# **Candidate 3 evidence**

## 9/2

#### Politics Higher Resource Sheet

Candidate Name

Scottish Candidate Number

#### American Politics for Dummies' by Dr Matthew Alan in 2014

"The applicability of certain elements of the constitution no longer holds. For example the second amendment refers to the right of the people to keep and bear arms in order to ensure 'the security of the state'. During the colonial period, citizens formed militia to protect themselves from foreign aggression; armies were thus necessary to carry out their duties. Now that standing armies exist to protect the nation, is the right to bear arms still applicable?"

#### **Politics Review November 2018**

"However other prerogative powers, such as the power to declare war, still exist and arguably concentrate too much unchecked power in the hands of the prime minister".

#### Politics Review November 2018

'The amount each constitution protects citizens' rights when it says, "The US constitution would empower the judiciary to strike down laws and actions it deemed to be unconstitutional. But is the idea of a handful of unelected, unaccountable judges becoming the supreme arbiters of the constitution really that desirable?"

#### UK Government and Politics Annual Update 2018' by Neil McNaughton

"the proposal for a bill was included in the conservative party's 2015 election manifesto... the Lib Dem's support this policy as it would effectively contain a bill of rights which would guarantee rights."

#### lawteacher.net

states: that, "the human rights Section 2 has weakened Parliamentary sovereignty as Parliament's law-making powers have been severely limited by the ECHR."

(1)

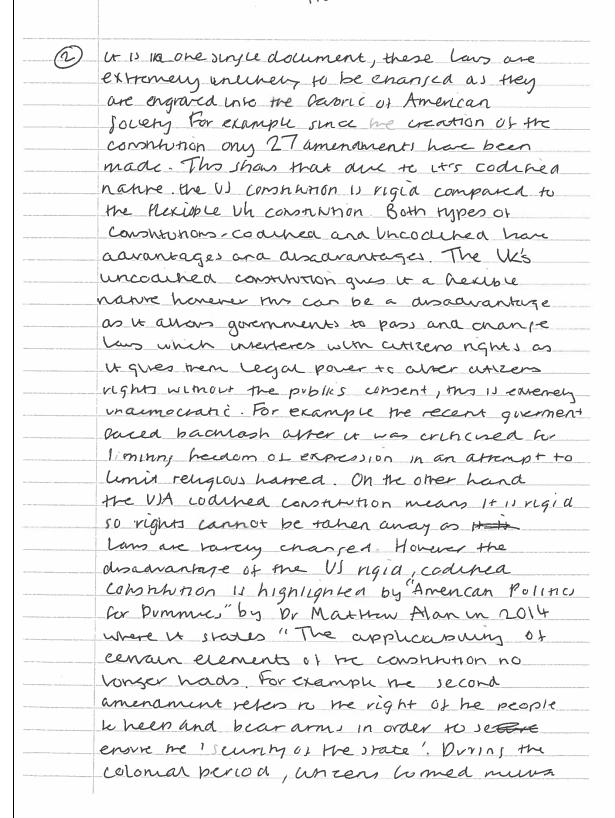
Q To what extent is the Uk constitution more effective than the US constitution when it comes to protecting utizens rights?

A constitution, whether it is coalhed or uncode field, has ne purpose to outine the nules and principles by which a state should be governed. The constitution of each covning will specify a number of checus and balances to restrict the governments power and well outline when rights and how mey should be protected. Most democratic nations have some from of constitution as it is essential in ensuring a legitimate source of authorty i) in power and that cutzens are guaranteed rights. The Uh and the US are mo very imilar constres, Politically, Socially and economically, honorer they have two very contrasting constitutions with most differences between them skinning warme from me fact that we Uh constitution is uncodined whist me US consultion is codified. There his been debate by many years on which constitution best protects CUTZERS rights hoverer to gastata blepar has been enhanced due to recent polarche events. For example Donald Trumps contraversial travel ban and the increase in mass, shootings in the Us has made many question whether current rights are protected in the VI, whilst the brox1+ result in 2017 has raised debate on the effectiveness of the Vh constitution or whener or not it all have to be updated

of human vights. By examining pouncer
sources who as politics viview and other
human sources I will aim to aunomedge which
constitution in such does protect when suffer
to a greaser exent.

