



IX/XXV



Fundamentals of the Constitution



Dear United States of America,

The Declaration of Independence said what America believed. The Constitution figured out how America would actually work. There is a gap of eleven years between those two documents — 1776 to 1787 — and it is one of the more instructive gaps in political history. What filled it was a loose confederation that barely held together, states taxing each other like foreign countries, and a slow realization that declaring independence was the easy part. Governing yourself was something else entirely. What emerged from Philadelphia in the summer of 1787 was, by any measure, a remarkable document. Not because it was perfect — its authors knew it was not, which is why they built in a process for amending it — but because it tackled a problem no republic had convincingly solved before: how do you build a government strong enough to function, without making it strong enough to tyrannize? The answer was structural. You divide power. Between the federal government and the states, and within the federal government itself — into three branches that check and balance one another. The legislature makes the laws. The executive carries them out. The judiciary decides what they mean. None of the three can do what the others do. And none of them can do very much without the other two.

It is worth pausing on how unusual this was. In 1787, the world was governed almost entirely by monarchs. The idea that executive power could be held by an elected individual — one who served a fixed term, answered to a legislature, and could be removed — was barely imaginable to most. George Washington, who presided over the Convention and became the first President, understood the weight of the office. He also understood its temptations, which is why he did something that seemed almost as remarkable as the Constitution itself: he left. Twice. When his terms were done, he went home to Mount Vernon. In doing so he established a precedent that held for a hundred and fifty years, and was eventually written into law. The peaceful transfer of power is not a formality. It is, in fact, the thing.

The Constitution has been amended twenty-seven times. The first ten — the Bill of Rights, ratified in 1791 — were added almost immediately, because several states refused to ratify the original without them. Freedom of speech, of religion, of the press, the right to a fair trial: these were not afterthoughts. They were the price of reaching agreement. What strikes you, reading the document today, is how much it trusts in argument. It does not try to settle every question. It builds a framework within which questions can be fought over, generation after generation, by people who disagree. Whether that is its great genius or its great frustration tends to depend on the question, and the generation. Two hundred and fifty years on, the Constitution remains the oldest written national constitution still in use.

ALIX FRANK

It has been tested — by civil war, by crisis, by moments when the system bent further than any system should. It has not always lived up to its own promises, and its authors, for all their brilliance, did not always live up to them either. But the framework has held. The three branches are still there. The argument about what the document means, what it allows, what it demands, goes on — as it was always meant to. One likes to think that this ongoing argument is not a sign of failure, but the whole point.

Yours, with great admiration and transatlantic devotion,

Franz J. Heidinger

Senior Partner, Alix Frank Attorneys at Law | Vienna

University of Virginia, School of Law & Fulbright Alumnus

Vice President, Women in Law Initiative | Secretary General, Justitia Awards

Vienna, 2026 · Letter IX of XXV

ALIX FRANK