U. S Constitution is built upon these basic principles. It is logical that by having these 6 principles to abide by, the U. S Democracy would have the highest ranking when it comes to measures of Democracy.

It would make sense that American Democracy would have a high rank in the following categories: Electoral process and pluralism, civil liberties, functioning of government, political participation, and political culture; but, in reality it isn't that way. According to the Economist Intelligence Unit (EIU), the United States has a world rank of 19 as opposed to Norway who has a ranking of 1. The Democracy Index developed by the EIU shows that the U.

S is has the lowest ranking for political participation. This is one of the factors that are causing our government to lose power.

This political issue is caused by the voting requirements set. Under California law, you must meet several requirements in order to be able to vote in state and local elections. You must be a U. S. citizen, and a resident of California, who is eighteen years of age or older, or who will be eighteen years or older on the date of the next election. Additionally, you must not be in prison or on parole for a felony conviction. Finally, you must not have been found to be mentally incompetent by a court. With these voting requirements set, we are limiting the amount of people who can vote and participate in elections.

Democracy, as a system of governance, is supposed to allow extensive representation and inclusiveness of as many people and views as possible to feed into the functioning of a fair and Just society. " Limitations to the amount of people who can vote, voter apathy, disenfranchisement, parties not representing people, and voter intimidation are all reasons for a low voter turnout" . The common criticism leveled at those who do not vote seems to be to blame them or being apathetic and irresponsible, noting that " with rights come responsibilities. There is often some truth to this, but not only are those other reasons for not voting lost in the assumption of apathy, but voting itself isn't the only important task for an electorate. Being able to make informed decisions is also important. In a local voting survey conducted by the class the question that followed if the person was eligible to vo e " Then why don't you vote? " was asked t . I was discovered that the reason many people do not vote is because they are not informed correctly

or there is the observation that the leading parties are not that different from each other and they do not offer much said to the voter.

The media not being much help or being biased sometimes also make it harder for the electorate to make an intellectual decision. In addition, the other percent of the people surveyed responded that they have little or no time to vote. A solution to this political issue is to make voting easier and more convenient. With this said, establishing no excuse absentee ballots would introduce an early voting system that would allow thousands of voters to vote at their convenience. Currently, registered voters can only obtain absentee ballots if they are unable to be in the polling place on Election Day due to illness, travel or religious reasons.

By doing away with these restrictions, registered voters could apply for the ballots and vote without having to figure out when or how to get to their polling place. As our world has been more fast-paced and as California residents are busier trying to hold on to their jobs in this difficult economy, our voting system needs to catch up. If voting is made easier, more people will vote increasing our political participation. The Democracy Index provided by the EIU also shows that the United States has a score of 7.5 in functioning of government.

This data ultimately corresponds to the score the U. S has in political participation. The United States, as a form of democracy utilizing the "First Past the Post"(FPTP or FPP) system and gerrymandering results in a government, would ultimately yield a relatively moderate two party system. Additionally, the United States Government doesn't function according to the

will of the people. The United States Government as a representative government means that the representatives in its political office represent the people but function based on their own beliefs and opinions.

Thirdly, the average person has no direct impact on who the president is. " That Privilege falls to the Electoral College, under the 23rd amendment of the constitution. " 00Ultimately, this government " of the people, by the people, for the people", fails to truly recognize the power and worth of those on the outskirts of society, those who can't fend for themselves, those who don't conform to the status quo, those who are not well off or better, and those who " fail to contribute" to society.

Again, attempting to increase the voting rate will assist our ranking score for the functioning of government, as it will be more accurate toward what the people want. Over the past few years, American Democracy has been losing its power. One of the main causes is that there is not enough political participation amongst its citizens. 'As their responsibility your government has to find a way to facilitate the voting process for electorates and that way increasing our political participation that will then establish a more democratic functioning of government.

The best action to revitalizing democracy in the United States is to change the voting system itself - the method that determines how we cast our votes for candidates and how the winners are decided. Our current winner-take-all voting system is one of the least representative and least democratic of all forms of elections. Adopting a better voting system could go along ways

toward enhancing the political power of average citizens, and this would help to blunt the influence of private economic power.