Democracy vs. Modern Feudalism

Barak Water

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The U.S. Constitution and its amendments grant American citizens a number of fundamental rights. The Declaration of Independence specifies that all people are inherently and inalienably entitled to life, liberty, and the pursuit of happiness. Though it isn't a legal document, it establishes the philosophical principles intended for the country and its people.

This document examines each of these rights side by side with the reality of how they operate under the modern feudal socioeconomic paradigm, in which wealth buys power and power protects wealth. It reveals the unspoken fine print that determines whether these rights exist in practice or only on paper.

Why the United States?

World in Transition is written for every country. This page focuses on the United States because it is the clearest and best-documented case of a question every society faces: what happens when a constitutional democracy shares a country with concentrated private economic power. The United States has one of the world's oldest written constitutions still in force, for two centuries a reference point for constitution-makers elsewhere, though less so since the 1980s.[1] It is also among the most market-driven of the wealthy democracies, a country where faith in free markets is woven into national identity. And its courts, agencies, journalists and researchers produce an unusually detailed public record of how the two interact.

The pattern this page traces, rights equal on paper and unequal in practice, takes different forms elsewhere. The country analyses examine it in 45 countries.

How to read this page

Each entry shows what the law says (*Your right*) and how it works in practice (*The unspoken fine print*). Every factual claim carries a numbered source.

The central pattern is structural. It spans decades and administrations of both parties. It is what an economic system produces when it lets wealth concentrate and then lets that wealth shape the rules. Some actors have accelerated it more than others. Since January 2025 the current administration and its allies have pursued a documented, systematic agenda that accelerates it sharply. Recent developments are kept distinct by type: what was planned, what was said, what was done, and what the courts decided. That includes the many cases where the checks worked.

Facts are current to mid-October 2026. Cases still on appeal are marked as pending.

The Declaration of Independence

Life

Declaration of Independence
Your right

The foundational, inalienable right to life.

The unspoken fine print

The Constitution protects your life from the government. It does not guarantee the means of staying alive. There is no constitutional right to shelter, food, water, medical care or an income. The Supreme Court has held that even education is

not a fundamental right, and that funding schools by local property wealth is permitted.[2]

- Space to occupy is denied by default unless payments are made monthly to a lender or landlord. On one night in January 2024, HUD counted 771,480 people without a home. Chronic homelessness (long-term homelessness with a disability) reached a record 152,585 people, about 65% more than in 2013 (92,593) and nearly double its 2016 low (77,486).[3] The total was the highest since counting began in 2007.[4] Landlords file about 3.6 million evictions in a typical year.[5]
- Food, medical care, clothing, training and tools are likewise denied unless paid for in currency. In 2023, 47.4 million people lived in households that were food insecure at some point in the year.[6] About 27 million people (8.0%) had no health insurance for the whole year.[7] Americans owe at least $220 billion in medical debt.[8] Contribution to your community is not accepted as payment unless it earns you currency.
- To get currency you must convince someone to hire you, run a successful business, or be born wealthy. There is no right to employment and no right to a living wage. The federal minimum wage has been $7.25 an hour since July 2009.[9] In Santa Cruz County, California, a high-cost county, MIT's calculator puts a living wage for one adult with no children at $42.98 an hour.[10]
- The result is measurable in years of life. The richest 1% of American men outlive the poorest 1% by 14.6 years; for women the gap is 10.1 years.[11]

Therefore, the right to life is only fully realized if you live as a life-form of pure energy. If you live as a biological life-form with a physical body, you have the right to life in theory but not the right to any of the means to exercise that right. Your life is perpetually held hostage for ransom until you graduate from physical form to pure energy.

Where the statutory, constitutional, and foundational human rights of a liberal democracy coexist with the modern feudal socioeconomic paradigm and power structure, the socioeconomic power structure reliably overrides the constitutionally guaranteed rights.

Liberty

Declaration of Independence
Your right

The foundational, inalienable right to liberty.

The unspoken fine print

- Most liberties that require space, time or travel are, in practice, rationed by income. Resources are denied by default and reached only through payment, and, as shown above, income is not a protected right.
- Even rest is conditional. Since 2024, cities may fine or jail people for sleeping outside even when no shelter bed is available. As Justice Sotomayor wrote in dissent: “Sleep is a biological necessity, not a crime.”[12]
- Since 2022, a woman's access to abortion depends on her state, which in practice means on whether she can afford to travel.[13]
- You are, of course, free to think what you want inside your own head. Thought is the one liberty that costs nothing.

Pursuit of Happiness

Declaration of Independence
Your right

The foundational, inalienable right to the pursuit of happiness.

The unspoken fine print

This is where subjective and objective meet and intertwine. There is more than one kind of happiness. There is externally generated, dependent happiness, such as comes with achieving a goal, falling in love, winning something, or encountering

something beautiful. And there are more durable, stable forms of happiness that are internally generated, independent of external circumstances. You can be happy when things are going well and also in spite of them going badly, and one can be unhappy because of undesired circumstances or in spite of everything going well.

That said, a loving, nurturing, empowering family and community contribute in big ways to the likelihood of happiness, and a neglectful, abusive, oppressive or disempowering family and community greatly amplify the likelihood of unhappiness. When you are hungry, overworked, underpaid, disempowered, disrespected and denied access to just about everything, you have to be a rare individual indeed to achieve happiness. When millions of households cannot count on their next meal, and the poorest men die nearly 15 years before the richest, the system does not bar anyone from pursuing happiness. It makes the pursuit an almost impossible lift for most people.[6][11]

Could one achieve happiness as a slave, a child soldier, a political prisoner, or a survivor of atrocities? Yes. It is possible. But should that be used to justify the oppression and disempowerment of any living being? Absolutely not.

