

**COMBINING SOCIAL & LEGAL CONSTRUCTS:
CONSTITUTIONAL REFORMATIONS
FOR THE FUTURE**

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Abstract

This article attempts to identify foundational constructs that may give clues for motives supporting our doctrines and the selection of procedures in American democratic protocols. Constitutional insights and formative ideology lend readers, thinkers and legal scholars, tools for guiding political reconstruction of principles that may guide our rule of law choices. Time and events may alter the original intent of the framers of our Constitution and the structure of our Republic. Areas of law that may have been affected include environmental policy, international law, healthcare, corporate governance, and the separation of powers principle. Issues requiring analysis within the historical context include age discrimination, the supremacy clause, the U.S. response to the global healthcare crisis, the parameters of executive power, and the boundaries for regulating economic policy. Should there be federal standards related to local management for emergency situations? Should there be established core competencies in governance and policies related to community planning and rezoning. Should we reconsider the use of the Electoral College? What about the voting systems currently regulated locally? Other threats that have emerged include issues related to a planetary crisis, authoritarianism regimes, hate group political activism and socialist ideology.

Introduction

Law has been the currency of rulers, judges, legislators, presidents, and kings throughout time, and has been the source of “Elite” efforts to harness authority and entitlements. Law has become a system of unlimited power and value to some yet act as punishment for others. Lessons of fear provoke obedience. But what if Law were used to guide and teach, to educate through the stages of life? This illustrates the unity of a larger social convention by introducing terms that many may embrace as "Freedom of Speech." Today, the corruption of power runs deep in "Man" within the realm of public service, and within governmental institutions and agencies, which has colluded with prejudice. Lobbyists, pundits, media channels, corporations, and their financial intermediaries, influence education systems. Whereby faith-based entities seem to be driven by agendas that capitalize standards of entitlement and provide justifications for preferences that interpret U.S. Constitutional Law. The American founders perhaps intended a different form of "checks and balances" to promote the improvement of democracy. Free speech now argues for information, to influence reasoned insight, and derive from media and our civil platforms. Currently, we hear the support of facts or truths to make quality decisions, purchases, and votes on the health of our systems related to social, economic, or political discourse, however, perhaps the underlining concern relates to our arguably innate discriminatory instincts? It would seem there is a new classroom forming in the minds of global citizens, focused on national interests and virtuous laws to elevate the importance of constitutional principles as the conduit to a higher plane of existence.

Abuse of Power

Abusers of power have existed in social structures for every generation. There are correlations between the emergence of a hierarchical social system class structure and the abuse of power problems. Lower Class structures also face the dilemma through the application of theories of domination. Controlling other humans with authority by possession, titles, or assets, remains a lawful reality in American culture. The American system has used investment

bankers, corporate owners, Real Estate Investment Trust (REIT) brokers, and developers to help set policies and influence laws. In 2021, economists and federal loyalists also share the stage of great power in capitalist cultures through the working-class, business-class, and professional classes of tradesmen, each with some power to rule by influencing the ruling class. Under our system, a Supreme Court rules, then states and Congress follow the interpretation of the Supreme Court by enacting laws that comply with the rule using due process. Situations where those who vote on restrictions of "Free Speech" by an electorate who is being lobbied for beneficial rights for the industry they represent is cause for concern. Conceptually, power exists as "property" or something to be owned in the minds of those who employ its function. And "material wealth" is positioned as the benefit rendered for certain classes. Thus, what does that indicate about the status of our country, a working-class body of heroes, or immigrant citizens employed for votes? America is the property of the people, but sovereign elites in supreme wealth communities have assumed its ownership.

Analyzing the Implications of *Marbury v. Madison*

In *Marbury v. Madison*¹ concerning Constitutional Primacy, Chief Justice John Marshall heard arguments to define the "Supremacy Clause." Federal statutes and treaties were competing for control by enactment of rules and/or regulations when conflict arose between them over state interference of Federal Authority. This case establishes that the supreme law in America is the U.S. Federal Government, when conflicts of interest arise between the states and the federal government and the court relied upon the U.S. Constitution, Article VI Clause 2, as the authority.²

¹ *Marbury v. Madison*, 5 U.S. 137 (1803), Justia US Supreme Court, <https://supreme.justia.com/cases/federal/us/5/137/>, (last visited March 12, 2021.)

² U.S. Constitution, Article VI, Clause 2, Constitution Annotated, <https://constitution.congress.gov/browse/article-6/clause-2/>, (last visited March 13, 2021.)

