

A Democratic Reconstruction

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The U.S. Constitution is lavishly praised; venerated as a sacred text, or a cornerstone of democracy. Despite this popular perspective, the framers of said constitution were strikingly forthright about their intentions. Roger Sherman articulated his firm opposition to direct election of senators, stemming from his notion that the general populace were insufficiently equipped intellectually, and civically, to govern themselves in an effective manner.¹ While Alexander Hamilton's, whose modern cultural visibility can be attributed to the obnoxious musical *Hamilton*, conception of political order necessitated enduring political ascendancy of the wealthy and educated elites, as he viewed the public masses as inherently unstable.¹ Gouverneur Morris, who is habitually designated in various literatures as the "Penman of the Constitution,"² critiqued universal suffrage believing that landless voters were particularly susceptible to influence by propertied elites.³

One must concede the framers possessed indisputable genius!⁴ When the hagiography is divested, we can see the document was engineered to structurally discourage democratic change. The system of checks and balances,⁵ in effect, operates more so as a mechanism of obstruction. The prioritization of insulation over representation is built into the structure of our government: minority dissent functions as control; Senate representation is decoupled from population, while the Electoral College dilutes the majority preference.⁶ To enumerate the defects of the constitution, is to reveal and understand the true architecture of its dysfunction. The Constitution architecturally preserved slavery, in lieu of abolition, established through structures such as the Three-Fifths Clause, the Slave Trade Clause, and later the

¹ Michael Parenti, "The Constitution as an Elitist Document," in *How Democratic Is the Constitution?*, ed. Robert A. Goldwin and William A. Schambra (Washington, DC: AEI Press, 1980), [44]

² Minimal research was conducted on the historiographical record of this nickname. Since no satisfying origin was yielded, the author is interpreting this archival obscurity instead of their own reluctance and research habits.

³ Alfred F. Young, "Conservatives, the Constitution, and the 'Spirit of Accommodation,'" in *How Democratic is the Constitution?*, ed. Robert A. Goldwin and William A. Schambra (Washington, DC: AEI Press, 1980), [136]

⁴ The true intellectual achievement is owed to the generations of Americans that have made a genuinely, near-total commitment to rarely reading the document, with a significant portion of them most likely being unable to distinguish it from the Declaration of Independence which is a fault of the U.S. education system.

⁵ The effectiveness of this system is contested personally by the author based on her feelings.

⁶ Richard Keyser, "The Undemocratic Elements of the Constitution," in *American Legal History to the 1860s*, ed. Carrie Nelson (University of Wisconsin Pressbooks, 2020); Sanford Levinson, Barney Frank, and Robert Post, "Our Undemocratic Constitution: Where the U.S. Constitution Goes Wrong (and How We the People Can Correct It)," 2007.

Thirteenth Amendment, which reconstituted slavery within the penal system.⁷ Suffrage was cosigned to the states and administered predictably to the preexisting hierarchies of exclusion.⁸

The framers feared democracy and power consolidation; their legacy granting little to no distinction between either. These Constitutional failings were part of their design because it benefitted them, their plans, and they were, constitutionally confined by the logic of their time, unable to see the conditions in the future, where the political environment is far too polarized for this system to function as anything other than aestheticized paralysis. With the requisite cursory scaffolding on the pathologies of the U.S. constitution having been established; the subsequent phase of execution is an audacious project: dismantling the existing constitutional machinery and reconstructing it from the ground up.⁹

Legislature: Structure & Composition

Legislative structure and composition constitute a decision of lasting consequence in the structure of a constitutional system. This choice is more determinative than most; other decisions unfold as a derivative of this foundational function. Legislative structure operates as the structural skeleton: number of chambers, and their powers. While the composition sets the terms of representative allocation whether they are distributed according to population, or weighted due to geography. The United States utilizes the bicameral structure; with the lower House of Representatives composition being proportional to populations. While the Senate composition is equally weighted between all states; a structural accommodation to the agrarian oligarchies and slaveholding states originating from the Connecticut Compromise.¹⁰ Though the framers intended for bicameralism to act as a safeguard, to balance power, in aggregate, it is a structural impediment that entrenches the conflict of competing interests. Through the

⁷ Paul Finkelman and Gabriel J Chin, “How We Know the US Constitution Was Proslavery,” *Constitutional Studies* 9, no. 1 (2024), <https://doi.org/10.15781/stzhn176>.

⁸ The list of failings continues; the author does not because she originally intended to write a SINGLE paragraph for the introduction, thus in the interest of your time and hers, she gave up.

⁹ The author would like to note that this sentence is syntactically ambitious, and is perhaps atmospheric, not explanative. The author is getting whiplash from their own word salad?