The Constitution: Articles I to III

Right to Habeas Corpus

Article I, Section 9
Your right

Protection against unlawful detention. Anyone held by the government can ask a judge to rule on whether the detention is lawful. The writ may be suspended only “in Cases of Rebellion or Invasion.”

The unspoken fine print

The writ has been bent before. Since January 2002, under presidents of both parties, about 780 men have been held at Guantánamo, many of them for years without charge.[14]

Since 2025 the pressure has become direct. On 9 May 2025 the White House deputy chief of staff, Stephen Miller, said suspending habeas corpus was “an option we're actively looking at,” adding that “a lot of it depends on whether the courts do the right thing or not.”[15] The writ was never formally suspended. Instead it has been worked around:

- **Removal before review.** On 15 March 2025, under a newly invoked Alien Enemies Act proclamation, planes carried Venezuelan men to El Salvador's CECOT mega-prison without a hearing, even after a federal judge ordered them turned around.[16][17] Kilmar Abrego Garcia was sent there too, despite a 2019 court order barring his removal to El Salvador; the government called it an “administrative error.” The Supreme Court required the government to “facilitate” his return.[18] He was brought back to face criminal charges, which a federal judge dismissed in May 2026 as a vindictive prosecution.[19]
- **Third countries.** After the Supreme Court lifted a lower-court order in June 2025, men were deported to South Sudan and to Eswatini, where five were held in solitary confinement.[20][21]
- **Ignoring release orders.** In January 2026 the chief federal judge in Minnesota, Patrick Schiltz, a George W. Bush appointee, listed 96 court orders that ICE had violated in that month alone. Most involved people held without any bond hearing under a new detention policy.[22]

Courts have pushed back. The Supreme Court ruled that detainees must get notice in time “to actually seek habeas relief,” and later that roughly 24 hours was not enough.[23][24] No one has been removed under the Alien Enemies Act since those first flights.[17]

The checks are working, but unevenly, slowly, and often after the harm is done. A right that depends on reaching a judge before the plane takes off is, in practice, a right for people who already have lawyers.

Bills of Attainder & Ex Post Facto Laws

Article I, Sections 9 and 10
Your right

Congress and the states may not punish named people or groups by legislation, without a trial (bills of attainder), or criminalise acts after the fact (ex post facto laws).

The unspoken fine print

Strictly, the ban binds legislatures, and executive orders are not "bills." But its principle, no punishment of named people without a trial, is being tested by executive decree.

In March and April 2025 the President issued executive orders against specific named law firms, including Perkins Coie, Jenner & Block, WilmerHale and Susman Godfrey, over whom they represented and employed. The orders suspended security clearances, barred firm staff from federal buildings and moved to cut off their clients' government contracts.[25] The four firms sued, and four federal district courts ruled against the orders, so none took effect. The government appealed; the D.C. Circuit heard argument in May 2026 and had not ruled by mid-October.[26][27] At least nine other firms cut deals with the President instead, pledging hundreds of millions of dollars in free legal work.[25]

The lesson for anyone else: a firm with hundreds of lawyers could fight and win. Many with far more resources than most citizens chose to pay rather than fight.

We found no new retroactive criminal law enacted in 2025–26.

The Power of the Purse

Article I, Section 9, Clause 7
Your right

"No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." Your elected representatives, not the President, decide how public money is spent.

The unspoken fine print

The fight is old. President Nixon refused to spend funds Congress had appropriated; Congress answered with the Impoundment Control Act of 1974, and the Supreme Court held that the executive must spend allotted funds.[28] In January 2020 the Government Accountability Office (GAO) found that the White House budget office broke the law by withholding Ukraine security aid: "Faithful execution of the law does not permit the President to substitute his own policy priorities for those that Congress has enacted."[29]

Since 2025 it has become routine:

- GAO has issued nine decisions finding that agencies illegally withheld funds (two of them partial), covering EV-charger funds, libraries and museums, Head Start, school energy upgrades, NIH research, FEMA, EPA community grants and health-care research. In several other cases GAO found no violation.[30][31]
- In late August 2025 the administration tried a "pocket rescission" of about $4.9 billion in foreign aid, which GAO says is illegal.[32] The Supreme Court, in a 6–3 emergency order that did not decide the merits, let about $4 billion stay withheld.[33]
- During the October 2025 shutdown, the budget director, Russell Vought, froze about $18 billion for New York transit projects, and the Energy Department cancelled 321 awards in 16 states, all of which had voted for the President's opponent in 2024.[34] A federal judge later blocked the Hudson Tunnel freeze.[35]

When the executive can withhold money Congress has appropriated, spending becomes a reward for allies and a penalty for opponents, and the people who depend on that spending pay the price.

The Emoluments Clauses

Article I, Section 9; Article II, Section 1
Your right

Officials may not accept gifts or payments from foreign governments without the consent of Congress, and the President may receive no payment from the United States or the states beyond his salary. The aim: leaders who serve the public, not paying patrons.

