

I grasped the importance of constitutional rights while standing knee-deep in a sewage ditch. That term—constitutional rights—is thrown around a lot in American parlance. You take them for granted when they are so woven into your culture. It isn't until you see a world without them that you truly recognize their impact. When the whole structure of your society is built upon one document, you would think that most people would know what it says and what it means. Instead, the information becomes too commonplace to warrant study. We choose to tuck it away into the recesses of our minds alongside the occasionally, and poorly recalled tune of “*I’m Just a Bill*” from *Schoolhouse Rock!*<sup>1</sup> But the Constitution of the United States was at the forefront of my mind as I dug through the Mozambican mud.

I was digging a sewage ditch for my friend Francisco. In Mozambique, that is how most public infrastructure is developed: one household pit at a time. So, I sloughed away the soil beneath the boiling Sub-Saharan sun while Francisco waited patiently in his broken plastic lawn chair. As the unlucky recipient of a degenerative disease, Francisco could do little else. He was often the spectator of his own misfortunes: thieves stealing from his home, storms collapsing his roof, his old sewage ditch overflowing. My visits with Francisco inevitably frustrated and angered me. The injustice of his situation often had me shaking my fists at the sky like a mad woman. Why could he not get medical treatment? Why was he responsible for his waste disposal? Why were the police allowed to rob and mock him rather than help him? Why did he have no hope to change the situation?

The day I dug the sewage ditch turned a key in my mind that led me to ask different questions. I considered my own perspective on what a citizen is owed, and I asked broader questions. Why does Francisco's government not provide and maintain infrastructure? Why is

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<sup>1</sup> Tom Warburton, and Bob Dorough. *SCHOOLHOUSE ROCK!*. USA, 1973.

there no effective judicial system? Why does Francisco think he has no rights? The kind of clarifying questions that change your entire perspective on something. For me, that *something* was the U.S. Constitution and its benefits.

One document. Seven articles and twenty-seven amendments. It's difficult to imagine how our country would function without the structure it provides. Truly, it is incredible to know that it does function considering most people do not understand what the Constitution ensures. Many people can perhaps rattle off a few things that the Constitution allows American citizens to do—have free speech, freely practice religion, have a free press. But all those things are contained in a single amendment made in 1791.<sup>2</sup> There are still twenty-six other amendments and seven articles that effect the day to day lives of Americans; do we know what they mean for us?

Take, for instance, Article I. After months of debating, arguing over, and eventually crafting our governing document, the Founding Fathers determined that the first article included in the work would lay out the framework of the legislature.<sup>3</sup> Why does that matter? Because it recognizes the “supremacy of the people through their elected representatives.”<sup>4</sup> Congress is the only branch of government elected directly by the people, and the Constitution ensures that it remains under the people's influence. It is through law-making that changes and protections are enacted. The very Bill of Rights that was quickly tacked on to the Constitution following its ratification in 1788, was only added through the very ratification process that the Constitution

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<sup>2</sup> U.S. Const. amend. I

<sup>3</sup> “The Constitutional Convention and Ratification,” U.S. Department of State, accessed September 17, 2023, <https://history.state.gov/milestones/1784-1800/convention-and-ratification>.

<sup>4</sup> “Constitution of the United States,” U.S. Senate: Constitution of the United States, August 7, 2023, <https://www.senate.gov/about/origins-foundations/senate-and-constitution/constitution.htm>.

established.<sup>5</sup> One of the most powerful and rare tools we have as Americans is the power to influence the creation of laws through our elected officials.

You may wonder whether other nations' governing documents grant similar sovereignty to their people. Some do. In fact, Mozambique's constitution grants its people sovereignty in its second article. However, it isn't until its 168<sup>th</sup> article that it establishes a representative government.<sup>6</sup> Thinking of Francisco, it is evident that the law-making emphasis in most countries is not on what the people want from their leaders. It is incredible, then, that one of the shortest written governing documents in the world manages to do in 7,762 words what some countries fail to do with tens-of-thousands: establish a democratic-republic without ever using the word "democracy."<sup>7</sup>

Why does having a structure for government even matter? Couldn't we just make an extended Bill of Rights to ensure they remained unfringed? No. The U.S. Constitution establishes a government that not only recognizes the supremacy of the people and the rights they are due, but one that checks itself against corruption. Without the structure of the government, our rights could not be protected. Articles II and III establish the executive and judicial branches of the government, respectively.<sup>8</sup> Three branches of government balance power and ensure the others' proper function. Congress can make laws, and the Supreme Court can ensure their constitutionality and proper application. The president can veto laws, but the Congress can override the veto. If the president or Supreme Court justices are corrupt, Congress can impeach them. No one branch can overpower the other. Where there is a sure government

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<sup>5</sup> *Id.*

<sup>6</sup> "Mozambique 2004 (Rev. 2007) Constitution," *Constitute*, accessed September 17, 2023, [https://www.constituteproject.org/constitution/Mozambique\\_2007](https://www.constituteproject.org/constitution/Mozambique_2007).