¹⁰ Charles Shull, “American Experience with Unicameral Legislatures,” December 1937, <https://cremich.org/PUBLICAT/1930s/1937/rpt147.pdf>; Glen Krutz, *American Government* 3e (Houston, Texas: OpenStax, 2021).

“equal” Senate representation, voters in Wyoming wield remarkable, near-mythical Senate influence, which is sixty-eight times that of California’s; while California has been constitutionally invited to observe from the margins of democratic legitimacy.¹¹ Bicameralism has fragmented the legislative process in the United States, generating unnecessary complexity, redundancy and inefficiency. Two separate bodies slow lawmaking, and with observable consistency that resists coincidence, leads to legislative gridlock.¹²

A unicameral legislature is able to remedy the flaws that arise from bicameralism. A single chamber offers more direct accountability; for there is nowhere else to point; no other body to redistribute blame upon. With the reduction of chambers, friction between houses is eliminated and allows for more considerate decision-making, as the process is no longer duplicated.¹¹ With the reduction of chambers, the composition of representatives must be adjusted as well: representation will be apportioned by population, administered through a mixed-member proportional system that aims to balance the necessity of local representation with proper proportionality. Each voter is given two votes: one for a party, and the other for a candidate; this composition would mirror the political preferences of the electorate, rendering the favored mechanism of partisan control, gerrymandering, irrelevant, and permitting a viable pathway to third-party representation.¹³

Executive: Structure & Title

The current structure of the executive vests the power to a single individual that commands the military, issues life-time appointments to the federal judiciary, and promulgates executive directives unbound by legislative authority. Though the framers had fought to be free from a king, their executive design was analogous to a term-limited monarchy. Theoretically, the legislature should grasp the

¹¹ Vicki Jackson, “Change the Senate: Vicki C. Jackson,” Harvard Gazette, November 29, 2022; Rebecca Kreitzer, “Congress Representation vs Population: 2025 Analysis & Data - Rebecca J. Kreitzer,” Rebecca J. Kreitzer, December 15, 2025

¹² Tom Todd and Minnesota House of Representatives Research Department, “Unicameral or Bicameral State Legislatures: The Policy Debate,” Minnesota House of Representatives Get Bill Info, August 1999,

¹³ Electoral Commission New Zealand, “What Is MMP?,” Elections, 2025,

supremacy, yet history has shown that those who wield such power, do not defer to the institution from which statutory authority derives.¹⁴ The constitutional built mechanisms did not stop the executive branch from expanding their power; executive power still accretes, creating the imperial presidency we have now.¹⁵

The Presidency must assume a collective form; structured in resemblance to Switzerland's collegial governance; hereafter styled as the People's Council.¹⁶ Collective Executive governance requires deliberation, in contradistinction to unilateral decisions; it reduces the salience of authoritarianism and constitutes a defense against cult-of-personality.¹⁷ Detractors of collective authority will invoke the specter of indecision while the existing arrangement demonstrates the inverse: executive authority exercised with minimal evidence of constraint or deliberation. A five-member council with each council member assuming responsibility of a discrete portfolio; though none will hold any unilateral authority. Council members will be directly elected serving 5-year terms that are structured in continuous rotation, ensuring that annually, one seat expires. This format distributes executive election authority; no more than one-fifth of the council's composition is determined by elections.

Judiciary: Structure & Role

The current position of the Judiciary lacks any sort of democratic accountability despite its entrusted oversight of the other branches. The interpretation and application of law, protection of individuals rights, and ensuring the other branches adhere to constitutional compliance are among the functions within the core remit of the judiciary branch.¹⁸ The Supreme Court operates as a nonelective body that is overwhelmingly populated by elite actors whose role is, in practice, a repressive apparatus

¹⁴ Marx's analysis of the French Presidency saw the structural failures of executive dominance with legislature operating as a decorative infrastructure. Karl Marx, *The Eighteenth Brumaire of Louis Bonaparte* (1852; repr., New York: International Publishers, 1963).

¹⁵ Arthur M Schlesinger, *The Imperial Presidency* (Boston, Mass.: Houghton Mifflin, 2004).

¹⁶ Wolf Linder and Isabelle Steffen, "Swiss Confederation," 2006,

¹⁷ David Altman, "Checking Executive Personalism: Collegial Governments and the Level of Democracy," *Swiss Political Science Review* 26, no. 3 (2020), <https://doi.org/10.1111/spsr.12406%3E>.

¹⁸ The author hopes you're working under the assumption that base information is from the textbooks. Glen Krutz, *American Government 3e* (Houston, Texas: OpenStax, 2021); Mark C. Rom, Masaki Hidaka, and Rachel B. Walker, *Introduction to Political Science*, Openstax.org (Houston, Texas: OpenStax, 2022)

that serves the interests of the ruling class.¹⁹ The independence of the branch ensures they are insulated from electoral pressure and face no public accountability for their decisions.