The unspoken fine print

The ban has never been enforced by a court on the merits. Lawsuits over the President's first-term business dealings were tied up for years and then dismissed as moot by the Supreme Court in January 2021, after he left office.[36] A House Oversight Democrats' report later found that his businesses received at least $7.8 million from 20 foreign governments during that term, including $5.5 million from China.[37]

In the second term:

- The Pentagon accepted a Boeing 747 from the government of Qatar in May 2025. Retrofitted, it began flying as Air Force One on 1 July 2026. The administration says it was a gift to the United States, not to the President; whether it breaches the Foreign Emoluments Clause is contested.[38]
- In May 2025 the President hosted a dinner for the 220 largest holders of his family's $TRUMP meme coin. A Bloomberg analysis found that 19 of the top 25 wallets were almost certainly held by people outside the United States.[39]
- The Wall Street Journal reported that an entity backed by the United Arab Emirates' national security adviser bought 49% of the family's World Liberty Financial venture for $500 million, days before the inauguration.[40] No quid pro quo has been established. The point is structural: the Constitution's safeguard depends on someone being able to sue, and so far no one effectively can.

Contracts, Grants and Federal Leverage

Article I, Section 10; Spending Clause; First and Fifth Amendments
Your right

No state may pass a law "impairing the Obligation of Contracts." The federal government is bound in other ways: it may not attach coercive or unrelated conditions to funding, retaliate against viewpoints, or take away benefits without due process.

The unspoken fine print

The Contracts Clause itself binds only the states. Its principle, that government should not tear up its commitments to coerce people, is now being tested at the federal level. Since 2025 the executive branch has cancelled or frozen thousands of grants and contracts, and some were openly used as leverage:

- **Harvard** lost about $2.2 billion in grants. A federal judge ruled in September 2025 that the cuts were unconstitutional retaliation. The government appealed; the First Circuit heard argument in October 2026.[41]
- **Columbia** paid $200 million plus $21 million to the EEOC to restore its funding, accepted an outside monitor, and agreed to provide certain information on foreign students to immigration authorities.[42]
- A federal judge found the NIH's grant terminations illegal. The Supreme Court let them proceed anyway, holding 5–4 that such claims belong in a different court.[43]
- A federal judge barred the administration from cutting funds to cities and counties that limit cooperation with immigration enforcement.[44] Energy and transit projects in states that voted for the opposition were cancelled or frozen during the 2025 shutdown (see Power of the Purse).

An institution with a large endowment can litigate for years. A small city, a research lab or a nonprofit that depends on federal money often cannot, and settles or closes first.

Executive Power and the Take Care Clause

Article II, Sections 1 and 3
Your right

The President must "take Care that the Laws be faithfully executed." Power is divided so that no single office can rule alone.

The unspoken fine print

Presidents of both parties have stretched executive discretion. The Obama administration's deportation-relief program (DAPA) was blocked when the Supreme Court split 4–4 in 2016.[45] In 2024 the Court gave presidents broad immunity from prosecution for official acts.[46]

What is new since 2025 is a published plan, carried out systematically:

- **The plan.** The Heritage Foundation's Project 2025 (2023) laid out a program for the next administration. By early 2026 a progressive tracker counted 283 of its 532 domestic administrative recommendations (53%) as started or completed; Heritage itself claims about half.[47][48]
- **The stated aim.** Russell Vought, a Project 2025 author and now the budget director, said in 2023 recordings of career civil servants: "We want the bureaucrats to be traumatically affected."[49]
- **The actions.** Seventeen inspectors general were fired in January 2025; a judge found the firings likely unlawful but declined to reinstate them.[50] A 2026 personnel rule lets about 50,000 career positions lose civil-service protections; lawsuits are pending.[51] In June 2026 the Supreme Court held that presidents may fire independent FTC commissioners at will, overruling a 1935 precedent.[52]
- **Prosecutions of critics.** On 20 September 2025 the President publicly urged the Attorney General to act against named critics, including James Comey and Letitia James: "JUSTICE MUST BE SERVED, NOW!!!" He had just forced out the U.S. attorney in eastern Virginia and named Lindsey Halligan in his place.[53] Halligan obtained both indictments over the objections of career prosecutors. A federal judge dismissed both in November 2025, ruling that Halligan had been unlawfully appointed.[54] The government's appeal was argued in September 2026.[55]

This is not improvisation. The blueprint was published in advance, about half of it is in place, and its central legal theory, that the President controls the whole executive branch, has largely been endorsed by the Supreme Court. Some of its sharpest moves have still failed in court.

Trial by Jury in Criminal Cases

Article III, Section 2
Your right

Trial by jury in criminal cases.

The unspoken fine print

The jury trial now exists mostly on paper. In 2018 only 2% of federal criminal defendants went to trial; 90% pleaded guilty.[56] More than 97% of federal convictions come by plea, under the threat of far longer sentences for those who go to trial and lose.[57] Who can afford to take that risk depends heavily on who can afford a strong defence (see Sixth Amendment).

Courts have also long bypassed juries when organised labour challenged concentrated wealth. In 1895 the Supreme Court upheld Eugene Debs's contempt conviction, imposed by a judge without a jury, for leading the Pullman strike. The labour injunction remained a primary strike-breaking tool until 1932.[58][59]

Since 2025 the gap has moved to immigration, which is classed as civil: people have been deported with no hearing at all, before any judge could weigh the evidence (see Habeas Corpus).