Originalists might disagree. Despite this ruling, there are still disputes as to the appropriate interpretation and application of Constitutional theory. This system employed by judges in the various states allows them to follow guidelines to honor established precedents if conflicts occur between states. The Constitution is the binding theory of law in America. Amending its precedent in some cases may be interpreted as overreach, and in some cases may even be interpreted as an abuse of power and not a separation of power issue. In the Marbury case, Section 13 of the "Judiciary Act" of 1789 conflicted with Article III Section 2 of the U.S. Constitution whereby Justice Marshall explained that the court's jurisdiction does not extend beyond the boundary of the Constitution, but that the court can determine whether an act is unconstitutional.³ The Court thereby established the power to declare any law unconstitutional under the principle of "Judicial Review." So, the Supreme Court, using its supreme power by interpreting the Supremacy Clause gave unfettered power to the Supreme Court to be the final arbiter of what is and is not constitutional. With the Judiciary Act of 1801 with then-President Adams and the U.S. Congress created more courts and added more judges by appointment and by the outgoing or sitting President of the United States.⁴

Understanding Sovereignty and other Components of Democracy

Early in American Society, the U.S. Congress grappled with the concept of power, who had it, and what did it look like. Equality and Freedom were also debated. Some embraced a philosophy where independence and natural rights were to be governed by a state solution? But if state governments failed to perform the duties of protecting the rights of their citizens through their abuse of power, what then? Thus, the concepts of separation of power emerged and became a central and controlling portion of the development of our

³ *Marbury v. Madison*, 5 U.S. 137 (1803), Justia US Supreme Court, <https://supreme.justia.com/cases/federal/us/5/137/>, (last visited March 12, 2021.)

⁴ Melvin Urofsky, *Judiciary Act of 1801*, Encyclopedia Britannica, <https://www.britannica.com/topic/Judiciary-Act-of-1801>, (last visited March 13, 2021.)

Constitutional government.⁵ The philosopher John Locke who influenced the Revolution of 1688 and the Declaration of Independence, thought the pre-civic state should be about equality and freedom, rather than war. He also opined that individuals were endowed with certain natural rights, but that for the better preservation and enjoyment of these rights every individual entered a compact with the rest of the group by which he surrendered the exercise of a part of his natural rights for the protection and preservation of his remaining rights by a government to be instituted by the State. But, since the members of the group still retained many of their natural rights, neither the State nor the government instituted by it had unlimited power over them, and if a government transcended its authority, the people regained the whole of their natural liberty, a part of which they had surrendered conditionally, and they (instead of the State) could institute a new government.⁶

Another theory emerged concerning the rights of corporations and whether they could claim the protection of their rights by the constitution. And this concept was perpetuated in court decisions including a precedent established in an opinion by Justice John Marshall.⁷ He took the position that a corporation had rights but no duties because it could not sin, and until corporations and states could sin, he refused to admit that they could be real persons. Willis also deals with the corporate issue as he develops the concept of sovereignty under the Constitution and quotes several cases which debated the appropriate status of the corporation. The American system has relied upon the concept of three branches of government with specified powers,

⁵ Willis, Hugh Evander, "*The Doctrine of Sovereignty Under the United States Constitution*" (1929). 15 *Virginia Law Review* 437 (1929), Articles by Maurer Faculty. Paper 1256., <http://www.repository.law.indiana.edu/facpub/1256> (last visited March 15, 2021).

⁶ John Locke, *Two Treatises on Civil Government*, Encyclopedia Britannica, <https://www.britannica.com/biography/John-Locke/Two-Treatises-of-Government>, (last accessed on 3/6/2021).

⁷ Willis, Hugh Evander, *The Doctrine of Sovereignty Under the United States Constitution*, 15 *Virginia Law Review* 437 (1929), pp 445-446, Articles by Maurer Faculty. Paper 1256., <http://www.repository.law.indiana.edu/facpub/1256> (last visited March 15, 2021.)

some of which allow them to act as a check and balance on the other two. However, in matters of determining the constitutionality of citizen rights, it is the Supreme Court that is looked to as the final authority.⁸

Leadership is born in communities of faith and family. This is because we are social creatures and understand the sociological principles to reach deeper and build our context for the connection. However, humans continue to struggle with ‘survival instincts’ with which they must deal, and which may constitute the primary driving force for the decisions they make. In other words, "Darwinism" may not be entirely applicable to human evolution simply because we reasoned our poor choices. Much like rights and entitlements to power in America, our survivalist instincts may lead us to a belief that we have indefinite security but results in pretense and actual insecurity due to the risk of loss in perspectives. Here we can see the result of conflict within our nature. For example, we rely completely upon the concept that by separating powers among the three branches of government we have made our democracy safe where no one gets absolute power. Another example is the heavy reliance upon the concept of capitalism. Because we place such high regard on social status and wealth, we rationalize inequality as a devaluation of our own virtue. Who among us still believes that as free-speaking citizens, though we are separated in fear of viral contact, we have sufficient standing to denounce the suppression of liberty and unlawful government conduct, and further, that economic policies and manipulation of markets have a direct correlation with “Votes?” Americans today may not easily find the solutions that promote technologies and workforce systems that transfer power back into the people’s market. Laws that limit or completely diminish the rights of the people, are passed one little step at a time so that we do not notice it is happening. Those who have chosen to use this subtle strategy for diminishing the rights of ‘we the people’ have chosen to hold power and seek to hold power in ways that are anathema to the American concept of democracy. And they are going unchecked, because the change is subtle, they have wealth and power, and that makes them allegedly entitled and fit to be followed and it further defines the American class system.