This constitution would reconstitute the judiciary with its design synthesizing Bolivia's model of judicial elections and the German Federal Court, implementing limitations and structural reforms giving rise to a more democratic institution of adjudication. Nine justices: four being appointed by legislative supermajority, with the other five being popularly elected by the people. Life-time judicial appointments would be rendered impermissible in its stead, nine-year terms arranged in overlapping succession. Upon the conclusion of the nine-year term, future tenure is barred with re-election precluded. Specific constraints must be applied to avoid the emergence of partisan corruption: nominations shall originate from a judicial council detached from partisan affiliation, and ballots will have no partisan endorsement using the candidates' judicial qualifications alone. With the system being unburdened by the structural injustice of life-time appointments, recall measures must be implemented to ensure judicial accountability. To avoid the recall process being used as a tool for partisan opportunism, true judicial recall will require a petition of supermajority.

The Design and Conditions of Representation:

Tenure, Remuneration & Qualifications

The conditions of compensation, the duration of tenure, and the eligibility to serve, establish whether power remains in the province of the few or vested in the hands of the masses. The current system has Senators serving six-year terms, and House Representatives serving two-year terms.²⁰ The eligibility requirements differ, depending upon the position you wish to hold. Age requirements exist throughout all: twenty-five for the House, thirty for the Senate, thirty-five for the Presidency. Natural-born citizenship is required for the Presidency, no such requirement exists for the Senate or House, though they have inhabitant requirements as well as criteria on length of citizenship.²⁰ The existing

¹⁹ The author was spiritually channeling her inner Lenin in this sentence and thinks she nailed it, she's ready to dismantle a dynasty.

²⁰ Glen Krutz, American Government 3e (Houston, Texas: OpenStax, 2021).

arrangement has Congress members earning almost thrice the median salary of their constituents.²¹ Is this the cost of representation, or has public service transitioned to private profit?

Under new constitutional adjustments, all legislative representatives would be subject to immediate recall during their three-year terms, to ensure that those who violate their mandate and betray public trust can be removed prior to the next election cycle. The parasitic profit-focused perspective that plagues our political professionals must cease its proliferation!²² Politicians shall not be enriched through public office thus compensation of officials is to be determined by an inverse scale indexed to their declared net worth; the greater the officials' accumulation of wealth, the more their public salary is reduced.²³ All representatives should be embedded and subjected to the economic conditions in which they legislate this, in turn, perhaps may eliminate those that pursue public office as a vehicle for personal gain. Citizenship cannot serve as a requirement for office while the pathways to this achievement continue to be arbitrarily restrictive and procedurally burdensome.²⁴ In lieu of citizenship, this constitution would argue for residency requirements of five consecutive years. Those that contribute, labor, and live within a community should have a substantive claim to its governance.

The Expansion of Rights and Recognition:

Territorial Governance, Personhood & The Scope of Rights

The framer's constitution delineates the boundaries of the polity and then determines which rights shall be extended to them. Notably, the Constitution omits positive entitlements, with no provisions regarding education, healthcare, housing, employment, or subsistence; it failed to even secure the abolition of slavery. As a replacement, it preserved the exploitation of labor through the mechanism of

²¹ Social Security Administration, "National Average Wage Index," www.ssa.gov, 2023; Ida Brudnick, "Congressional Salaries and Allowances: In Brief," Congress.gov, 2025.

²² The reader is encouraged to try their hand at repeating the foregoing phrase thrice consecutively.

²³ The author willingly acknowledges the obvious discrimination against the bourgeoisie. The author feels no remorse and is unbothered, as she declines to fake neutrality in class-based matters.

²⁴ The reader wrote a dissertation on migration crises, which the author has willingly read around 40%. The reader has superior expertise on the subject, it's like explaining water to a fish. Melissa Cruz, "Why Is It so Hard to Become a US Citizen? - American Immigration Council," American Immigration Council, September 17, 2025.

carceral labor.²⁵ Further exclusion of rights can be found in the governing of territories: residents are under federal authority, nonetheless, denied proper political representation and equal constitutional standing.²⁶

The constitution must define the comprehensive rights of citizens that include civil, political, social, and economic dimensions. Using the model of South Africa's 1996 constitution, all rights should be entrenched.²⁷ Without exception, slavery and any form of involuntary servitude must be eradicated; all systems of coerced labor should be dismantled. The denial of full constitutional rights to territories must be overturned; true democratic governance cannot be achieved without equal participation. Furthermore, permanent territory status must be set aside, with established pathways that lead to full independence or statehood.