Impartial Courts

Article III, Section 1; Due Process Clauses
Your right

Federal judges “shall hold their Offices during good Behaviour.” Life tenure protects judges from pressure, on the understanding that they judge impartially. The Supreme Court itself has held that due process can require a judge to step aside when one party's outsized financial support creates “a serious, objective risk of actual bias.”[60]

The unspoken fine print

Every other federal judge works under a binding code of conduct, and anyone can file a misconduct complaint against them.[61][62] The nine justices adopted a code of their own only in November 2023, after a run of revelations. It has no enforcement mechanism, and each justice decides alone, without giving reasons, whether to step aside from a case.[63] Justice Elena Kagan has said publicly: “Rules usually have enforcement mechanisms attached to them, and this one, this set of rules, does not.”[64]

What the public record shows:

- **Clarence Thomas.** For more than two decades he accepted luxury travel from Dallas billionaire Harlan Crow, including private-jet flights, superyacht cruises and resort stays, without disclosing it. One 2019 trip to Indonesia would have cost more than $500,000 to charter.[65] A Crow company bought the house where Thomas's mother was living, and Crow paid boarding-school tuition for a grandnephew Thomas was raising; neither was disclosed.[66][67] Senate Finance Committee staff found that much or all of a $267,230 loan from another wealthy friend, used to buy a luxury motorcoach, appears to have been forgiven; Thomas's lawyer says it was repaid in full.[68] Fix the Court values the gifts Thomas has received since 2004 at about $3 million, most of the total for all justices combined; of 120 above the reporting threshold, he disclosed 14.[69] Thomas says he was advised that hospitality from close friends with no business before the Court was not reportable, and he has since amended some filings.[70]
- **Ginni Thomas.** His wife exchanged 29 text messages with the White House chief of staff urging efforts to overturn the 2020 election, and emailed Arizona and Wisconsin legislators urging them to choose new electors.[71][72] In January 2022 Thomas was the only justice who would have blocked the release of White House records to the January 6 committee.[73] He did not step aside from later Trump and January 6 cases, including the 2024 immunity decision.[46] In 2012 Leonard Leo, the conservative legal activist who advised on the nominations of several current justices, told a pollster to bill a nonprofit he advised and pay Ginni Thomas $25,000, with “No mention of Ginni, of course.”[74]
- **Samuel Alito.** In 2008 he flew to an Alaska fishing lodge on hedge-fund billionaire Paul Singer's private jet, a trip Leo helped arrange, and did not disclose it. Singer's fund later came before the Court against Argentina; Alito sat, and the fund eventually collected $2.4 billion.[75] Alito replies that he did not know of the connection and took an otherwise empty seat.[76] In 2023 he gave long interviews to a lawyer who was arguing a case before the Court, then refused to recuse from it.[77] An upside-down flag, a “Stop the Steal” symbol, flew at his home in January 2021, and an “Appeal to Heaven” flag, carried by some January 6 rioters, flew at his beach house in 2023. He said his wife flew both and declined to step aside from January 6 cases.[78][79][80] In September 2026, after criticism over family oil-company shares, he did withdraw from a major climate case. Pressure can work, but only if the justice chooses.[81]
- **Others.** Nine days after Neil Gorsuch's confirmation, the chief executive of a law firm that has since been involved in at least 22 cases at the Court agreed to buy property Gorsuch co-owned; Gorsuch left the buyer's name off his form.[82] Sonia Sotomayor's court staff pressed colleges and libraries to buy her books, and she took part in cases, all ultimately turned away, involving her publisher, which had paid her more than $3 million; the Court called it an oversight and changed its procedures.[83] Gorsuch also sat on a case involving the same publisher.[84] Ketanji Brown Jackson corrected years of omitted spousal consulting income, calling the omission inadvertent.[85] Chief Justice John Roberts's wife earned $10.3 million in commissions placing lawyers at law firms, some of which have business before the Court.[86] He declined to testify to the Senate on Court ethics.[87]

The law says the Judicial Conference “shall refer” to the Attorney General any judge it has reasonable cause to believe wilfully failed to report required information.[88] In January 2025 it declined to refer Thomas, and Jackson, explaining that

it “does not superintend the Supreme Court.”[89] After a 20-month investigation, the Senate Judiciary Committee's majority found that Thomas had “accepted largesse from benefactors in amounts that have no comparison in modern American history.”[90] A bill requiring an enforceable code cleared that committee 11–10 in 2023 and never reached the floor; it was reintroduced in 2025 and has not moved.[91][92]

Consequences once existed. In 1969 Justice Abe Fortas resigned under threat of impeachment after it emerged that he had accepted a $20,000 fee from the foundation of a financier under federal investigation. He had returned the money, but only after the financier was indicted.[93]

The only federal judges with no enforceable ethics code are the nine with the most power. Wealthy benefactors have had a kind of access to them that no ordinary litigant has, and when it came to light the usual result was an amended form. In 1969 a $20,000 fee ended a justice's career. Today, short of impeachment, no one has clear authority even to investigate.

The Bill of Rights

First Amendment: Religion

Establishment and Free Exercise Clauses
Your right

Government may not establish or favour a religion, and may not prevent you from practising yours.

The unspoken fine print

In 1980 the Supreme Court struck down a Kentucky law requiring the Ten Commandments in classrooms.[94] In 2022 it replaced its old test with one based on “historical practices and understandings.”[95] On that basis, in April 2026 the full federal appeals court for Texas, Louisiana and Mississippi ruled 9–8 that Texas may require the Ten Commandments in every public-school classroom.[96] The Supreme Court has been asked to review the case and had not acted by mid-October 2026.[94]

In February 2025 the President created a Justice Department task force to “eradicate anti-Christian bias” in the federal government,[97] followed by a Religious Liberty Commission advising a White House Faith Office.[98] A separate order a week earlier addressed antisemitism.[99] We found no comparable body for anti-Muslim or other religious bias. For context, FBI data for 2023 show that 68% of the 2,699 religion-motivated hate crimes reported that year targeted Jews.[100]

Abortion bans are defended in both secular and religious terms, but religious doctrine is sometimes explicit. When Alabama's Supreme Court ruled in 2024 that frozen embryos are “children,” the chief justice's concurrence grounded the law in the belief that “God made every person in His image” and warned of “the wrath of a holy God.”[101] Jewish, Muslim and other plaintiffs have argued that bans impose one faith's view of when life begins. An Indiana appeals court found they were likely to win under the state's religious-freedom law; a Kentucky suit was dismissed on standing.[102][103]

First Amendment: Speech, Press, Assembly, Petition

Bill of Rights
Your right

Freedom of speech, of the press, to assemble peaceably, and to petition the government.

