

Checks and Balances: Amendments?

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5/28/2026

What went wrong? Clearly something has gone so, if you reflect on the current news!

- The United States is now engaged in a major war with Iran, has militarily intervened in Venezuela, has threatened seizure of Greenland, and is contemplating intervention in Cuba, but is ambiguously involved in the Russian invasion of Ukraine, all at the motion of the President, with little or no involvement of Congress.
- Immigration laws and policies (not passed by Congress) are now being enforced by masked agents, not clearly accountable to anyone but the President, and with no clear Court warrants. Innocent people are being harassed, arrested, and incarcerated along with those suspected of violation.
- The President is issuing bizarre, often contradictory, statements and threats against any who displease him.
- Subordinates at all ranks have been appointed with few qualifications other than personal loyalty to the President, and retained only at his pleasure.
- Constitutional powers assigned to Congress or the Courts are being evaded or ignored, and Constitutionally protected rights of individuals are being violated or threatened.

It is thus reasonable to ask how our government practices could and should be reformed, and even possible constitutional amendments, though it is far from clear what such amendments could be agreed to.

In a book published before the current administration, one author lists and discusses many revisions. (Frey 2019) His major proposals include

1. Universal safety net
2. Health service accounts
3. Modernization of military forces
4. Reform of the tax code
5. Eliminating the electoral college
6. Making it easier to amend the Constitution
7. Altering Senate representation
8. Altering House redistricting
9. Overruling Supreme Court decisions

10. Federal standards for voting
11. Nonpartisan primaries

Frey's program has an obvious bias to the (moderate) political left, and was published before the current "triumphful" Presidency and compliant Congress. It is hard to see how the revisions he proposes could get the consensus they would need to be implemented. His first four proposals could be implemented by Congress if they could agree, but the later ones would require Constitutional amendment.

One question that Frey does not raise is that of some sort of ranked choice or approval voting, to address the paradox of majority rule with more than two choices. (Szpiro 2010) (Poundstone 2008) (Ottewell 2019)

Recently, "gerrymandering" of Representative districts to the advantage of one side or another has returned to the news – Hillyer (Hillyer 2026) proposes that Congress correct the problem, federalizing state election process. It is not clear what Congress could do since the Constitution assigns this power to the states, and the current Congress and President are very unlikely to act.

Another later problem not addressed is the Trump administration's attempt to abolish a non-partisan civil service, in favor of unqualified allegiance to the President (a so called "unitary executive").

We must carefully consider which reforms we would most like to see, which are most likely, and how they might be accomplished.

Works Cited

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