⁸ Id.

Finding Values & Virtues to Aid in Reforming our Democracy

American democracy can be about the concept of building better class structures in a lawful world community. America must represent building “Values & Virtues” in every step we take. That focus on values and ethics solves war, and poverty, and may influence the formation of a global contract for international laws. The world is watching and waiting anxiously for signs of true leadership from America and its allies, each hoping for a living example of conviction in the very principles of ethics that people have sought through their struggles with injustice and a lack of fairness in the economic, political, and civic systems. Why must we struggle so hard to achieve fairness and justice? Perhaps because justice and fairness are not easy things to achieve unless we work together to achieve them? Let us ease burdens and join hands in friendship across the country and the world, in trade, in business, and in societal causes that help other countries participate in the process. Let us help people thrive and build systems based upon solid foundational doctrines that enable peace, hope and education, and enough wealth to live on in future societies. That represents what is truly great about America and what is worthy of sharing. This motive gives purpose to diplomatic capitalism and confirms how to build market economies, and global market economies. This should also contain the values and foundational doctrines of freedom and speech for everybody. It is the presence of these values in the human spirit that makes such a system possible. It is that spirit of demanding the best humans must give that has made America a global example of the best of governmental and economic systems. We are a “Hospitality Nation” and have outstanding “Guest Services.” America is a destination port of call and embodies the spirit for innovation in policies for world peace and economic opportunity. This is a land of communities, a land of beauty and complexity, diverse applications, and diverse people, culturally enriched and poised for unity.

We have a saying in America, ‘If you can play ball, you’re on the team.’ And for the U.S. Congress, that metaphor has many connotations, most importantly, it is the central idea that we create inspiration and once initiated, we can help others achieve their willingness and contributions to a shared vision of Democracy. We also have a hybrid system of social capitalism here

in America. We have liberals and conservatives and moderates who shape our understanding and perspectives of the rule of law. Contributions of reciprocal actions in markets with goods and services, lend us perceptions that we are building social relationships in domestic and global markets for business and law. And labeling and mislabeling the various theories may sometimes inform, but more often confuse the listener. Many today perceive a new world view of evolving values and understanding and these changes are influenced by entrepreneurship, philosophy, science, technology, and hospitality experiences. Though, whether our elites are experiencing the same enlightening moments of accepting all peoples equally and recognizing the potential each has for contributing to our evolving culture is doubtful. These romantic philosophies chime well together in our liberty culture, ringing praise of legal capitalism and what it teaches all of us about the empowerment of the impoverished and may effectively lead some to choose their course of action through those ideals. The question is, does the public have these choices, or are the choices selectively limited or controlled, perhaps even forced onto populations under state supervision. In some cases, the government may even be repressing the actions or movements of the electorate. Political theory and the development of persuasive tools have had 245 years to hone their strategies, and during that time, prosperity and liberty have become state assets to politicize and use as leverage to control the markets.

The common interests of a working market consumer and billions of people with rising middle-class values are striving for autonomy, steady growth, and evolution in standards of living. Americans, like any other State, have people who are thinking and feeling the need to protect themselves because those that would do harm, violence, or breach the rule of law do exist. This seems to be appropriate awareness given our current reality. People need and want the reassurance of due process and economic growth? The crisis seems to come regularly now. Is it possible for citizens to consider options in a 2022 voting booth? This appears to be the only place to escape political tyranny and legal oppression. Voting being a Constitutional right until it disappears. Would it make a difference if more of us started attending to our civic duties? Could we get a hold on legal democracy? What would that look like for the world? What do 330 million+ people look like standing together in sovereignty and

solidarity for drafting a New United States Constitution Restoration? We are at a turning point in American politics, American leadership, and American business law as we look at this issue.

One of the examples where there is a global effort to collaborate is with the Health Summits in Global Health Governance where there is an effort to create global health networks and global health policies to regulate and address health issues of the day.⁹ There is also an effort to create platforms where all participants may share information and insights. This type of collaboration has the potential of elevating all participating countries to a higher level of understanding of health issues and of arriving at solutions to the identified problems in a timelier manner. And this effort, along with others like the intellectual property treaties and conventions, shows that collaboration is possible and finding mutual benefits is also possible.¹⁰

Identifying our Values

Take out a 100-dollar bill. Look at it, with Ben smiling? Is that real? He was real and perhaps, one of the great minds in history? But does his “likeness” or the likeness of any of our founders still contain the values represented by modern American society? Market economies and equal opportunities represent the values of our founders and have formed the foundation for the successes America has experienced. Do we need to remind the Supreme Court and courts all over our lands about the effect of the consumption of power? Separation of power is foundational to the ideology and philosophy of our legal doctrine and democracy solutions. The Republic depends on that function and requires justice for all. Courts must rule wisely from the bench

⁹ Zhang Yanan & Ma Mengdi & Xie Qian & Chen Xuyu & Tan Xiaodong, *Health Summits in Global Health Governance*, Biomedical Journal of Scientific & Technical Research, Biomedical Research Network+, LLC, vol. 12(1), pages 8994-8995, 2018, <https://biomedres.us/fulltexts/BJSTR.MS.ID.002202.php>, (last visited March 21, 2021.)