The unspoken fine print

Where the right stops

The First Amendment binds only the government. In the Supreme Court's words, “the Free Speech Clause prohibits only governmental abridgment of speech.”[104] Streets and parks remain protected public forums. But your workplace, the shop

you are standing in, your rented home and social media platforms are outside it.

Most private-sector jobs are at will. Only a handful of states, among them Colorado, New York and North Dakota, broadly protect employees' lawful off-duty activity.[105] Employers, prospective employers, landlords and platforms may deny you a job, a home or an audience for what you say. There is still no federal law against lawsuits brought mainly to silence critics, and about a dozen states have no such protection at all, so a wealthy litigant can bankrupt a critic through legal costs alone.[106]

A long record

- **Labour, 1894–1914.** President Cleveland sent federal troops to break the Pullman strike.[107] At Ludlow, Colorado, in 1914, National Guard troops and company guards attacked a tent colony of striking miners' families, evicted from company housing, during a strike against a Rockefeller-controlled mining company; about 20 people died, most of them women and children.[108][109]
- **The Palmer Raids, 1919–20.** Under President Wilson, the Justice Department arrested thousands of suspected radicals and immigrants, often without arrest warrants; in the end 556 were deported.[110]
- **Loyalty and blacklists, 1947–1950s.** President Truman's loyalty program allowed federal employees to be dismissed on "reasonable grounds" for believing them disloyal.[111] The Court upheld convictions of Communist Party leaders for advocacy in 1951, then narrowed that ruling in 1957.[112][113] The main penalty for most people, though, was private: employers' blacklists, which no constitutional provision prevents.
- **COINTELPRO, 1956–71.** Under four presidents of both parties, the FBI ran what the Senate's Church Committee called "a sophisticated vigilante operation aimed squarely at preventing the exercise of First Amendment rights of speech and association," including against Martin Luther King Jr.[114]
- **Protest zones.** At the 2004 Democratic National Convention, protesters were confined to a fenced zone under rail tracks; a federal appeals court allowed it.[115]

Since 2025

- In September 2025, after a full trial, a federal judge ruled that the administration had violated the First Amendment through a policy of arresting, detaining and deporting noncitizen students and faculty for ideological reasons.[116] Mahmoud Khalil, a lawful permanent resident, and Rümeysa Öztürk spent months in immigration detention; the main evidence cited against Öztürk was a student op-ed she co-wrote.[117][118]
- In September 2025 the FCC chairman, Brendan Carr, said of ABC and Jimmy Kimmel, "We can do this the easy way or the hard way." After affiliate owners pulled the show, ABC suspended it indefinitely. Republican Senator Ted Cruz likened Carr to a "mafioso."[119]
- Paramount paid $16 million to settle the President's lawsuit over a *60 Minutes* interview while its merger awaited federal approval.[120] Congress rescinded public-broadcasting funding, and the Corporation for Public Broadcasting voted to dissolve.[121]
- Major news outlets refused to accept new Pentagon press rules that threatened their credentials. In March 2026 a federal judge held the rules unconstitutional, calling them viewpoint discrimination.[122][123]

In a conflict between a non-wealthy individual and an employer, a landlord, a platform or a government agency, the individual usually loses, because defending a right costs money and time that most people do not have.

First Amendment: Money and Political Voice

Speech and Petition Clauses
Your right

An equal voice in public debate, and the right to petition your government.

The unspoken fine print

In *Buckley v. Valeo* (1976) the Supreme Court upheld limits on contributions but struck down limits on campaign spending, treating spending as protected speech.[124] Two years later it extended that protection to corporate spending on ballot measures.[125] In *Citizens United* (2010) it struck down limits on independent spending by corporations and unions.[126]

- Super PACs spent about $6.4 billion on federal elections from 2010 to 2022, and a record of at least $2.7 billion in 2024 alone. Dark money, from groups that do not disclose their donors, topped $1 billion in 2024.[127]
- Total spending on the 2024 federal elections reached $15.9 billion.[128]
- A study of 1,779 policy issues found that economic elites and business groups have substantial independent influence on federal policy, while average citizens have little or none.[129] Other researchers argue that the effect is overstated, because the two groups usually want the same things.[130]

Free speech increasingly means speech you can afford to make heard. Everyone may speak; a few can buy the microphone, the airtime and the access.

Second Amendment

Bill of Rights
Your right

The right to keep and bear arms.

The unspoken fine print

This right is the one that has expanded. In 2022 the Supreme Court struck down New York's restrictive licensing for carrying a handgun in public.[131] In our interpretation, it is no coincidence that the one right not under pressure is also one around which a great deal of money is made.

Third Amendment

Bill of Rights
Your right

Protection against the quartering of soldiers in your home.

