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# **A 21st Century U.S. Constitution**

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*Draft dated 9/5/16*

*We, the People of the United States, in Order to continue to form a more perfect Union, preserve Justice, insure domestic and global Tranquility, provide for our common defense, promote the general Welfare, and secure the Blessings of Freedom and Democracy for ourselves and our Posterity, do ordain and establish this substantially revised new 21st century Constitution for our United States of America.*

## **Article I: Constitutional Evolution**

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## ARTICLE I: CONSTITUTIONAL EVOLUTION

Section 1. As a brave effort to create a new republican form of government beyond an oppressive Monarchy, our Original Constitution placed emphasis on controlling the "presidency" with detailed authorities within the Legislative and Judicial Branches. Furthermore, our Original Constitution was drawn up for a Confederation, or League, of a dozen largely independent States. As a mature Democracy with over 300 million citizens, and 50 fully integrated States with largely commensurate functions, the Executive Branch must be accorded fully equal authority to act within the guidelines of--and resources provided by--the Legislative Branch, and the Primary Laws specified by this Constitution, interpreted and refined as necessary by the Judicial Branch. It is neither right nor sensible for the Executive Branch to be held Hostage to intentional chicanery by either other Branch.

Section 2. The United States ARE no longer a loose grouping of 12 separate, predominantly (90%} rural, territories-- to be connected by Constitutionally required post offices and post roads. It has irreversibly transformed ITSELF into a unified, 80%-urbanized Country in which 50% of the population now lives in 50 metropolitan areas which often sprawl across (some) State lines. In fact, the individualities between States have been substantially reduced; the likelihood of any sort of conflict between them negligible--and the need to assure completely common Federal/State interactions more bureaucratic than doctrinal.

Section 3. And this technologically-advanced Country IS now laced with a level of Federally-managed infrastructure unimaginable in the 18th Century: including roadways, railways, waterways, and airways; aqueducts, pipelines, power lines, phone lines, and cable lines; as well as radio, television, internet transmissions from fixed

towers and stationary-orbit satellites, to say nothing of intricate satellite networks for weather, global and individual navigation, optical surveillance of Earth and Near-Universe, and digital data storage.

Section 4. Our Original Constitution focused primarily on the basic Freedoms which had frequently been compromised by a distant Monarchy and its local Administrators. As our original Republic has transitioned to a fully egalitarian Democracy, it is also clear that our fully-enjoyed individual Freedoms must be accompanied by an equally deep acceptance of responsibilities if the Country is truly to run itself and not succumb to either demagoguery or anarchy. Duties to Each Other, and to the Government we elect are substantial and ignored at great risk.

Section 5. Any contemporary 21st Century US Constitution intended to adequately replace its hallmark 18th Century predecessor must address three distinct sectors of the Human Race:

First. The governments and people of the "Civilized World" who will be in some way influenced by the prominent presence, influence and impact of the United States of America in virtually all aspects of Human Life:

Second. The entire population of the USA which in some way benefits from, or contributes to, the actions of the USA Federal Government, either directly or indirectly through State and Local Governments. The American people will likewise recognize, respect, and accept their own duties and responsibilities to the continued success of their nation, including: the health, comity, and safety of their communities; the education of their own families and communities; and the honesty and efficacy of their Local, State, and Federal Governments.

Third. The entire USA Population Eligible to Vote, is ultimately responsible for the success of the Democracy it undergirds. Eligible Voters shall accept their responsibilities for the continued success of their freedoms, and may accept token recompense for: their participation in enlightening their choices; expressing their preferences to--and learning from--their representatives; and encouraging realistic cooperation and compromise among their cohorts. It is also inevitable that shifting demographic patterns will require changing means of voter aggregation to maintain balanced representation.

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## ARTICLE II: THE AMERICAN SOCIETY

Section 1. The American Society is now comprised of two defining groups: a) the American family household that lives with high hopes of health, happiness (i.e., prosperity), and opportunity for the several generations embraced, in a community of their choice; and b) the business community that inspires creativity, ambition, and energy amongst its multitude of owners, workers, and their supporting inter-related entities. Other smaller groups are accorded special attention, such as: young children; veterans; the homeless; the chronic unemployed; and the current/past incarcerated. Major objectives of the Federal Government shall include assisting all Americans to both become part of, and prosper equally within, these primary and secondary American social clusters.