¹⁰ *WIPO Administered Treatises*, World Intellectual Property Organization, <https://www.wipo.int/treaties/en/>, (last visited March 21, 2021.)

and in chambers, engage seriously and carefully in researching, teaching, and mentoring colleagues about the sanctity of law, the absolute requirement that truth must always prevail. And never yield to self-interest solutions.

Let laws lend you guidance for responsible actions that provide the lessons and examples of virtue and values we seek as we strive to create systems of peace and future prosperity in trade and diplomacy. Law is a form of diplomacy and represents the finest attributes of fairness and consideration. We have much work to do in the larger legal community, to help dismantle the bureaucracy and correct flawed portions of the system by renewing our commitment and effort to grasp the wisdom of the law and apply it to our rules and regulations.

Our current reality requires we secure an understanding of intellectual property, property rights, constitutions, statutes, and regulations for tax law and business laws and financial equity laws as passed by Congress. And our courts play a major role in establishing these foundational rules and values. Becoming aware of laws that help run and secure economies and business activities lends us an insight into what it means to seek liberty. If people are weak or disabled, we have an easier time choosing to help them, because we consider ourselves a fair and just society. Another example of a court decision that seems to be adversely affecting our system of justice comes from labeling seniors or “experienced” work-force classes in terms related to “ageism.”

This injustice has been amplified by decisions of the Supreme Court which has yielded to corporate influence, driven by factors concerning economics and externalities.¹¹ Though “but-for” causation works beautifully with the resolution of tort claims, it is not working in concepts of civil rights. There are no grounds on which to justify the imbalance or egregious miscalculation of case law in this vital area for 150 million or more American citizens dismissed

¹¹ Examples include: *Diaz v. Jiten Hotel Mgmt., Inc.*, 671 F.3d 78 (1st Cir. 2012), affirming the ongoing validity of the mixed-motive framework in all state discrimination claims; *Gorzynski v. JetBlue Airways Corp.*, 596 F.3d 93, 106 (2d Cir. 2010), deciding that plaintiff met her burden of showing a triable issue as to whether her age was a “but for” cause of her termination; *Velez v. Thermo King de Puerto Rico, Inc.*, 585 F.3d 441 (1st Cir. 2009), vacating district court’s grant of summary judgment in favor of defendant employer; *Leibowitz v. Cornell Univ.*, 584 F.3d 487 (2d Cir. 2009) overturning district court’s grant of summary judgment in favor of defendant employer; *Evans v. Sears Logistics Servs., Inc.*, No. 1:09-cv-2055, 2011 WL 6130885 (E.D. Cal. Dec. 8, 2011) denying defendant’s motion for summary judgment on age discrimination claim; *Ray v. Forest River, Inc.*, No. 2:07 CV 246, 2010 WL 3167426 (N.D. Ind. Aug. 10, 2010) denying defendant’s motion for summary judgment on age discrimination claim; *Duckworth v. Mid-State Mach. Products*, 736 F. Supp. 2d 278 (D. Me. 2010), Duckworth has generated genuine issues of material fact that prevent summary judgment in favor of the employer; *Harth v. Daler-Rowney USA Ltd.*, No. 09-5332 (MLC), 2012 WL 893095, at *3 (D. N.J. Mar. 15, 2012) deciding that Gross did not preclude a mixed motive analysis under New Jersey statute prohibiting discrimination on the basis of age, sex, race, and other traits; *Ferruggia v. Sharp Electronics Corp.*, No. 05-5992, 2009 WL 2634925 (D. N.J. Aug. 25, 2009), affirming district court’s denial of summary judgment; *Wagner v. Bd. of Trustees for Conn. State Univ.*, 2012 WL 669544, at *11 (Conn. Super. Ct. Jan. 30, 2012), deciding that Gross did not preclude mixed-motive analysis under Connecticut state statute prohibiting discrimination on age, and other traits including sex, race, and national origin. See also Kevin Vance, *Senators Introduce Bill to Overturn Gross v. FBL ADEA Decision*, Mondaq, <https://www.mondaq.com/unitedstates/discrimination-disability-sexual-harassment/169418/senators-introduce-bill-to-overturn-gross-v-fbl-adea-decision>, (last visited Mar. 19, 2021), noting that the Gross decision “has not made it easier for defendants to get age discrimination cases dismissed via summary judgment or any other avenue before trial.”

into obscurity because of Gross Domestic Product (GDP) and per capita considerations.¹²

