Oftentimes in college we sidestep our opinions to write objective academic analyses on various subjects. Whether they be science labs, English papers, or political science critiques, college is about presenting unbiased research. This, however, is not one of those times. Though I will attempt to avoid blatant statements in favor of one or the other political party, this paper will present a clear argument for change in government. When things are as broken as they appear to be right now, it is necessary to discuss problems and proposed alternatives without sugar coating the facts or avoiding the tough solutions; something that our current government officials seem to be very fond of doing.

There are multiple changes I could propose for the way the federal government operates. I could ask that we make a requirement for how balanced the federal budget is. I could insist that Congress proportionally represent the number of women and various minority groups living in the United States. I could even question the standing Constitution and ask that we scrap the entire document and implement a new form and organization of government that addresses the fears and consequences of the leadership we have today. However, I have chosen to argue for a different modification, something I believe will institute a needed change but will not drastically alter the way the rest of our government is organized. I believe that the government should enact a Constitutional Amendment that gives the President of the United States the ability to impeach specific members of Congress; additionally, I believe this power should be checked by the Supreme Court, allowing that body to preside over Congressional impeachment trials and make the final decision on whether or not that particular member will be removed from their seat.
I did not come up with this proposal without much thought and consideration. In the hopes that my idea would not seem too extreme, or be impossible to make a legitimate argument for, I worked hard to choose what I believed to be the biggest problem facing today’s government.

The first step I took was to choose which branch I felt was causing the largest problems in Washington. There are imperfections in all the branches but the least effective at present appears to be Congress. With an approval rating consistently under twenty-five percent, they are the branch with the biggest room for improvement. Unfortunately, individual Congressmen are, more often than not, generally well liked by the constituents they serve and the democratic process has not been able to deal with the problems of Congress as a whole. In most cases, this is due to pork barrel legislation and congressmen’s ability to provide profitable contracts and construction projects for their districts. This causes the turnover rate for members of Congress to be extremely low, with incumbents having a decisive advantage in most elections. As a result, the American people see the same faces making important decisions on their behalf as each President inevitably argues and struggles to pursue his agenda.

It should be noted that recent Presidents have been tightly bound to Congress’s productivity. That is to say that when Congress chooses to take action the President is able to work on their goals as well. In times of inaction Presidents are forced to spend their time arguing with members and appeasing them to do their job, preventing the Executive from tackling other issues on the agenda. A few examples of this are how Post-9/11 President Bush was able to work with both parties to pass numerous laws in the name of national security. However, as more and more time passed, he was forced to follow the
congressional agenda and was unable to complete his goals successfully, such as reforming social security. President Obama has faced similar circumstances. His initial sweep of Congress allowed him to pass the healthcare bill eventually, but ever since, he has spent his presidency arguing with republican leadership and explaining to the people how a political stalemate has resulted in government inaction during this recession.

Though this may depend on ideological differences, I do not believe that the biggest problem currently facing Congress is bad decision making. In fact, I would argue that passing a stimulus package, making large changes in healthcare policy and attempting to pass a modified federal budget were all necessary, albeit imperfect, actions on the part of Congress. It seems that the biggest challenge is forcing Congress to address important legislation over all. All three of the actions I just mentioned were completed in the face of serious challenges. Fighting among party leadership, using the media to bash other elected officials and significant periods of gridlock were all forces impeding overall progress. In the end, the party in power was forced to use any loophole or questionable practice it could; one could argue that this was a necessary evil, if the parties had not participated in those controversial tactics, no legislation would have been passed at all. We have seen time and time again that compromise does not appear to be an option for either side.

You might think that the manner in which lawmakers passed these laws is now irrelevant since the process did eventually come to an end, resulting in new legislation. Unfortunately, as soon as the leadership changed, Congress turned its attention back to these pieces of legislation in the hopes that they could either repeal them, as they are attempting to do with healthcare; or so that they could spend time going on the record through the media and explain how ineffective they thought the previous party's actions
were; such was the case with the stimulus package and the continuing resolution that eventually resulted in the almost government shutdown this past spring. In this fashion, such fierce political gridlock has caused Congress to get stuck in time, never moving forward and continuing to revert to the same problems. At its core, congressional inaction is the biggest problem the federal government faces.

In writing the Constitution, the founding fathers attempted to address what they considered the potential pitfalls of a democracy. In the case of Congress they gave the Supreme Court the ability to interpret the laws that Congress passes. In addition, over the years the Supreme Court has also demonstrated the ability to strike down laws they deemed unconstitutional. The founding fathers also gave the Vice President of the United States, a member of the executive branch, the ability to vote in the case of a tie in the Senate. Finally, they allowed the President to yield a veto power over any piece of legislation that is subject to Congress’s ability to override the veto.