The unspoken fine print

No one has been forced to house soldiers. But the amendment's deeper concern, soldiers turned against the population, has returned. In 2025 the President federalized National Guard troops and sent them into Los Angeles (alongside active-duty Marines), Portland and Chicago over the objections of those states' governors.[132][133] He also sent the Guard into Washington, D.C.[134] A federal judge found that the Los Angeles deployment violated the Posse Comitatus Act, which bars using the military for domestic law enforcement.[132] In December 2025 the Supreme Court, 6–3, refused to allow the Chicago deployment.[135] The President withdrew the federalized troops from all three cities, promising to "come back, perhaps in a much different and stronger form."[133]

Fourth Amendment

Bill of Rights
Your right

Protection against unreasonable searches and seizures.

The unspoken fine print

This right is riddled with exceptions that fall hardest on people without money.

- **Civil forfeiture.** Police can take cash, cars and homes without charging the owner with any crime. Since 2000, states and the federal government have forfeited at least $68.8 billion. Getting property back means paying a lawyer, often for more than the property is worth. The figure comes from the Institute for Justice, a libertarian law firm.[136]
- **Homelessness.** Since 2024, cities may fine or jail people for sleeping outside when no shelter bed exists.[12] Belongings destroyed in sweeps are fought over city by city.
- **Mass surveillance, both parties.** After 2001 the government collected Americans' phone records in bulk, a program a federal appeals court ruled in 2015 was never authorised by the Patriot Act.[137] A secret court found about 278,000 improper FBI searches of foreign-intelligence data, including searches on people linked to the 2020 racial-justice protests and to January 6.[138]
- **Phones at the border.** Border agents have searched travellers' phones, including citizens' phones, without a warrant for years. Such searches reached a record of about 55,000 in fiscal 2025, roughly a quarter of them involving U.S. citizens.[139] A new directive took effect in January 2026, widening the range of devices covered.[140]
- **Lethal force.** In January 2026, federal immigration agents shot dead two U.S. citizens in Minneapolis, Renée Good and Alex Pretti, both 37. In both cases officials described them as attackers, and videos contradicted those accounts.[141] The Justice Department said it saw no basis for a civil-rights investigation into Good's death, as several federal prosecutors in Minnesota resigned.[142] As of October 2026 no one had been charged in Good's killing, and her family has sued.[143] In Texas, a grand jury declined to indict in the 2025 killing of another citizen, Ruben Ray Martinez, by a federal agent.[144]

The pattern is old. During the Palmer Raids of 1919–20, thousands were arrested, many without warrants.[110]

Fifth Amendment

Bill of Rights
Your right

Due process of law, protection against self-incrimination and double jeopardy, and just compensation when government takes private property for public use.

The unspoken fine print

Due process

In 1942, under President Roosevelt, about 122,000 men, women and children of Japanese ancestry, nearly 70,000 of them U.S. citizens, were forced from their homes into camps. No charges were brought against them. Lobbyists from western states, many representing competing economic interests, had pressed for the removal. Congress apologised in 1988 and paid $20,000 to each person who had been incarcerated.[145] The Supreme Court upheld the removal in 1944.[146] In 2018 Chief Justice Roberts wrote that the decision “was gravely wrong the day it was decided.”[147]

On 25 September 2025 the President signed National Security Presidential Memorandum 7 (NSPM-7). It directs federal terrorism task forces against networks behind “political violence” and names, as “common threads animating this violent conduct,” “anti-Americanism, anti-capitalism, and anti-Christianity … extremism on migration, race, and gender; and hostility towards those who hold traditional American views on family, religion, and morality.” It extends investigations to the “funders, and officers and employees” of organisations, brings in the IRS against nonprofits, and lists non-violent acts such as “trespass” and “civil disorder” among its priorities.[148] Days earlier the President had declared “antifa,” a decentralised movement, a “domestic terrorist organization,” a designation no U.S. statute provides for.[149][150]

The statutory definition of “domestic terrorism” that these orders lean on was written into the 2001 Patriot Act. On its face it covers only “acts dangerous to human life that are a violation of the criminal laws,” not beliefs.[151] But once the terrorism label is applied, due process has repeatedly been set aside. The Patriot Act lets the Attorney General detain a non-citizen certified as a terrorism suspect and, if deportation is not possible, keep renewing the detention in six-month periods, with review limited to habeas corpus.[152] Under the 2001 war authorisation, two U.S. citizens, Yaser Hamdi and José Padilla, were declared “enemy combatants” and held in military brigs without criminal charge; in 2004 the Supreme Court answered

that “a state of war is not a blank check for the President when it comes to the rights of the Nation’s citizens.”[153][154] In 2011 the government killed three of its own citizens in drone strikes in Yemen, among them a 16-year-old, without charge or trial; a federal court dismissed the families’ challenge.[155] And the Supreme Court has upheld making it a crime to give a designated foreign terrorist organisation “material support” that consisted of training in peaceful advocacy.[156]

NSPM-7 does not by itself make a belief a crime or create a legal category of “domestic terrorist.” What it does is aim the government’s terrorism apparatus at networks identified partly by their views and by non-violent acts. The record since 2001 shows how far that apparatus can reach once someone is labelled a terrorist.