Senior citizens generally have vast experience serving communities and still want to live in a country that says it protects all citizens from discrimination in employment, as well as any other law that would preclude those with the power to treat some differently. Disparate treatment is almost always intermingled with national economics, which means it often occurs in situations involving companies. Many times, companies are actively involved in trying to influence the passage of laws benefitting their need or to influence courts in their interpretation of laws so that the company's needs are the priority. The theory that companies provide income for a large segment of society is often one of the compelling theories used to get courts to support their side of an argument.¹³ In 2014, the U.S. Supreme Court decided on a case with major implications for current and future reproductive rights laws. In a close 5-4 decision, the Court decided in *Burwell v. Hobby Lobby Stores, Inc.* that closely held corporations can refuse to provide birth control coverage to their employees if doing so would violate the corporation's "sincerely held religious beliefs."¹⁴ Hobby Lobby had argued that their Christian faith precluded them from providing birth control as part of a larger health care benefits package.

Congressmen and courts must remember that regular workers, disabled or unemployable aging ones, also need consideration. They are not necessarily asking for entitlements. They want the right to work, and they want their rights protected and honored through our legal process. Recognizing and protecting these rights for all and interpreting the law in a just manner will create a very

¹² Zisk, Nancy L., *What Is Old Is New Again: Understanding Gross v. FBL Financial Services, Inc., And the Case Law That Has Saved Age Discrimination*, 58 Loy. L. Rev. 795 (2013), <http://law.loyno.edu/sites/law.loyno.edu/files/Zisk-FINAL.pdf>, (last visited on March 19, 2021.)

¹³ *The Hobby Lobby Case: Contraception and Religious Freedom*, Findlaw, Thomson Reuters, (2018), <https://www.findlaw.com/family/reproductive-rights/the-hobby-lobby-case-contraception-and-religious-freedom.html>, (last visited 3/18/2021.)

¹⁴ *Id.*

different reality within our system than we currently have. This would compel companies to abide by civil rights. Do we need an education platform on this area of law for new and older judges? What kind of oversight is there for judicial review? Let us not allow political ideology to sway our analysis of justice and fairness within the context of civil rights. We also need a better understanding of the duties of our policymakers in the legislative process, of the theories related to the laws they are attempting to enact, of the effect those laws will have on those who benefit and those who will be adversely affected. We need systemic thinkers in the White House, in our House of Representatives, and our courts of law.

International law requires the same discipline and systemic thinkers because cultures need treaties, pacts and accords, agreements, and contracts. Deals for a future of economic stability and societal improvements around the globe require well-informed and disciplined thinkers. Viruses may be heading our way because of a lack of attention to environmental concerns, poverty, and health concepts. Or perhaps because of water, food sources, animal management, fossil fuels, or pollution issues. This COVID-19 pandemic has brought attention to the fact that our global interests are now communal and collective.

Analyzing the Root Narrative Theory

Recently, insight about a concept called “Root Narrative Theory”¹⁵ was made available. The theory invites us into a multi-disciplined approach with a unique lens and scholarly insight from works in sociology, psychology, and political science to unravel complex details of motives for how people react or anticipate responses based on preconceptions about philosophical and ideological beliefs, including legal theory. This research lends insights into how we recognize triggers or tell signs in conversations from both a self-identity perspective and to understand the person with whom we speak. The

¹⁵ Simmons, Solon J., *Root Narrative Theory and Conflict Resolution: Power, Justice and Values*, Publisher: Abingdon, Oxon, 2020, <https://lcn.loc.gov/2019045061> (last visited 4/3/2020.)

structure of our narratives has to do with layered perceptions of power, social and political influence, values, and ethical issues. Rival views present a choice of confrontation or diplomacy. In this study, we see an academic argument for conflict resolution based upon the emotional content within all humans.¹⁶ A continuing problem remains of subjective analytics depending on historic views and academic perspectives. We are all influenced by our educational experiences and by the artful instruction and eloquence of mentors who seek to assist us in understanding our context. Simmons' book is a definition of philosophical content at its very core and helps define the rational perspectives sought in diplomacy.¹⁷ The author constructs patterns and influences that shape our cognitive mapping as we seek resolutions to the conflicts that surround us. Power players at a political level or any power level may be converting their acts into symbolic representations for certain ideologies. Those who oppose the ideological constructs created by the power players are often interpreted as simply opposing the established leader.

It would appear that Power has the most compelling effect on our understanding and ability to evaluate the value of a theory or system. If that is true, then is humanity doomed to never be free? Must we develop the ability to accurately evaluate and interpret actions and theories based upon fact? Can we ever escape the influence of "power"? Can we have a mutually beneficial conversation within our relationships, even when there are opposing viewpoints?¹⁸ As Simmons seeks to define the interrelationships of power and storytelling, of how to recognize the roots of moral authority, and describes the appropriate uses and abuses of power, he concludes that justice depends upon how we use these power tools.¹⁹ Simmons opines that the moral fiber of value in our societal order is the result of commitments made in the family, in business, or continued learning. No two people and their moral structures are exactly alike, because people contrast at different intervals and interlay the foundations of our identities. It is this presence of a system of moral authority

¹⁶ Id.