<sup>7</sup> "The Constitution of the United States," National Archives and Records Administration, July 5, 2022, <https://www.archives.gov/founding-docs/constitution>.

<sup>8</sup> U.S. Const. art. II; U.S. Const. art. III.

structure, there are enforceable laws; where there are enforceable laws, there can be order sufficient to allow for infrastructure, and the people can reap the benefits.

One of the conclusions I reached digging for Francisco, was that a government cannot provide sewer systems, navigable roads, stable electric supplies, or well-equipped hospitals if the government is too weak to enforce regulations, and the focus of government is on maintaining power rather than empowering the people.<sup>9</sup> Francisco doesn't have the luxury of trusting that his government will follow its constitutional duties. The Mozambican parliament "has become a rubber-stamp. It cannot question the president, nor does it critically debate initiatives by the executive...Not only are formal institutional checks and balances absent but the president has gained the power to amend the constitution, including extension of term limits."<sup>10</sup> Understanding the government established by the U.S. Constitution matters. Our government framework is unique. If our government branches follow their constitutional directives, corruption won't overtake them, and the people can remain the driving force of governance.

One of the lesser known, but most important amendments contained in the Bill of Rights, is the Ninth Amendment. The revision ensured that the government and the people knew that all the rights available to the people were not limited to those written in the Constitution.<sup>11</sup> Our rights were not bounded within the text of the document. Importantly, most rights enumerated in the Constitution are phrased to show not what the people *can* do, but what the government *cannot* do. *Shall not* is the phrase used most often to limit the government's ability to interfere in American lives. Such language cements the people as the ruling party, the force behind the

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<sup>9</sup> "BTI 2022 Mozambique Country Report," BTI 2022, 2022, <https://bti-project.org/en/reports/country-report/MOZ>.

<sup>10</sup> *Id.*

<sup>11</sup> U.S. Const. amend. IX.

government. The government does not operate to grant us rights, it operates to protect them, and the Constitution ensures that.

One of the saddest things about my time with Francisco is that he had no hope to change his situation. There were no public safety nets for him, no treatments available for his illness. The courts meant to protect him were too corrupt to serve their purpose.<sup>12</sup> There was no way for him to vindicate his rights and no hope for change in the near future. I recognized that day in a sewage ditch that I am one of the 335,000,000 luckiest people in the world because I live in the country established by the best functioning Constitution in the world. I have functioning sanitation systems, access to clean water and electricity, and a stable social safety net. Even when my rights are violated, I have access to an established justice system to vindicate them. When my candidate doesn't win, there are checks to ensure the victor stays within the bounds of his or her office. I can vote in elections and know that it matters. So, when our minds wander to constitutional rights, let us think more broadly than those contained in the document itself. Let us remember all the tangential benefits it ensures as well.

As we mark 236 years since the signing of the Constitution of the United States, I hope we remember its immortal first phrase: "We The People."<sup>13</sup> A government by, of, and for the people is a rare and wonderful thing. Most people just get a government by, of, and for the government. Nations have tried for years to form effective governing documents; we are lucky enough to live in the nation where lightning struck. I hope we are not passive recipient of our rights. I hope we take on an active role in our government, just as the Founding Fathers intended.

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<sup>12</sup> Maira Martini, "Overview of Corruption and Anti-Corruption in Mozambique - Knowledge Hub," Overview of corruption and anti-corruption in Mozambique, March 5, 2012, [https://knowledgehub.transparency.org/assets/uploads/helpdesk/322\\_Overview\\_of\\_corruption\\_and\\_anti-corruption\\_in\\_Mozambique.pdf](https://knowledgehub.transparency.org/assets/uploads/helpdesk/322_Overview_of_corruption_and_anti-corruption_in_Mozambique.pdf).

<sup>13</sup> U.S. Const. pmb1.

Constitution Day Essay Contest Submission  
Jessica Dofelmire

“[T]he United States Constitution is the world’s longest surviving written charter of government.”<sup>14</sup> Generations have enjoyed the freedoms and privileges that it ensures; I hope that my generation can be the one that understands it best.

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<sup>14</sup> “Constitution of the United States,” U.S. Senate: Constitution of the United States, August 7, 2023, <https://www.senate.gov/about/origins-foundations/senate-and-constitution/constitution.htm>.