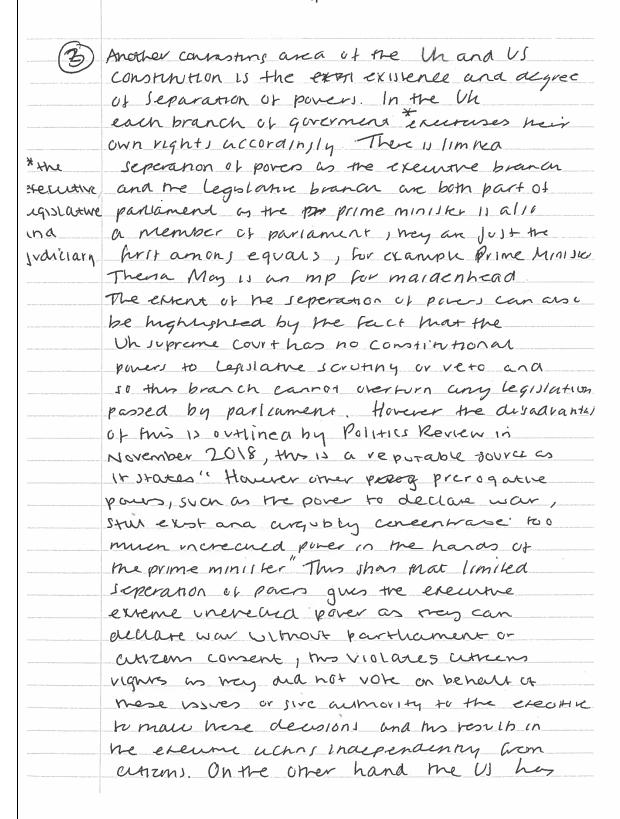
One area of conhast between me Uh and U) construction is the way it was written. The Uh constitution is uncodefied meaning the rights outlined for the attem of the county are not recorded in one single documen as unstead the Vk uses 5 sources to outline wese rights. These sources are Statue Lau Commen Law, EU Law, conventions and aumortrative law Stank Law 13 considered the most common and Important laws as it is the lans possed by the British parlument which is he main legislanic body in the Uk, and so in a sense the Laws of the Un are reducible to what parlament enacts. The Uh's uncoalhea consortion also makes it rexiste as the amount of laws passed and restricted depends on how shong the government in power is, for example the devolved poners in Scotland in 1909 where given by a strong labour government, these laws can be overwned by where governments who have the support of parlamens. This shows the Un's uncodinea nance allows The constraint has is be hereble and passed beguently on me other hand the US constitution is codifica, meaning

