

# [Pols 102](https://assignbuster.com/pols-102/)

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POLS 102 Doctrines Used By America to Limit Power Separation of power is one o f the core structural doctrine of the constitution. Power is shared within the federal government between its three arms namely, the congress, presidency and the senate. Federalism is the sharing or division of governing authority between federal government and the rest of fifty American states governments. Federal states through congress have powers enumerated in the constitution to regulate commerce among the states, and to protect civil rights. The congress through the court proceedings have the authority to force states to comply with the federal law. The federal states have the authority to enforce regulations such as laws regarding minimum wages, discrimination in employment, religious freedom act, disability act, and violence against women (Otis & Scheb, 2011). However, since 1995, the Supreme Court has limited the reach of numerous federal laws and regulations passed by the congress thus curtailing their power to make unilateral decisions about the federal states. This controversy has brought struggle between state and federal interests. It has generated new legal challenges to federal regulatory statutes.
Rights and liberties protection for human kind has been the primary role for the institutions such the courts. The Supreme Court has come in handy to provide guidelines on how provision of rights and liberties has been spelt out in the constitution regardless of laws governing different federal states. The constitution limits the government interference in civil liberties including federal courts. There have been a series of constitutional conflicts arising through policies created by the existing administration such as rights for detainees, rights of abortion, and disability rights, which have been forwarded with a political alignment contradicting the normal standards outlined by the bill of rights (Otis & Scheb, 2011). Despite of political pressure, several federal states have come out strongly to limit certain civil rights passed by Supreme Court such as gay marriages, rights for detainees, the controversial abortion rights; they have regarded them as socially unacceptable and unnatural (Otis & Scheb, 2011).
In conclusion, the Supreme Court has come out as the guardian to the constitution raising conflicts as it tries to limit the effectiveness o policies created by federal states, the congress, federal courts. This controversy raises serious questions on the jurisdiction of supreme courts’ powers over federal states.
Reference
Otis, S., & Scheb, J. (2011). American Constitutional Law: Sources of Power and Restraint, Volume 1. Boston: Cengage Learning.