

9 Changes to the Constitution – How Would You Change It?

By: Josh Boak- July 3, 2013

We last amended the Constitution a generation ago.

So much has changed since then.

The viral-like spread of the Internet was two years away. Pagers were still gaining in popularity. Arugula was rare in grocery store aisles.

The economy was starting to recover from a recession, gliding its way into a tech boom. We had a mix of confidence and healthy skepticism in our government, after having crushed Saddam Hussein's Iraq in war. At the southern tip of Manhattan, the World Trade Center towers stood as two exclamation points on a magnificent skyline.

The 27th Amendment passed back in 1992 now seems like a historical footnote, rather than a prophetic statement of values. It stopped Congress from hiking its salaries mid-session, a symbolic act that did little to improve the public's opinion of Capitol Hill.

For the July 4th holiday, *The Fiscal Times* reached out to leading experts, lawmakers and academics with a simple question: How would you amend the Constitution?

Their answers, edited for space, are below:

IMMIGRANTS CAN BE PRESIDENT

It bothers me that our Constitution excludes from the presidency all Americans who lack a U.S. citizen parent, the so-called "natural born citizen" clause.

I'd like to change Section 1, Article 2 to simply read, "No person except a citizen of the United States shall be eligible for the office of President." Think of all the remarkable Americans who have held high public office but have been constitutionally barred from seeking the presidency, such as Madeleine Albright (born in Czechoslovakia), Elaine Chao (Taiwan), Jennifer Granholm (Canada), and Arnold Schwarzenegger (Austria).

– *Stephen H. Hess*, presidential scholar and senior fellow emeritus, Brookings Institution

REMIND D.C.: STATES ARE IN CHARGE

If I were able to amend the Constitution by a wave of a wand, I'd try to find some way to make the 10th Amendment more effective.

The rights of states have gradually been so eroded that it's creating a congestion of taxes and regulations and paper work. I would like to have a 10th Amendment on steroids – which would

somehow cause our country and our jurisprudence to remember our federal structure, and realize that the central government is limited and that powers are reserved to the states.

For example, the Marketplace Fairness Act that we just passed in the Senate was all about whether Washington will allow states to set their own tax policy. That shouldn't even be an issue in my opinion under the 10th Amendment.

– *Sen. Lamar Alexander (R-TN)*

GUARANTEE A FEDERAL RIGHT TO VOTE (WE DON'T HAVE ONE)

Americans often talk about their “right” to vote. The reality – noted in cases like *Bush v. Gore* – is that no affirmative federal right to vote exists. Instead, courts often defer to state-based voting laws and administration. Although Americans vote for one president, one U.S. representative, and usually one U.S. senator, every one of the greater than 3,000 counties in the United States can administer federal elections in a unique (and often inefficient) way.

While it wouldn't be an instant cure-all, a constitutional amendment conferring a right to vote and empowering Congress to enforce that right would provide voters with heightened legal protections and set the stage for standards that enhance the voting experience for all Americans, regardless of where they live.

– *Joshua Field*, deputy director, Legal Progress at the Center for American Progress

BALANCE THE BUDGET

I would like to see an amendment requiring a balanced “primary” budget, which means that the cost of servicing the national debt would be excluded.

It should contain a provision that Congress must reduce spending proportionately across areas of the federal budget and that tax increases must maintain the present progressivity of the tax code, phased in within ten years of the amendment's passage.

Without a constitutional mandate, politicians and other citizens simply will not have the will to make the changes necessary to address our looming fiscal crisis.

– *Steve Bell*, senior director at the Bipartisan Policy Center

NO LIFETIME JOBS FOR SUPREME COURT JUSTICES

If I could amend the Constitution, I would add a provision ending lifetime tenure for federal courts, especially the Supreme Court. I would replace it with a long, nonrenewable term of no more than 20 years. Furthermore, I believe the Chief Justice should not hold this position for life, but for a four-year term that would be renewable.

This reform would reduce the intensity of debate on court nominations because the stakes wouldn't be so high; it would reduce pressure to appoint young judges who will spend the maximum amount of time on the court; it would reduce pressure on federal judges to avoid retirement lest a member of the opposite party appoint their replacement; and it would bring fresh blood and thinking into the judicial system.