¹⁷ Id.

¹⁸ Id.

¹⁹ Id.

that can bring forth honesty about deceptions and truth when people share their concerns and insights.

The lessons here may help lawmakers reason beyond the general practice of voter compensation, thereby creating a better sense of communication with cultural identity. There may be corresponding effects of new narratives rooted in principle-based constitutions. Members of the media may express their objections and deliver new messaging as a mutually beneficial conversation and interaction between citizens. Americans must ask themselves the hard questions about racial equality and discriminatory behaviors. And if Americans can successfully negotiate the difficult questions of racial equality and discriminatory behaviors, they may even begin to see solutions for environmental issues.

The social order and context of tribal life form an institutional framework and the formation seem to be unduly affected by a lack of reasoning and thoroughness. Philosophies and identities are like dance partners, some nervous, others bold, and some blend in very well together. But today, we pick our partners by conditions, not empathy and willingness to grasp how we can share the space. Our media industry spins the wheel, speaks of honesty and freedom for storytelling. Each speaker, editor, and writer have a message and takes a position to meet an agenda. Fear of lost time and money increases the pressure to accomplish the agenda, so we spin our stories ever faster to meet the identified need of self-preservation.

Should ‘Consumption’ and ‘King of the Jungle’ theories be our foundational theories? If ‘man’ has chosen to be ‘civilized’ in our laws, and rules, and regulation in patterns of natural law, then our performance does not live up to the expectations of our framers of constitutional ideology. We are still implementing a system using ancient perspectives, and to some extent, that may be one of the reasons why our barbaric natures continue to influence our choices of law and civility. Perhaps if we focused more on the goal of being a socially adept and technologically advanced society, of operating as a cohesive unit that both compliments its natural surroundings and relates well across a culturally diverse set of species, we would see greater progress.

These actions would generate the globalization of renewable, sustainable, and economically feasible community designs. We compete for that which we can achieve or acquire, sometimes with great hostility that can have a very negative impact on our global community. Perhaps a fresh perspective where we operate as partners on the same team, even on a virtually global scale, would enable us to implement innovations, and engineer our way into the 21st century more effectively. Being restricted today by media, monetary policy, and Federal expansion in all its forms, is a corruption of principles leading to a valuation of political ethics as a risk factor.

A Historical Perspective

A historical review of foundational legal system theories concerning national sovereignty can be instructive. We might begin with Jean Bodin's theories during the Renaissance period. Bodin was a Frenchman and philosopher, who is described as holding "a theory of absolute and undivided sovereignty."²⁰ Bodin had the reputation of caring more for civil peace than doctrinal truth.²¹ Hobbes soon followed with concepts of the social contract and private rights. His theory advocated for a "monopoly of power within a given territory and overall institutions of civilian or ecclesiastical authority. On the other hand, Hobbes insists on the fundamental equality of human beings."²² Hobbes was followed by Locke and Rousseau who embraced absolutism, the course for

²⁰ Edward Andrew, *Jean Bodin on Sovereignty*, Republic of Letters, Vol. 2, Issue 2, Stanford University, <https://arcade.stanford.edu/rofl/jean-bodin-sovereignty>, (last visited March 19, 2021.)

²¹ *Id.*

²² PLSC 114: Introduction to Political Philosophy, Lecture 12 – The Sovereign State: Hobbes, Leviathan, Open Yale Courses, <https://oyc.yale.edu/political-science/plsc-114/lecture-12>, (last visited March 19, 2021.)

freedom and equality in the sovereign and led the way to understand the concept of inalienable rights.²³

But the question about the duality of meaning concerning state or individual rights may have given rise to the real birth of administrative, executive, and judicial power. Simultaneously, sovereign states began the process of defining trade and natural law as a balance for moral responsibility in both the sovereign systems and situations where individuals were looking to do business within the state. The issue of balance continues to plague us. And the question before us here in America, is how do we define our message of clear constitutional sovereignty with moral virtue, a temperament of faith, and equality in shared principles? Economics seems to have taken a front-row seat with sustainability following behind. Issues related to trade and monetary policies continue to be a driving force in our deliberations and quest for a working democracy. To understand the relationship between these systems of economics and power we need voter education to enable responsible citizen decisions and understanding. But the question remains, do the strong elites or powerful players of the world have prominence and "legal sovereignty".