Section 2. Every definable societal group of Americans shall have the unassailable right to Worship as they choose. On the other hand, perfecting and sustaining our Democracy will always remain an unfinished work. Through Neglect and Indifference, a government by, for, and of the people will eventually perish from this Earth. To

avoid drifting into anarchy, all Americans shall have firm secular obligations to: accept the duties of democratic self-government; put their full trust in Honesty and Fairness; and faithfully Interact with Others as they expect Others to Interact with them: with Liberty and Justice for all.

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### ARTICLE III: THE AMERICAN ELECTORATE

Section 1. Republics were adopted in many countries as alternate governments to monarchies as a means of; eliminating oppressive, self - perpetuating, regimentation while emphasizing personal freedoms, but retaining Government by the trusted Elite.

Democracies, on the other hand, confer on the people not only the right to Govern themselves, but the implicit Obligation to participate in keeping that government style functioning responsibly. If the electorate does not accept their duties, Democracies will eventually devolve into Anarchy.

Section 2. For democracy to survive and prosper, Americans shall not only be obliged to a) accept an informed role in electing their Government, but b) an equally important role in accepting and following its leadership until the next election, even while expressing desired changes.

Section 3. The American electorate is not simply free to vote, it is obliged to vote, and if necessary, should be modestly incentivized to do so. And all levels of government shall be obliged to provide thorough background information on all major issues and procedures by which to inform the voters' decisions. These governments shall also facilitate the voting process in time, place,

and identity for all those properly certified to participate, using emerging commercial technology wherever practical.

Section 4. The transition from republic to democracy remains unevenly navigated by individual States in several aspects of the Democratic process. Continued efforts shall be encouraged to standardize: the candidate nomination process; voter registration and turnout methods; voting periods and techniques; district boundaries; and voter education.

Section 5. The fundamental democratic axiom of “one voter, one vote” remains unfulfilled. In particular, the States’ primary nomination processes shall be standardized, and the outdated Federal Electoral College process for deciding the outcome of Presidential elections shall be eliminated.

Section 6. Wherever possible, the people shall be given additional opportunity and responsibility to offer individual opinions on emerging issues at local, state, and federal levels, and to vote on final legislative initiatives.

Section 7. Any election in which less than half of the relevant electorate has participated -- if only to vote "present" -- shall not be determinate.

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#### ARTICLE IV: MATURING AMERICAN "RIGHTS" AND "FREEDOMS"

Section 1. Individual "Freedoms" so widely exploited by some citizens in our Original Constitutional Amendments must now be constrained by the "Rights" of other citizens to be free from intimidation, blasphemy, coercion - - and bullets -- in the new era of

high-density living, and multiple redundant means of electronic communication. For instance:

Section 2. "Speech" shall be limited to verbal/written communication, and only that which does not cause direct or indirect physical, mental, or fiduciary damage to others, individually or en masse. Its amplification, multiplication, and repetition shall be susceptible to Federal regulation.

Section 3. Freedoms of religion, the press, assembly, and government petition shall be perpetuated, but shall not be treated as immutable to constraints, should judicially obvious excesses emerge.

Section 4. The Right to Carry Arms shall be strictly limited to individual self-defense in the immediate environs of the clearly marked homes of appropriately certified, rational owners. Such arms shall be fully registered, limited in caliber, firing rates, and magazine capacity, and shall not be used in offensive group actions such as posses and vigilantes. In most instances modern military-grade firearms shall be forbidden for sale or ownership.

Section 5. Individual States and Localities shall be entitled to establish through normal processes more restrictive regulations on lethal weaponry in the interests of safety, equity, and tranquility, particularly in crowded urban areas of evident urban unrest. Weapons for hunting and sport shall not be capable of being fired by other than their owners, and shall not be carried except in pursuit of relevant activities. Similar limitations may be placed on ownership of other lethal weapons that may become available.

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## ARTICLE V: INTERNATIONAL RELATIONS

Section 1. The Government and People of the United States shall recognize, respect, and support the USA role and responsibilities to the peaceful global community, i.e., that majority of nations with their own aspirations for peace and prosperity for themselves and their progeny in an increasingly crowded, volatile, and vulnerable ecosystem.