The first federal “antifa” terrorism case arose from a July 2025 protest at the Prairieland ICE detention centre in Texas, where a police officer was shot and survived. A jury convicted the shooter of attempted murder and others of riot, material support for terrorism and explosives charges (fireworks).[157] The shooter received 100 years. Six co-defendants, none accused of firing a gun, received 50 to 70 years each.[158] Daniel Sanchez Estrada, a green-card holder who was not at the protest, received 30 years for moving a box of anarchist pamphlets and zines out of his home after his wife's arrest; he was convicted of concealing documents.[158][159] A prosecutor argued that “people with that kind of extremist beliefs need extra time in prison.”[160] Critics from the libertarian Reason to the progressive Intercept have called the sentences grossly disproportionate.[158][160]

Self-incrimination and double jeopardy

These protections matter only if a case reaches trial. Most never do: more than 97% of federal convictions come by guilty plea.[57]

Takings

Eminent domain belongs here, not under the Third Amendment, where an earlier version of this page placed it. In *Kelo v. City of New London* (2005), the Court allowed a city to take family homes for a private development expected to raise tax revenue. Justice O'Connor warned in dissent that the beneficiaries would likely be “those citizens with disproportionate influence and power in the political process, including large corporations and development firms.”[161] The project's anchor company, Pfizer, announced in 2009 that it was leaving New London, and the land sat largely empty for years.[162]

Sixth Amendment

Bill of Rights
Your right

In criminal cases: a speedy and public trial, an impartial jury, confrontation of witnesses, and the assistance of counsel.

The unspoken fine print

- **Speedy trial.** At midyear 2023, about 70% of the 664,200 people in America's local jails had not been convicted of anything.[163] Many were there because they could not afford bail. Kalief Browder was arrested at 16 for allegedly stealing a backpack and held about three years on Rikers Island without trial, much of it in solitary. The charges were dropped. He took his own life in 2015.[164] This situation has persisted for decades, under every administration.
- **Counsel.** The right to a lawyer is formally guaranteed.[165] In practice, a 2023 national study set ethical caseloads at less than half the long-standing national standard, which many public defenders still exceed.[166] Corporations and wealthy defendants keep teams of attorneys with near-unlimited resources. A poor or middle-class defendant usually gets a very different result.
- **The civil gap.** Immigration cases are civil, so these trial guarantees do not formally apply, and that gap is being used. Fast-track “expedited removal” by an officer, without a judge, was expanded nationwide in 2025; a federal appeals court let the expansion stand in June 2026.[167][168] A lawful permanent resident, Mahmoud Khalil, was ordered deported on the strength of a two-page memo from the Secretary of State that he could not cross-examine.[169]

Seventh Amendment (and Who Can Be Sued)

Bill of Rights; Eleventh Amendment
Your right

The right to a jury trial in civil cases.

The unspoken fine print

As in criminal cases, the gap between an ordinary litigant and a wealthy or corporate one is extreme. Unlike in criminal cases, there is no right to an appointed lawyer, so people must hire whatever counsel they can afford or represent themselves. Low-income Americans get no or inadequate legal help for 92% of their substantial civil legal problems.[170]

- **Signed away.** About 60 million workers are bound by mandatory arbitration, outside any court.[171] Supreme Court rulings in 2011 and 2018 let companies bar consumers and employees from joining together in class actions.[172][173]
- **Immune defendants.** Judge-made qualified immunity shields officials from damages unless the right they violated was "clearly established."[174] The libertarian Cato Institute calls it a legal fiction.[175] Under the Eleventh Amendment and related doctrine, state employees cannot sue their own state for unpaid federal overtime unless it consents.[176] People harmed by government often cannot recover anything.

Eighth Amendment

Bill of Rights
Your right

Protection against excessive bail, excessive fines, and cruel and unusual punishment.

The unspoken fine print

Courts enforce this right in principle. In practice it is routinely evaded wherever enforcement depends on people who cannot afford lawyers.

- **Poverty penalties.** In 1983 the Supreme Court ruled that people may not be jailed simply for being too poor to pay.[177] In 2015 the Justice Department found Ferguson, Missouri, budgeting $3.09 million of its $13.26 million general fund from fines and fees, issuing over 9,000 warrants in a single year, mostly for minor violations, with the burden falling overwhelmingly on Black residents.[178] In 2019 the Court applied the Excessive Fines Clause to the states, in a case where Indiana had seized a $42,000 car over an offence with a $10,000 maximum fine.[179]
- **Profit from detention.** About 8% of prisoners are in private prisons,[180] but 86% of immigration detainees were held in facilities run by for-profit companies as of January 2025.[181]
- **Solitary.** On a given day, more than 122,000 people are held in solitary confinement for 22 hours or more.[182]
- **Since 2025.** Immigration detention has expanded at record speed, and 2025 saw a record number of deaths in ICE custody.[183] A federal judge ordered Florida's Everglades facility, known as "Alligator Alcatraz," to give detainees confidential access to lawyers.[184] Men deported without a hearing were held in El Salvador's CECOT mega-prison, and five deported to Eswatini were held there in solitary confinement (see Habeas Corpus).[21]

Ninth Amendment

Bill of Rights
Your right

The listing of some rights "shall not be construed to deny or disparage others retained by the people." Rights you hold are not limited to the ones written down.

The unspoken fine print

Since 2022 the Supreme Court has required unlisted rights to be “deeply rooted in this Nation's history and tradition.” On that basis it ended the constitutional right to abortion. Justice Thomas urged the Court to reconsider the rulings protecting contraception, same-sex intimacy and same-sex marriage; the majority said its decision did not cast doubt on them.[13] In 2025 the Court upheld Tennessee's ban on gender-affirming care for minors.[185]

Allied movements have pressed further. Legislators in several states and the Southern Baptist Convention called in 2025 for overturning marriage equality.[186][187] The Court declined to hear such a challenge in November 2025.[188] The federal government now records only sex assigned at birth on passports, a policy the Court allowed to take effect while litigation continues.[189][190]

The direction of travel is a default in which rights are presumed absent unless written down or historically recognised. That reverses the Ninth Amendment's premise. The checks have held in places, but the default has shifted.