²⁵ Angela Y. Davis, *Are Prisons Obsolete?* (New York: Seven Stories Press, 2003)

²⁶ Jeaquelyn Borgonia, "Voting Rights Denied by Residency: Enfranchising Millions of U.S. Citizens in U.S. Territories," *Seattle Journal for Social Justice* 19, no. 3 (2021): 27.

²⁷ South African Government, "Constitution of the Republic of South Africa, 1996 - Chapter 2: Bill of Rights | South African Government," www.gov.za, 1996.

Bibliography

- Altman, David. "Checking Executive Personalism: Collegial Governments and the Level of Democracy." *Swiss Political Science Review* 26, no. 3 (2020). <https://doi.org/10.1111/spsr.12406%3E>.
- Borgonia, Jeaqualyn. "Voting Rights Denied by Residency: Enfranchising Millions of U.S. Citizens in U.S. Territories." *Seattle Journal for Social Justice* 19, no. 3 (2021): 27.
<https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=2064&context=sjsj>.
- Brudnick, Ida. "Congressional Salaries and Allowances: In Brief." *Congress.gov*, 2025.
<https://www.congress.gov/crs-product/RL30064>.
- Cruz, Melissa. "Why Is It so Hard to Become a US Citizen? - American Immigration Council." American Immigration Council, September 17, 2025.
<https://www.americanimmigrationcouncil.org/blog/is-it-hard-to-become-a-us-citizen/>.
- Dahl, Robert A. *How Democratic Is the American Constitution?* New Haven: Yale University Press, 2003.
- Davis, Angela Y. *Are Prisons Obsolete?* New York: Seven Stories Press, 2003.
https://collectiveliberation.org/wp-content/uploads/2013/01/Are_Prisons_Obsolete_Angela_Davis.pdf.
- Electoral Commission New Zealand. "What Is MMP?" Elections, 2025.
<https://elections.nz/democracy-in-nz/what-is-new-zealands-system-of-government/what-is-mmp>.
- Finkelman, Paul, and Gabriel J Chin. "How We Know the US Constitution Was Proslavery." *Constitutional Studies* 9, no. 1 (2024). <https://doi.org/10.15781/stzhn176>.
- Jackson, Vicki. "Change the Senate: Vicki C. Jackson." *Harvard Gazette*, November 29, 2022.
<https://news.harvard.edu/gazette/story/2022/11/change-the-senate-vicki-c-jackson/>.
- Keyser, Richard. *American Legal History to the 1860s*. Edited by Carrie Nelson. University of Wisconsin Pressbooks, 2020.
- Kreitzer, Rebecca. "Congress Representation vs Population: 2025 Analysis & Data - Rebecca J. Kreitzer." Rebecca J. Kreitzer, December 15, 2025.
<https://rebeccakreitzer.com/blog/congress-representation-vs-population-2025-analysis-data/>.
- Krutz, Glen. *American Government 3e*. Houston, Texas: OpenStax, 2021.
<https://openstax.org/details/books/american-government-3e/>.
- Levinson, Sanford, Barney Frank, and Robert Post. "Our Undemocratic Constitution: Where the U.S. Constitution Goes Wrong (and How We the People Can Correct It)," 2007.

- Linder, Wolf, and Isabelle Steffen. "Swiss Confederation," 2006.
https://www.forumfed.org/libdocs/Global_Dialogue/Book_3/BK3-C10-ch-LinderSteffen-en.pdf.
- Marx, Karl. *The Eighteenth Brumaire of Louis Bonaparte*. 1852. Reprint, New York: International Publishers, 1963.
- Rom, Mark C., Masaki Hidaka, and Rachel B. Walker. *Introduction to Political Science*. Openstax.org. Houston, Texas: OpenStax, 2022.
<https://openstax.org/details/books/introduction-political-science/>.
- Schlesinger, Arthur M. *The Imperial Presidency*. Boston, Mass.: Houghton Mifflin, 2004.
- Shull, Charles. "American Experience with Unicameral Legislatures," December 1937.
<https://crcmich.org/PUBLICAT/1930s/1937/rpt147.pdf>.
- Social Security Administration. "National Average Wage Index." www.ssa.gov, 2023.
<https://www.ssa.gov/OACT/COLA/AWI.html>.
- South African Government. "Constitution of the Republic of South Africa, 1996 - Chapter 2: Bill of Rights | South African Government." [Www.gov.za](http://www.gov.za), 1996.
<https://www.gov.za/documents/constitution/chapter-2-bill-rights>.
- Todd, Tom, and Minnesota House of Representatives Research Department. "Unicameral or Bicameral State Legislatures: The Policy Debate." Minnesota House of Representatives Get Bill Info, August 1999. <https://www.house.mn.gov/hrd/pubs/uni-bicam.pdf>.
- Vladimir Lenin. *State and Revolution*. Westport, Conn.: Greenwood Press, 1917.