Section 2. Wherever rationally acceptable, the United States shall join International Organizations pursuing common global objectives, regardless of local political affiliations.

Section 3. The United States shall also accept, support, and participate in serious global initiatives to protect our planet from untoward, avoidable, futures as projected by the best international experts and confirmed by a majority of relevant American intelligentsia.

Section 4. The President shall with the timely advice and consent of 2/3 of the Senate make treaties with other nations and international groups, and both appoint ambassadors to, and receive ambassadors from, them.

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## ARTICLE VI: THE FEDERAL GOVERNMENT

Section 1. All the major and subordinate or independent agencies of the USA Federal Government, led by the Executive, Legislative, and Judicial Branches shall, to the extent practical, be guided by the same general rules regarding prudence of action, ethics of behavior, consistency of remuneration, and both personnel and facilities practices.

Section 2. To the extent plausible, similar practices of all sorts shall be encouraged among Federal, State and Local Governments.

Section 3. At every government level, the interruption of expected services, protections, maintenance, benefits, and stipends shall be avoided or mitigated by clearly established interim alternative procedures for periods up to six months.

Section 4. Elected Members of Congress shall receive remuneration, accommodations, staff allowances health and retirement benefits as established by the Congress itself, but shall not be substantially different than those of appointed officials of similar rank and responsibility.

Section 5. Senior positions in Federal Departments, Agencies, Embassies et al, shall be filled for limited periods of time by Presidential Appointees who will be supported by career Civil Servants, under the rules and regulations on the Civil Service Commission.

Section 6. Those appointees shall be confirmed by the President, unless serious objections are raised by the relevant Congressional Committee, and ratified by full Senate Vote within 60 days.

Section 7. All senior Federal officials, elected or appointed, shall be US citizens of 10-year standing, over 35 years old, and capable of finishing a term of service before reaching the age of 75.

Section 8. All senior members of the Federal Government, elected or appointed, shall follow similar strict codes of ethics consistent with their elevated positions in the public trust, and shall take similar Oaths of Office. Strict avoidance of conflict of interest and influence-peddling shall be enforced following their periods of public service, and shall be monitored by the Attorney General.

Section 9. All Branches of The Federal Government shall continue to create, manage, revise, and/or phase out a broad variety of agencies, commissions, bureaus, and other distinct organizations for executing the tasks set by specific Congressionally laws. These shall include a number of Regulatory Agencies charged with assuring the pursuit of procedures and restrictions consistent with maintaining honesty, health and safety across the spectrum of public activities in a complex, modern society.

Section 10. The US Postal Service shall continue to operate as a separate federal agency with its own personnel system, led by a Postmaster General, and monitored by a Postal Regulatory Commission.

Section 11. The three major Branches of the Federal Government are expected to operate independently in the conduct of their assigned responsibilities, but shall clearly be required to respect, support, and cooperate with each other in their seamless tasks of continuously and reliably governing the now-mature USA. To this end, each Branch shall be obliged to advise the others on opportunities for improved, uninterrupted, conduct of their responsibilities.

Section 12. The Executive Branch will continue to have by far the greatest immediate impact on the health, wealth, safety and opportunities of all Americans--and many other nations. Frivolous impediments to continuous seamless operation of the Executive Branch shall not be tolerated by the US Attorney General, and may be deemed emergencies by the President.

Section 13. Seamless, uninterrupted functioning of all Federal Government Branches requires a well-disciplined combination of: a) reporting recent progress both to the Public and the Congress; b) multiple-year future budget proposals from all Federal Agencies;

and c) followed on a regular and timely basis by multi-year program authorizations and appropriations.

Section 14. The complexity and essentiality of this fiscal process requires that the Federal Government shall adopt a two-year budget cycle, with best-projections for three years thereafter. In the event of any interruption or delay in the budget approval process, the out-year projections will become the basis for continued Federal Government operation. New budgets will be promulgated in the year of the next national elections.

Section 15. In the case of very long-term programs, such as defense procurement and infrastructure expansion, an additional 5-year extended planning annex shall make possible realistic projections of longer range consequences of evolving commitments.

