

# Role of the united states constitution

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Role of the United States Constitution The role of the constitution plays an important part of the everyday life in the United States. It is a part of every person's life even if they do not realize it. It usually has impacted your life in the past or even at every moment in someone's life. " Although the Constitution created a new federal government, it took a courageous, brilliant, and farseeing Supreme Court chief justice to help realize the framers' vision. " (Microsoft, 2007) The Constitution itself provides that it may be amended to address social and economic changes. There are two main functions that the U. S. Constitution serves.

One of main function is the three branches of the federal government which are judicial, legislative and executive. The second main function is to, " protect individual rights by limiting the government's ability to restrict those rights. " (Cheeseman, 2007) Power is distributed throughout the branches in time. The executive branch is designated to provide the election of the president and vice president. Both presidents are elected by the Electoral College and not by popular vote like one would think. The legislative branch's responsibility consists of the Senate and House of Representatives which together are called Congress.

Lastly, there is the judicial branch which was created by establishing the Supreme Court. Checks and balances have been created so one branch does not get any more powerful than the others. The judicial branch has authority to examine the acts of the other two branches of government and determine if those acts are constitutional. The executive branch can enter into treaties with foreign governments only with the advice and consent of the Senate.

The legislative branch is authorized to create federal courts and determine their jurisdiction and to enact statutes that change judicially made law.

Certain checks and balances are built into the Constitution to ensure that no one branch of the federal government becomes too powerful. The Supremacy Clause is considered the supreme law of the land or the highest form of law in the American legal system. State and local laws that conflict with valid federal law are unconstitutional. Another main section of the constitution is the Commerce Clause which, " grants Congress the power to regulate commerce with foreign nations, and among the several states, and with Indian tribes. (Cheeseman, 2007) This was set in place mainly to foster the development of a national market and free trade among the states. The 10 amendments that are part of the Constitution are the bill of rights. These amendments basically guarantee rights to people and protect these rights from government that might try to get in the way. Over the years 17 amendments have been added with some being abolished slavery, prohibited discrimination, authorized the federal income tax and given women the right to vote. Probably the most known amendment is freedom of speech which is defined as, " the concept of being able to speak freely without censorship. (Wikipedia, 2008) This is the one of the most important amendments because all other amendments would basically be meaningless without it. In Minnesota there was a state wide smoking ban that took effect on September 30, 2007. " The Minnesota law applies to bars, restaurants, and private clubs. " (Brunswick, 2007) This change in the law has affected some of the business in many bars. Recently there have been a few bars that have found a " loophole" in the Freedom to Breathe Act. The loophole

basically states that smoking is allowing in public places as long as there is a theater performance.

Mark Benjamin, an attorney from Cambridge who initiated the event, said, " These people are actors and this is the stage. " (Mille Lacs Messenger, 2008) All the patrons in the bar are considered actors and their cigarette is a prop which is how the loophole works. The smoking ban is an example of how a Constitutional right affects a business and how the legal system is used with respect to recognizing or protecting that right. Yes, the smoking ban might be hurting some bars that are mainly serving beverages, but the rights are being protected by letting people smoke freely everywhere else other than bars, restaurants, and private clubs.

Even though many states are starting to ban smoking like Minnesota, more than likely it will never come down to where smoking is completely banned.

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