Any system of governance that is solely based on status or title or wealth, without regard for principles and ethics will not build a stable environment. Conflict comes whenever some seek power within a system. According to OECD (Organization for Economic Co-Operation and Development), "Serving the public interest is the fundamental mission of governments and public institutions. Citizens expect individual public officials to perform their duties with integrity, in a fair and unbiased way. Governments are increasingly expected to ensure that public officials do not allow their private interests and affiliations to compromise official decision-making and public management. In an increasingly demanding society, inadequately managed conflicts of

²³ *Bill of Rights in Action*, BRIA 202C Hobbes, Locke, Montesquieu, and Rousseau on Government, Constitutional Rights Foundation, <https://www.crf-usa.org/bill-of-rights-in-action/bria-20-2-c-hobbes-locke-montesquieu-and-rousseau-on-government.html>, (last visited March 21, 2021.)

interest on the part of public officials have the potential to weaken citizens' trust in public institutions."²⁴

The framers of our Constitution understood the ramifications of limitless sovereign power and took steps to limit that type of acquisition of power.²⁵ Many have opined that power consumes but remains unfulfilled and unfaithful because power in and of itself is insatiable. As observed by Lord Acton, "Power corrupts and absolute power corrupts absolutely."²⁶ He goes on to say in a letter to Bishop Creighton in 1887 that the same standards should be applied to all men, political and religious leaders.²⁷ Therefore, assigning special rights to some will harm the system. Perhaps we should work more diligently to share mutually beneficial ideas with the world populations in an ever-expanding, culturally diverse ecosystem of economists, technologists, and principled leaders addressing the solutions for global stability. Curious as we are as a species, perhaps the impulse of discovery and the exploration of those innovations can be a starting point for our national and international relationship models.

Bernard Bailyn, Harvard scholar and Fellow of the American Academy of Arts and Sciences, twice a Pulitzer Prize-winning author, and a National Humanities Medal winner, epitomizes the modern logic of how rational

²⁴ *Managing Conflict Of Interest In The Public Sector*, Organization for Economic Co-Operation and Development (OECD), 2005,

<https://www.oecd.org/gov/ethics/49107986.pdf>, (last visited March 20, 2021.)

²⁵ *Constitution USA with Peter Sagal*, PBS, <https://www.pbs.org/tpt/constitution-usa-peter-sagal/we-the-people/separation-of-powers/>, (last visited March 20, 2021.)

²⁶ *Lord Acton writes to Bishop Creighton*, Liberty Fund, Inc. Online Library of Liberty, <https://oll.libertyfund.org/quote/lord-acton-writes-to-bishop-creighton-that-the-same-moral-standards-should-be-applied-to-all-men-political-and-religious-leaders-included-especially-since-power-tends-to-corrupt-and-absolute-power-corrupts-absolutely-1887>, 2021, (last visited March 20, 2021).

²⁷ *Id.*

liberalism in a republic ideology can manifest into a better working model to provide the function and balance needed for a democracy.²⁸ He advocated for a sovereign principle of virtue for civic duty, liberty, economy, property, and rights that exemplify a basis for the declaration of independence, governance, and the honor of public service.²⁹ Bailyn identifies the foundations of patriotic ideals and a sense of nationalism for modern-day democracies. That theory suggests a dialogue to present values across cultural boundaries. Perhaps it is time to begin those conversations. America must take a fresh approach and a bold step toward a focus on character, with recognition for contributions and a capacity to communicate and understand those with whom we are working. We need to embrace those shared ethical and moral values as we seek to move toward a more perfect future.

The Future Role for Business in America's Democracy

Politics is law in motion. The upcoming elections will be an opportunity for reformations or attempts to maintain the status quo. Businesses have been planning a substantial role in politics and governmental regulation. There are indications that companies around the world are now beginning to realize that customers are important to their business models, and they need to see efforts to increase their care and support. The question is whether consumers will demand that companies support their values or whether their only focus will be the quality of the goods and services. Companies may be evaluated based upon their expressed vision of the community they serve, and how these companies and the respective representatives plan to integrate their value system with their consumers, the voters, and the empowered citizen striving to understand "liberty" in our legal system. Whether companies can understand

²⁸ Bernard Bailyn, *The Ideological Origins of the American Revolution*, Belknap Press, 1967,

<http://tcpbckup1.yolasite.com/resources/The%20Ideological%20Origins%20of%20the%20American%20Revolution%20By%20Bernard%20Bailyn.pdf>, (last visited March 20, 2021.)

²⁹ Id.

and embrace this consumer demand could be a game-changer. Major corporations may be faced with a need to break up their large presence into smaller business models, each providing a category of service for the community. The infrastructure we need in this country is sustainable development, with innovation and resources being the focal point in training, production, and service models.