915



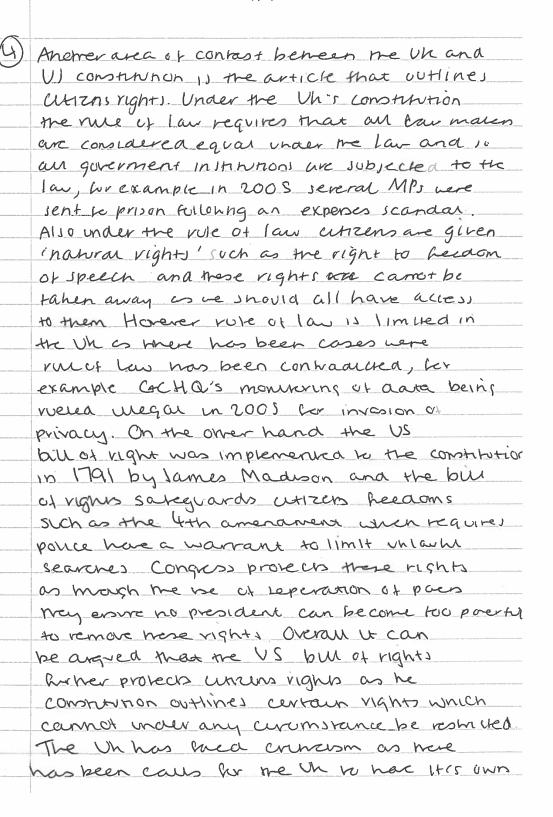
9/6
 to prove to thenselves from weign aggression;
 arms where his necessary to carry out their
 dures. Now that standing arms exist to
 protect me nation, will right to bear arms
 still applicable?" The shows that
the US codified and rigid name has made
it difficult to implement new modern
lus mas dear with current political
issues and so when rights are not nex
 as 121 ves such as mass shooting and healthian
 cannot be addressed by out of date
elements in the constitution. Overall his
shows that the Uh construction former protects
currens rights as me nexibility due to the
uncoahea naure allows for contemporary
boves to be deart with in addition
due to the use of many sources the
Uh has home sayequaras unzens vights
as EU Law monvos tre Uh to enure they
que pair rights for example the EU
lan 10 aven a maximum et 48 worms
how a new nos imprevented in UL in 199.
The show the UL hother projects whizers
wight as they have external pressure and
a amourance nation and attend rights
aren's violated.
 Over + VIOLUTEO
 7

### 917



vost seperation of powers. In the Us a member of pounes cannot be a part of 2 branches as the president has to resign to become president, for example Barah Obama had to resign as senator (Legislature branch) to Join the executive branch. In addition the Judiciary branch in the US has constitutional power to overhurn any legislation it deems to be unconstitutional. This is herencial as it means no one person or branch can be come to povertu hoverer it is a avadrantage as juages can overturn eleved omain when unaumnes he basic prinaple of democray. Overall the amount each constitution protects when rights is highlythed whenit in again in politice Review November 2018, when it says "The UI constitution would empuer me juaciary to stucke down law and achors it deems unconstitutiona. Bytis me idea of a handm of melected unaccounable grages becoming the supreme arbites of he contiltion really that desirable? This highlights mar alkown the VS judges prove Ct atreens right, by minimiling unconstitutional ligiblation, the Uk system of limited seperation of pours firther protects attens rights as the people panding the legislation are elected representatives who have he will at the people to govern and poss law whist in the Us wheleted bodies can over we people elected to represent he cutizens wants and so they can go against attram wants, this violans there right

### 919



but of rights and the expent of this debate is highlighted in the reputable Journal the "Uh Coxconment and Politici annual updace 2018' by Neil Mc Naughton where it states " the proposa lor a bill has included in the conservance pary's 2015 election manifests" This shows that politicar parties believe the American bin of rights would be beneficial to invoduce in the Uh as it projects Citizen, vights to a greater extent, although this proposal was shelved until a prex Brexst Moreover the VI bill of rights himer proker litizens rights a) It has to be taught in every school to American Citizens 100 they know their rights interes in the Uk the rule of law is vanty unknow as Markus Meechan in 2016 Las arested for leaching his dog how to do the Nazi'saure hoverer he clamed he did not know mis wa illegar. The show that the ancilcan constitution armer protects (142ens vights a) it ensures rights are granued and known by the citizen, so they don't have Acedoms violated

