



An Excellent Design Document

By Jon A. Schmidt, P.E., SECB

Two hundred twenty years ago this month – or eleven score, if you prefer to count that way – a multidisciplinary team of thirty-nine men completed and signed one of the greatest design documents ever produced: the Constitution of the United States of America. Although there have been twenty-seven “change orders” in the interim, I think that it is safe to say that the client in this case – the American people – has been well-served and amply satisfied.

The Framers wisely began with a performance specification that stated their objectives:

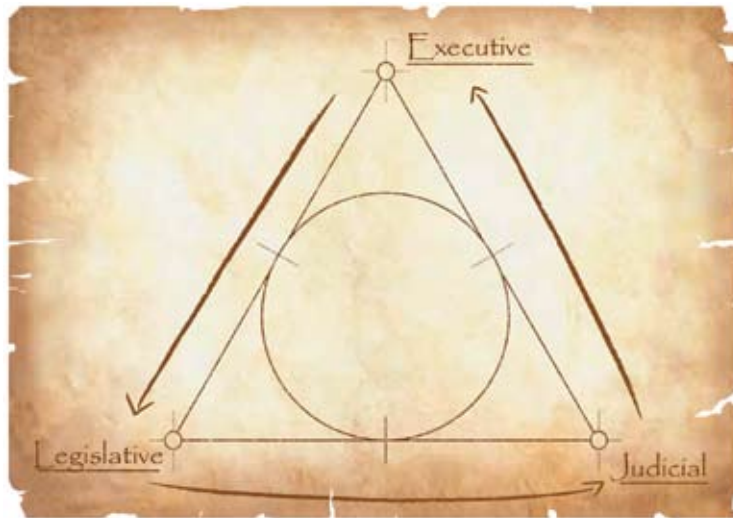
We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

They went on to set up a particular *structure* for the government of the nation, which – not surprisingly to the readers of this magazine – has been a key to the Constitution’s enduring success. Three branches – legislative, executive, and judicial – exert counteracting forces upon each other in the form of checks and balances, with stability as the usual result.

Like all projects, the Constitutional Convention required contributions from a large and diverse group of accomplished individuals with different responsibilities and interests. Coordination and compromise were essential aspects of the collaboration process. For example:

- Should the national legislature be constituted on the basis of population, or with equal representation from each state? The solution was to have two houses, one with each of these arrangements.
- Should the national executive be elected directly by the people, the national legislature, or the state legislatures? The solution was the Electoral College, with the method of selection for its members to be determined by each individual state legislature.

The interesting thing about the resulting configuration is that it is deliberately intended to promote inefficiency. In the wake of the Revolution, what the Framers feared most was a return to tyranny, so they placed numerous obstacles in the way of any person (or law) that would seek to impose something on the people in the absence of a broad political consensus. We complain too often about “partisan gridlock” in Washington these days, failing to recognize that when there are sharp disagreements about national priorities, as there certainly are right now, our Constitutional system is set up to *prevent* significant progress in one direction or the other.



The members of the House of Representatives face re-election every two years, which means that they need to keep in constant touch with their constituents and be responsive to the public concerns of the moment. Senators, on the other hand, serve much larger populations (in most cases) for six years at a time, which generally allows them (at least in theory) to take more of a big-picture, long-term view. The President, who leads the entire nation for a four-year term, has the power to invalidate any legislation that is not supported by two-thirds of the members of both houses of Congress. And the Supreme Court, whose Justices have lifetime appointments, has the final say over how laws are interpreted and whether they are consistent with the Constitution in the first place.

It is not an ideal system, but it does seem to do about as well as the Framers could have hoped, probably because it recognizes the less noble aspects of human nature and constrains them accordingly. Our profession is right to do likewise – with building codes, licensure laws, carefully written contracts, quality control and peer review processes, and construction documents that are (hopefully) coordinated and complete. We are a nation “conceived in Liberty” – as Abraham Lincoln stated in the Gettysburg Address - but governed, thankfully, by restraint. ■

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