Another way large corporate models can be newly imagined is through a concept referred to as regeneration, which is described in an article entitled, *Regenerative Economics 101*.³⁰ A diffusion of monopoly is analogous with the displacement of power in our governmental system. We use the principle now to divert tax dollars into a national liquidity accounting infrastructure. The excess reserves in cash are cycled back to the treasury through a bond platform, accompanied by a standardized interest rate with a 2-year term limit which is tied into voting cycles. Congressional members are greatly encouraged at that point, as are Administrations and the Judiciary to help define the benefit of our fiscal economic system which classifies our tax dollars as both public and private and allows the government to contribute funding to the financial markets from millions of small business capital owners who contribute to the United States GDP. All U.S. Funds are driven into the economic cash cycling model, thereby challenging public servants in the Federal Reserve, the (Federal Deposit Insurance Corporation) FDIC, the U.S. Government, and State Officials, to use a bank network in every state, to design the future of social security, healthcare, and education while beginning the platform for the theoretical Urban Design Models in planned communities. We could be linking our new infrastructures with small and mid-sized businesses and transportation technologies throughout the country. But we must make these new regenerative decisions consistent with our rule of law, which is also reflected in court judgments and moves our society forward towards equality and cohesion, tempered with fair justice.

³⁰ *Regenerative Economics 101*, Natural Capitalism Solutions, <https://natcapsolutions.org/regenerative-economics-101/>, (last visited March 20, 2021.)

Conclusion

We look to history and see failures reformed but repeated when dealing with the issue of controlling power. To avoid those same historical failures in limiting the negative influence of quests for power, we must identify those values which are to control our choices. Our democracy, although imperfect, reflects values found in the formation of our Constitutional government, values like separation of powers, and active participation by 'we the people.' The salvation of imperfect beings, living irrationally and erratically and irresponsibly and of course, unsustainably while attempting to correct our grasp of the concept of a workable democracy may be our most audacious and important moments of thinking. Underlying those historical efforts to create a 'more perfect union' were theories of equality and creating level playing fields so that all might contribute to innovations for growth and discovery. This 21st century may see people of inclusion and cultural intelligence become inspired to share their power and their discoveries for learning and innovation; when this happens, we will have created "true wealth" in the minds of nation builders.

Evolving towns and cities in countries and continents may form partnerships and multicultural business models that will become a future in which all may thrive. Our lives are at stake, this is about the salvation of the planet and building better systems in which we can operate and negotiate together, perhaps as a better root narrative. Will we be solution builders or are we just going to be part of the status quo? The financial climate needs to cross the philosophical bridge reconnecting us to an ecological mission, where we build small business models, owners, and contracts. We must embrace our future by being willing to embrace change. Bad Actors involved in decision-making at executive levels must be identified and no longer chosen by the people. For example, why did the European Union (EU) fail to bond their "States" together, even today with their currencies and with common purposes? The European States are fragmented in cultural identity and the exercise of political power and leadership direction. So, they choose instead to practice a collective austerity policy with trade and reform issues. Their decisions adversely affect their financial stability and economic growth. Yet, despite the changes, money market instability still exists because of currency

manipulations and contrasting ideologies of economic theory, philosophical principles, legal leadership, and connections to a newly forming European Identity. Despite the multicultural reality of the European Union, they never really dealt with the reality of a diverse community, nor did they deal with the need for inclusiveness. Ironically, after Britain withdrew from the EU, many are recycling the concept of the EU as a sustainability model that might link our globalization efforts.³¹

Fascinating how money determines values beyond the scope of the law, its perception for buying power and depreciates the value of virtue and liberty in the pursuit of those freedoms in democratic societies? They are striving to protect the intangible cost of unity or comprehensive sovereignty in times of peril. Perhaps this recent pandemic and the global financial crisis will either fragment even more of the EU or give cause for reflection on methods for a reconnection. It is not uncommon in times of crisis for those affected to seek unity in principles of equality, but always standing nearby are those considerations of self-interests, financial benefits, and efforts to avoid responsibility. Within the confines of our own 'State', we are all charged with responsibilities and operational guidelines or rules related to social conventions. Many times, it is the values underlying these social conventions that interfere with the formation of a united system of rules and expectations.

Executive decisions drawn from a regulatory body of principled lawmakers, policy engineers, and skilled administrators, empowering constituents with the underlining concepts, give rise to shared virtues and values. Do our values match a modernizing population of societies related to the changes in trade, power, governance, and economics? Some foundational human desires such as a desire to live well in thriving economies and communities teaming with collective solutions for science and medical research may be a good place to begin the quest for collaborative efforts to create universal systems that benefit all. Because of the success this country has experienced in the past, it has a

³¹ *Europe 2020, A European Strategy for Smart, Sustainable and Inclusive Growth*, European Commission,

<https://ec.europa.eu/eu2020/pdf/COMPLET%20EN%20BARROSO%20%20%20007%20-%20Europe%202020%20-%20EN%20version.pdf>, (last visited March 21, 2021.)

responsibility to lead by example and help others see the beauty of a working democracy. We are a system of governance, of communities, of people each charged with many responsibilities. We are the country of business innovation, and financial management, and those credentials may allow us to work with our global partners to find diplomatic solutions to the systems that are not functioning well globally. There is hope and there is much opportunity, but we must recognize and embrace our gifts for leadership and recognize that integrity and truth are the cornerstones of our success. America must welcome the insights of our global partners and look forward to healthy relationships of fair trade, environmental systems, and community support, all in the pursuit of continued prosperity.