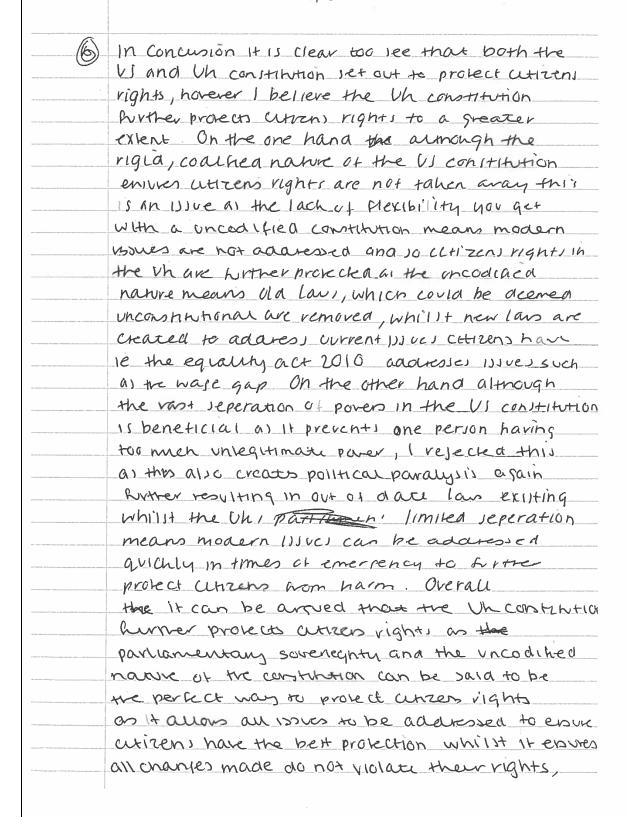
Another area of Contrast between on Uh and U) constitution is parlamentary sovereighty and Cheens and baranees One principle of the Uh constitution is parlamentary sovereighty, this is when the government is allowed to pass and restrict any bill they wish as long as they have the support of parlament and that there law can be overhimed by Ibillowing

(5)

governments. For example the 2010 coaliner government innodued fixed 5 year election terms hoverer this was overhined by the 2017 snap election, which be had taken place only I year ale previous general election. Also under parlamentary Jovercignty the Prime minister can be firced to resign if the parlament Loses must in neir ability, this is done through a vole of no confidence for ex In January 2019 Theresa May won her voke of no confidence with 22 225 to 206 votes. However here are many disadvantages of parlamentary sovereignly as people can kr it is abouthment claiming it gives strong mayoring governments the ability to poss and restrict as many law as they wish farly easily, this a course enangerous Cutizans rights as It allows shong governments to pass whateur they support even if Uticans olisagre, for example a short government wang parlamentung sovereignty can completely austolie the ) cothin Parlament. On the other hand In the VI a system of checus and balances 1) vied. The constitution was deliberary doig designed so that au brancres of government could moniter each other to ensure they each hunard me constitution and were proxiting unzers rights. The 17) sen was designed in that no one branch became the executive max it renders the other, inefrective, for example congess can remove the president, he president can veto congress bulls and he Judiciary can overwor any legislatio possed

9	1	1)

This is executive in proxiting cutions rights as It express prevents a dicheteration or one branch being to poverful that it can contol that macroscours, However the 24 skin 0+ creers and baranes Imits citizens vighti as it creates pulincal deadlock as each branch has to have a 2/3 majority agreement When bills are being passed, this is extenely dimunt due to the partisan and party split In the U. This mean, that in times of emergency bills are not passen grichly enough to aca I with the issues and concerns of citizens Overall It can be argued that the Un constitution and parliamentary screreignly best projects Cutizen rights as the unplaned source lawleacher. net states that "the & human righti sector 2 has reahered parliamentary sovereignty as parliament, law making povers have been severely limited by the ECHR! This show that parliamentary I were 1944 cover currens rights on an boses as it means new modern las can be posse a to deal with commpurary 1) we whilst cla on dated ones can be removed whilst In consumption with the Uh constructions incoached hamme It also means than the EV can evoure max these law prosen or limited do not restrictor biolaxe cutizen, rights.



9/14
os Uh is moniturea by EU law This system could be apphea to the UI as trumps corrent go anead to build the wall has technically violated the constitution and went expans to cutions and congress wishes and so if he had exernal pressure placed on him, like the Uh do with the EU courts, this issue in the UI could be convolved and the citizen rights would not be violated like they are bring currently.