



## Widener University Delaware Law School

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### Are 'We the People' failing the country.pdf

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**Your Turn**  
Alan Garfield  
Guest columnist

## Are 'We the People' failing the country?

Sept. 17 is Constitution Day, a national observance marking the date in 1787 when the Framers signed the Constitution. No fireworks or mattress sales mark the occasion. Most Americans probably don't know the observance exists.

Nevertheless, Constitution Day is not something we should blithely ignore. Instead, we should use it as an opportunity to reflect upon the state of our democracy. We should ask ourselves whether our democracy is robust or weak. We should look in the mirror and ask whether we — the current generation of "We the People" — are doing our best to ensure that our democracy is strong and on course to becoming an ever "more perfect Union."

Are you ready to give our democracy its annual physical exam? You can use the following questions to help assess the patient's health.

- In a healthy democracy, voters treat the right to vote as a precious gift not to be squandered. Is that what voters do in this country?

- In a healthy democracy, a political party that loses an election tries to make its platform more appealing, not suppress the votes of citizens who voted for the opposing party. What do parties in this country do?

- In a healthy democracy, politicians and citizens engage in civil discourse about societal issues and base their arguments on trustworthy information from reputable sources. Is that what we do?

- In a healthy democracy, citizens think not only about what's best for themselves, but also about what's best for the nation as a whole, including future generations. Are Americans similarly altruistic or do they tend to be more self-centered?

So how's the patient doing? I don't know about you, but I found the patient seriously ill.

For starters, many Americans never bother to vote. In odd-number-year elections, the majority don't even participate.

How do parties react to losing an election? If Republican-dominated state legislatures are any guide, they try to disenfranchise citizens who voted for Democrats — typically poor, disabled, elderly, and people of color.

Civil discourse is also hard to find these days (recall Donald Trump mocking a disabled person). And far too many politicians promote bald-faced lies for their political advantage, even if, as in the case of objecting to the Covid vaccine, it can lead to widespread illness and death.

Even American altruism that was so vividly on display after the 9/11 tragedy is now in short supply. Adults even refuse to wear masks despite being told that it could protect elderly and unvaccinated children. That is self-centeredness on steroids.

Is there anything that can be done to help our ailing democracy?

Just look to the first three words of the Constitution: "We the People." In a democracy, the buck stops with us. If our democracy fails, we're the culprit. But the same people who cause the problem can also fix it. The only question is whether we will have the will and desire to do so.

If we do, and for all of our sakes I hope we do, we can start by taking our right to vote seriously. That means making an effort to be well-informed and then showing up at the polls.

And once we get inside the voting booth, we can hold accountable those politicians who have lied to us or disenfranchised voters for crass political advantage. And while we're at it, we can also give the boot to politicians who prefer mudslinging over civility. There are plenty of rocks for them to climb under.

Perhaps most importantly, we can honor the words of the Constitution's Preamble, which charge us to "promote the general Welfare," not just our own personal welfare, and instruct us to "secure the Blessings of Liberty" not only for ourselves but also for "our Posterity."

In the last line of the Declaration of Independence, the signers "mutually pledge to each other our Lives, our Fortunes and our sacred Honor." Can "We the People" of 2021 at least pledge to perform our civic duties honorably and unselfishly? That would truly make Constitution Day a holiday worth celebrating.

*Alan Garfield is a professor at Widener University Delaware Law School.*