[Name of the Writer]

[Name of Instructor]

[Subject]

[Date]

US Constitution and How It Can Be Improved

**Introduction**

It’s a long document, that goes over the purpose of the various branches of government as originally planned and how they were supposed to function with each other. It also goes over the original articles of the bill of rights, while new articles added later are considered part of the document. It is good to note that the original 10 were more about protecting individual liberties and freedom and less along the lines of how the government should function (something covered earlier in the constitution).

A great way to better understand the constitution is to read the Federalist and Anti-Federalist papers which capture the discussion of the time regarding central government vs local government and the concerns both sides had as well as how to best solve that. This is what birthed the US Constitution and the Bill of Rights it contained. Amazon typically has a kindle book that is $0.99 USD to purchase that has all the Federalist papers and a large collection of the Anti-Federalist papers that were relevant to the discussion at large. It’s a pretty good resource mainly because it’s harder to find a detailed list of Anti-Federalist papers. If you just wanted a list of the Federalist papers that’s pretty easy to find, I have included a link for both the book containing both and a link of free access to the Federalist papers.

**Description**

A constitution, not necessarily the US Constitution, is essentially a dictator. A silent one. With a human dictatorship, everything in the country that must be done, must pass scrutiny by the human dictator. Laws must be upheld to this human dictator for approval before they can be applied, and usually in a human dictatorship, the human dictator simply declared himself exempt from those laws.

A constitution, or a virtual dictator, have similarities with its human counterpart, but it is the differences that matter. For example, you cannot corrupt the spirit of the constitution. You have to corrupt the human agency that purportedly claimed a superior skill in defining what that constitution means, aka ‘The Supreme Court’. In some countries, that is very easy, and in some other countries, it is near impossible. In contrast, with the human dictator, money is the fastest way to secure his favors, even to the point where laws that do not apply to him may eventually do apply to you.

So “what does the U.S. Constitution mean?”. It means the US is under a virtual dictatorship where the people have the right and freedom to alter this dictator as they see fit. The fact that it doesn’t truly force its own enforcement. Later, healthcare has also been listed as a right. How does a person expect to pay for healthcare, but not be allowed to know what they are paying for?

Cruel and unusual punishment is not legal. That said, the death penalty for several crimes is not unusual, and can be done with a minimum of discomfort.

* **A minimum number of people are allowed, in fact “qualified” to vote**

What kind of qualifications? They are quite uniform as they are (federal laws at least) I will agree that, at a minimum, people voting should be able to prove that they are indeed qualified to vote, and are who they say they are.

* **Failure to explicitly establish the power of (and limits on) judicial review, which isn't in the Constitution at all.**

I agree with this, at least at face value. I don’t think that courts like the Supreme Court should be allowed to make up things that aren’t in the constitution. Nor should they be allowed to change a law. It passes as a written document, or fails to be published.

**Failure to establish a uniform, nationwide, non-partisan mechanism for drawing boundary lines for House of Representatives districts, i.e. prevent gerrymandering.**

There is no such thing as a non-partisan mechanism for drawing those boundary lines.

* **Insufficiently clear and explicit separation of church and state. Failure to explicitly prohibit religious interference in the political process and *vice versa*.**

It actually is quite clear. Congress shall pass no law respecting an establishment, or preventing the free exercise thereof. If congress didn’t pass a law respecting an establishment of religion, or preventing the free exercise of religion, we are good. This means that if a judge wants to wear a cross or put up the 10 commandments in a courtroom where he has the authority to decorate, then they should be allowed to. If someone wants to put up a nativity scene on govt property, that is fine as well. They just can’t ban any religion of doing something similar.

* **Failure to publicly fund elections and prohibit their private funding.**

So… government spending tax payer dollars to elect politicians? What could go wrong? Do you suggest banning political coverage/discussion on news programs and talk shows?

* **Failure to explicitly exclude corporations from political or civil rights and ban their participation in the electoral process.**

So, privately owned businesses can spend all they want on politicians, but if you allow people to buy into the ownership of your company, you can no longer say what you want and spend money as you see fit.

* **Failure to prohibit shareholder lawsuits that have the effect of discouraging good corporate citizenship and stewardship; i.e. lawsuits demanding that companies move jobs offshore or evade taxes.**

Should there be any shareholder lawsuits for anything other than law breaking and/or fraud?

* **Failure to place limits on the ability of government officials to go to work in industries that they had a role in regulating, and the ability of citizens in industry from taking government regulatory roles in the same industry.**

Citizens who used to work in a government agency regulating some industry, cannot apply for a job in the industry if they quit or get fired.

* **Confusion or uncertainty regarding the arms laws.**

There is no ambiguity concerning the right to bear arms in the constitution… none.

* **The Electoral College.**

The electoral college is arguably *the* foundation of the United ***States*** of America. This is how smaller states actually have a say in federal government. Seems so many people in the US don’t even understand what it means to be a “state”.

* **Unlimited terms for Supreme Court justices. Ten years should be the maximum.**

While logical sounding on the surface, it would lead to a very volatile court.

Works Cited

Black, Eric. *Our constitution: The myth that binds us*. Routledge, 2019.

Fraser, Russell. *A machine that would go of itself: The Constitution in American culture*. Routledge, 2017.

Gee, Graham, and Grégoire CN Webber. "What is a political constitution?" *Oxford Journal of Legal Studies* 30.2 (2010): 273-299.

Siegan, Bernard H. *Economic liberties and the constitution*. Routledge, 2017.