The problem with the checks and balances imposed on Congress is that they were based on the founding father’s belief that Congress would represent the will of the masses and that they should fear the over zealous actions that resulted from the passions of the people. They created the Constitution so that it would be difficult for things to pass through Congress and only truly important things would get done. Unfortunately, in 2011, important things are taking too long to get done, causing further problems. In fact, a lot of necessary actions are not being taken because it is just too hard to get things through Congress. The problem in the present day is not only the length of time and process that action takes, but also the constant intra-congressional fighting that prevents necessary resolutions. The only checks or balances that the Constitution created were for the purpose
of analyzing the consequences of the laws Congress passed. The document never provided a way to alter the manner in which those laws were created or argued over.

As a solution to this problem I propose a Constitutional Amendment allowing the President to impeach members of Congress and a review at the hands of the Supreme Court. Such an amendment would lead to immediate change. Though the process of impeachment is not always necessary, the threat of impeachment would act as a deterrent to members who participated in political games at the expense of progress and problem solving. Additionally, giving the President the power of impeachment would solve what the democratic process couldn’t. The President could choose to impeach a member of Congress who was impeding the congressional process even if that member was still getting benefits for their home district; fixing the disconnect between approval of congressional actions and the opinions of individual members. Moreover, the Supreme Court would have the final say in which members were removed from their seat, making the decision objective and judicial. Finally, in some ways, giving the President the power of impeachment would make the Executive Branch more accountable as well. Public opinion is integral to presidential success, so impeachment of members of Congress could not be a power that was overused or politically polarizing. The action would have to be used sparingly and would be subject to media scrutiny. However, Presidents could not use Congress as a scapegoat anymore, requiring them to fix the problems they faced in one way or another.

There are of course, many potential problems with this additional constitutional power. Congress is in charge of proposing constitutional amendments. In reality, it is highly unlikely that they would choose to implement a process that would hurt their job security. We have seen time and time again; members of Congress worry consistently about their
own re-election, making it unlikely in my opinion that they would willingly enact this legislation. Another potential pitfall is that impeachment is an extreme action to take. It is possible that the power would never be used, making the amendment an empty threat. If that were the case, a few decades down the line members of congress would again begin to take advantage of the job and their position. However, this fear may be less likely since we have seen the impeachment of Presidents before. Finally, the biggest and most obvious problem facing this change in the Constitution is the controversy that would surround it.

In my lifetime I have witnessed one Presidential impeachment. Despite the clear party lines that were drawn when the articles of impeachment were written up, there was a large group of people making the decision that the President did not deserve the post. Additionally, the President in question was never removed from office making the entire process less polarizing. The problem in the case being discussed today is that this would be a singular person, the President, choosing to impeach another, a member of Congress. Despite the Supreme Court’s role in the removal of the member, it is hard to avoid the idea that the power would not be abused. Would the President choose to remove a member of the opposition party just to pass a specific bill? Would members in the midst of impeachment trials still be given a vote? Could that be used as a political tactic? There are numerous questions that can be raised about the legitimacy of such an amendment.

There is no way to come to a conclusive decision on whether the pros outweigh the cons. We can only speculate without enacting the proposal. Additionally, as I mentioned before, the Supreme Court is in charge of interpreting the Constitution, so there is no telling how they would implement such a procedure if it were ever to be enacted. Yet despite the
questions raised, I think such an amendment is preferable to the alternatives. And what are
the alternatives really?

We could change nothing about our current system; a system that has prompted
multiple grievances among the populous, including the most recent which has 99% of
Americans arguing that 1% of the population is making decisions for them, decisions that
they do not agree with, and their belief that the government is doing nothing about it. We
could implement a drastic change in the form of a new Constitution which I mentioned
earlier, an action that would lead to years of debate, then political grandstanding and
ultimately years, if not decades, of tumultuous change. Another option is to enact smaller
more manageable changes to our already existing system. Because of the arguments I just
made I think this is the most reasonable change that will have the most positive impact
over the current problems in the federal government.

Adding this, Amendment 28, to the Constitution, is not a drastic change considering
the serious problems that are affecting the democratic process right now. No, this
amendment does not change the economy and budget problems, nor does it address the
problem of the money and media know how it takes to get elected in this country. However,
this singular amendment influences the way things are accomplished which may in fact
address some of those other problems along the way. Additionally, the amendment has the
added advantage of promoting the most change with the smallest amount of systemic
reorganization, keeping in place a form of democracy that has served this country
impressively well for the past 100 plus years. Moreover, the proposal goes to the heart of
the issue, addressing the increasingly manipulative ways politicians have discovered to
undermine the goals of our democracy.
In my eyes, the point of this paper and of choosing this topic was to not only open up a debate about this specific proposal, but to discuss peoples opinions on how the federal government is currently operating. To open up discussion about whether or not we believe this country needs to see change, and what form that change should take. In the past decade we have seen a series of decisions on the part of the United States government that has stirred the passions of the people just as our founding fathers expected. The question now, is how do we believe those opinions and voices should be addressed.