Section 16. There is no reason for a separate Federal City large enough to defend itself from attacks from neighboring States. The District of Columbia shall be diminished in size to no more than 5 square miles; its residential, embassy, and business properties largely absorbed into Maryland State jurisdictions and electoral districts; and its large parks reduced in size.

Section 17. The new Washington, DC's Federal Buildings, Monuments, land improvements, and remaining commercial venues shall be managed by new Federal City Agency combining elements of relevant existing entities (to include: the US National Park Service; the General Services Administration; the Architect of the Capitol; the Capitol Police Force; the Washington Metro Area Transit Authority; the National Capital Planning Commission; and the Federal City Council.

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## ARTICLE VII (a): THE EXECUTIVE BRANCH - THE CIVIL COMPONENT

Section 1. In the original US Constitution, the functions and power of the Executive Branch and its "president" were considered suspect and necessarily subordinate to those of the Legislative Branch. Now, as one of the World's great powers, efficiently managing its health, prosperity, and future is a primary Executive Branch responsibility, exercised through a large group of well-established Departments, Agencies, Bureaus, etc. each with clear and steady duties defined, funded, and overseen by Congress.

Section 2. The primary function of these Executive entities, and the President who supervises them through his Cabinet, is to implement the legislation passed by the Congress, and assure the effectiveness and relevance of their efforts, be it with regard to health, education, commerce, energy infrastructure, transportation, international affairs, finance, or the other components of a successful, respected, competitive world power.

Section 3. The President shall have the clear responsibility to manage these entities efficiently, and to work with the Congress to: maintain their relevance and evolution in a shifting world; and avoid disruptions that jeopardize short- or long-term national interests through negligence or ulterior motivations.

Section 4. The President shall have the unique power to declare a State of National Emergency for up to six months if/when the Federal Government is in clear danger of being shut down, incapacitated, or otherwise unable to carry out or its regular assigned functions on which the Country depends, under normal or emergency conditions. He shall have special powers to keep the Executive Branch, civil and military, operating at normal or extraordinary levels, and to draw necessary funding from the US

Treasury to substitute for lacking appropriations. Extensions beyond six months shall be available if approved by a majority of the Supreme Court.

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## ARTICLE VII (b): THE EXECUTIVE BRANCH - THE MILITARY COMPONENT

Section 5. In addition to the role as "Chief Executive Officer" of one of the World's most complex "businesses", the President shall serve as Commander in Chief of one of the World's most powerful military forces, including fully modernized ground, air, and naval components capable of sustained operations virtually Worldwide, with or without Allied forces. The Military Services shall be commanded by the Joint Chiefs of Staff.

Section 6. Uniformed military personnel shall be granted special health, educational, and social services for life, as authorized and funded by the Congress. The extensive supporting domestic civilian work forces will be part of the US Civil Service System and augmented by domestic and foreign contract workers as appropriate.

Section 7. Inevitably, American forces, installations, and supplies will be regularly stationed on US or allied bases abroad. Every reasonable effort shall be made by American personnel to learn, adapt to, and honor the nationalistic characteristics of their hosts.

Section 8. These all-volunteer forces shall be capable of various states of readiness via augmentation by reserve and national guard forces, and if necessary, by conscription of additional civilians, both men and women. To the extent practical, military logistic, maintenance, supply and medical needs will be augmented by pre-

planning within the very much larger American Civil Sector under clearly defined mobilization scenarios.

Section 9. The notion of a ready home-armed militia is no longer relevant. However certain US uniformed forces must be trained and equipped to adapt to a wide variety of conflict situations varying from police actions and terrorism, through "conventional" war and including escalation to the use of nuclear, chemical, and biological weapons--or to electronic/cyber warfare.

Section 10. Such military forces must be supported by extensive national and international intelligence capabilities across the full spectrum of national, military, and domestic intelligence services, under the control of the President, and monitored by Congress and the US Attorney General.

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## ARTICLE VIII: THE LEGISLATIVE BRANCH

Section 1. The Legislative Branch of the United States shall continue to be comprised of a Senate and a House of Representatives whose membership will continue to evolve, and a series of supporting agencies that add valuable inputs to their deliberations and outputs beneficial to the Rest of Government and the Public at Large.