A June 7, 2012 CBS News/New York Times poll found 60 percent of people agreeing that lifetime appointments gives judges too much power versus 33 percent who said it is a good thing

because it makes judges independent.

– *Bruce Bartlett*, former deputy assistant Treasury secretary for economic policy; columnist for *The Fiscal Times*

DON'T CHANGE A THING

Several major conservative thinkers suggested that the Constitution does not need to be changed, but rather to have its principle of limited government guide both Congress and the president.

Michael Cannon at the Cato Institute noted that the Fourth Amendment protects against warrantless searches, “yet the National Security Agency tracks everybody with Congress' tacit if not explicit consent.”

Instead of an amendment, *Tom Miller* of the American Enterprise Institute said the Constitution needs “a better glossary to define and restrain the many open-ended words and phrases in the Constitution's actual text that provide wide latitude for judicial reinterpretation and expansion far beyond their original meaning.”

Here is the rationale from *Matt Kibbe*, president and CEO of FreedomWorks:

The Constitution and the Bill of Rights don't need any additions or changes – they just need to be applied consistently throughout government in order to actually work. The responsibility lies with “We the People” to hold our elected officials accountable to defending those rights at every turn.

A truly constitutionally-limited government would not be almost \$17 trillion in debt because there would be no unconstitutional bailouts, health care takeovers or farm subsidies. Energy plants would not be closing their doors, because pollution would be managed through private property rights and not arbitrary regulations.

The IRS would not have the discretionary power required to discriminate against Americans based on their political beliefs, and innocent civilians would be protected from unreasonable searches and seizures by Homeland Security and the NSA.

The Federal Reserve would not devalue the dollar, because the Fed wouldn't exist – there would be no government-induced boom and bust. The president would not issue so many executive orders, because only Congress would have the power to legislate.

NO PRESIDENTIAL TERM LIMITS

The essence of the American Constitution was the creation of a document of non governance. It says what government cannot do – not what it can do. The government cannot regulate speech, association, religion, press, and gun ownership.\

The 22nd Amendment does regulate what the people can do, namely elect a president as often as they like. It was passed by Republicans as soon as they could, not wanting to put up with another FDR. Of course, it backfired as ill-considered things often do, as they could not elect Ike or Reagan to a 3rd term.

As long as representatives can be elected and re-elected with impunity, then so, too, should presidents.

– *Craig Shirley*, historian and Ronald Reagan biographer

WORST-CASE-SCENARIO CONGRESS

I hate amending the Constitution as a general matter.

But we have no plan in place to get the House of Representatives and Senate up and running quickly if there is a terrorist attack that kills or disables enough people that you fall below a quorum. The only effective way to deal with this is to have a constitutional amendment that would enable emergency interim appointments.

– *Norman Ornstein*, resident scholar at the American Enterprise Institute

MAKE PUBLIC SERVICE MANDATORY

I'd propose a Universal National Service amendment – a constitutional requirement that all able-bodied Americans ages 18 to 26 devote at least two years to the service of their nation. They could select a service activity from among a wide variety of U.S. military branches, civilian government (national, state, and local), and qualifying non-profit options. The details are in my book, *A More Perfect Constitution*.

In essence, it would be a Bill of Responsibilities to accompany the Bill of Rights. Everyone should contribute something of themselves, not just taxes, to the nation that has long been a beacon of hope and the envy of the world.

– *Larry Sabato*, University of Virginia political scientist

PUBLIC FINANCING FOR CAMPAIGNS

To get elected and to stay elected, politicians now have to spend much of their time raising money and, thereby, becoming beholden to donors. The current system is, by its very nature, corrupt and those who campaign are almost inescapably corrupted.

The amendment should authorize Congress to regulate and finance primary and general elections for the presidency, the House, and the Senate. It should require that all private contributors be listed by name within a matter of days. The wording should allow direct funding for campaigns, public funds to match private contributions, caps on total campaign spending, bars on campaign spending by outside groups.

– *Henry Aaron*, senior fellow at the Brookings Institution