Section 2. The primary function of the United States Congress shall be to assure uninterrupted service of the myriad of Government functions that now impact virtually every aspect of American life--primarily by authorizing and appropriating suitable funding; by providing thorough oversight of the effectiveness of the Executive Branch in carrying out their specified tasks; and by updating the underlying missions of those Departments and Agencies.

Section 3. Representation in the House shall continue to be determined by a well-defined series of districts of essentially equal population in each State, as adjusted by every ten-year Census, and assiduously avoiding politicization by adopting peculiar geographic inclusion/exclusion contours.

Section 4. Representation in the Senate shall be substantially changed to provide one Senator from each of the 50 (current) States, and one each from the 50 largest "metropolitan areas" as defined by the Bureau of the Census. This is intended to significantly change representation from under-populated lands to congested, often trans-State, urban areas.

Section 5. Representatives shall continue to be elected for two-year terms, and Senators for (staggered) 6-year terms. No one shall serve in the Congress for more than 30 years, and no one shall begin a term during which his/her age will exceed 70 years. Pay and retirement benefits for Members and their staffs shall be consistent with other Federal Employees.

Section 6. The Congress and the US Attorney General, shall adopt strict legislative rules against the acceptance by members of Congress, their families, or their staffs, of any forms of remuneration from each other, or from those special interests seeking to influence their political decisions, and provide mechanisms for reporting and enforcing infractions thereof.

Section 7. All elected representatives shall be attentive to their public demeanor and work habits. It shall be a major goal for all members of Congress to reduce their time spent raising money, and to increase their time spent in session, cooperating with each other and their constituents.

Section 8. Neither the Congress nor the Presidency shall have the right to stall the Federal Governance process for partisan purposes. If Congress's legislation is not endorsed by the President within 30 days, it will become law without signature. If presidential requests and nominations are ignored by the Congress for 30 days, then the President shall use his Extraordinary Powers to carry out the necessary actions.

Section 9. The Congress shall accept a substantial role in assuring that all American voters have timely and comprehensive information relevant to the entire federal election process, and all matters/issues relevant to the next election. Each chamber shall have a dedicated committee or subcommittee to address these issues and draw on the extensive expertise already available within the several Congressional Agencies, such as the Library of Congress and the Congressional Research Service. At least one public high school in each electoral district should be encouraged to become a Center of Excellence for the entire Democratic Process.

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## ARTICLE IX: THE JUDICIAL BRANCH

Section 1. The judicial power of the United States shall continue to be vested in one Supreme Court, a gradually expanding set of District Appellate Courts and other Specialty Courts as determined by the Supreme Court. Their jurisdictions will continue to evolve through current practices.

Section 2. The entire body of existing law, including those factors derived from the US Bill of Rights, shall continue to apply under this Constitution, but a permanent Judiciary Commission shall be

formed to streamline the antiquated US Code of Federal Regulations and its 50 "Titles".

Section 3. Federal Judges will continue to be nominated by the President, subject to advice and consent from Congress. If such action is not taken within sixty days, the President's nominee will be confirmed pro forma. No Federal Judges shall serve beyond 30 years, or past age 75. Their pay and benefits shall be consistent with other Federal Employees.

Section 4. The Supreme Court, and/or its designees, shall accept a clear and constructive role in proposing plausible amendments to existing laws to eliminate ambiguities and/or whimsical interpretations of historic intent.

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## ARTICLE X: AMENDING THIS CONSTITUTION

Section 1. This new Constitution shall provide clear procedures and modalities for amending its content as time, circumstances, and evolution require. Such changes may be initiated by the Private Sector, any Branch of Government, or the States, and not forestalled by any Branch. Whenever plausible, the approval by two thirds of the voting public shall be sought.

Section 2. A permanent Constitutional Commission shall be created, with members from Government officials and other public figures with relevant experience. They shall determine the virtue; steps and procedures needed to define the intent; and establish the impact of any proposed amendment.

Section 3. The Amendment Process shall entail a well-informed public referendum, and a subsequent public petition or initiative,

much as States now amend their constitutions. Both polling steps shall be synchronized with national elections, and neither step shall be considered determinate unless a clear majority of the relevant electorate has participated.

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