Tenth Amendment

Bill of Rights
Your right

Powers not delegated to the federal government are reserved to the states or to the people.

The unspoken fine print

Federalism has long been used as a tool rather than a principle, by both parties. The same anti-commandeering doctrine that protected local sheriffs who resisted federal gun background checks in 1997 now protects sanctuary cities.[191][192] The 2012 Medicaid ruling lets states decline coverage for their poorest adults.[193] *Dobbs* made a woman's rights depend on her state.[13]

Since 2025 the federal government has applied the principle selectively. States restricting medical care or posting religious texts in classrooms have been left to do so.[185][96] States that protect immigrants or pursue climate policy have faced cuts in federal funds,[44][34] Justice Department lawsuits against their climate laws,[194] and federalized troops sent in over their governors' objections (see Third Amendment).

Later Amendments

Twelfth & Twentieth Amendments: Peaceful Transfer of Power

Electoral count (1804); term dates (1933)
Your right

Your vote for president is counted through the electors, Congress certifies the result, and the new term begins at noon on 20 January. Power changes hands because voters decide, not because the incumbent agrees.

The unspoken fine print

After losing the 2020 election, the sitting President tried to stay in office:

- On 2 January 2021 he told Georgia's Republican Secretary of State, Brad Raffensperger, in a recorded call: “I just want to find 11,780 votes, which is one more than we have.”[195]
- He pressed Justice Department leaders to call the election corrupt, and nearly installed a loyalist as acting Attorney General, backing down only when senior officials threatened to resign en masse.[196]
- On 14 December 2020, Republican slates in seven states he had lost signed certificates claiming to be the lawful electors. The House Select Committee and a federal indictment describe this as organised by his campaign and lawyers; the indictment's allegations were never tried.[197][198]
- On 6 January 2021 he told a crowd at the Ellipse, “We fight like hell.” After the Capitol had been breached, he posted that “Mike Pence didn't have the courage to do what should have been done,” while rioters chanted “Hang Mike

Pence."[197]

The checks partly held. The House impeached him, with 10 Republicans voting yes; 57 senators, including seven Republicans, voted to convict, ten short of the two-thirds required.[199][200] Congress passed the bipartisan Electoral Count Reform Act in 2022, making the Vice President's role in the count "ministerial" and raising the bar for objections.[201] The federal prosecution was dropped after he won the 2024 election, before any trial.[198][202] Georgia's state case was dismissed in November 2025.[203]

On his first day back in office, 20 January 2025, the President pardoned, commuted the sentences of, or ordered dismissal of cases against all of the more than 1,500 people charged over January 6, including those who violently attacked police.[204][205] The Proud Boys leader Enrique Tarrio, serving 22 years for seditious conspiracy, was pardoned; the Oath Keepers founder Stewart Rhodes, serving 18 years, had his sentence commuted.[205] In November 2025 he pardoned 77 more people tied to the effort to overturn the 2020 result, including Rudy Giuliani and Mark Meadows. These federal pardons do not reach the state cases still pending in some states.[206]

When the penalty for trying to overturn an election is a pardon, the safeguard becomes optional for whoever holds the pardon power.

Thirteenth Amendment

Reconstruction Amendments
Your right

Freedom from slavery and involuntary servitude.

The unspoken fine print

Slavery was never fully abolished. The amendment still allows slavery and involuntary servitude "as a punishment for crime." About 800,000 incarcerated people work, typically for 13 to 52 cents an hour in regular prison jobs. Seven states pay nothing for most work, and three in four workers report being punished if they refuse.[207]

That clause was used almost immediately. From 1875 to 1928, Alabama leased prisoners, overwhelmingly Black men arrested for minor offences, to mines, plantations and railroads; in 1911 an explosion at the Banner Mine killed 123 Black county prisoners leased to the mine.[208][209] Debt peonage, forcing people to work off debts, was outlawed, yet the Supreme Court had to strike down state schemes that enforced it in 1911 and 1914.[210][211][212]

Since 2025 the federal government has moved to remove or rewrite exhibits on slavery. A March 2025 executive order directed that monuments and markers on federal land not contain content that would "inappropriately disparage Americans past or living," and that the Smithsonian be cleared of "improper ideology."[213] The National Park Service then ordered removal of the well-known photograph of a formerly enslaved man's whip-scarred back from a national monument in Georgia.[214] The President complained that the Smithsonian focused on "how bad Slavery was."[215] The slavery exhibit at George Washington's Philadelphia house was taken down and later replaced with reworked panels.[216] Seven Army bases had Confederate-associated names restored, and a Confederate general's statue toppled in 2020 was reinstalled in Washington.[217][218]

This is not, by itself, a return to slavery. But making a nation forget how bad something was is a step toward making it acceptable again, and the pattern is consistent with what this site describes as late-stage oligarchic capture.

Fourteenth Amendment

Reconstruction Amendments
Your right

Citizenship for everyone born here, equal protection of the laws, and due process against state action.

The unspoken fine print

Written for freed people, used by corporations

Within a few decades the Court had gutted the amendment's protections for Black Americans and approved "separate but equal."[219][220][221] Meanwhile, corporations came to be treated as "persons" under the amendment, a status that traces to an 1886 railroad case, though strictly to the court reporter's headnote rather than the holding.[222] In 1938 Justice Hugo Black counted that in the amendment's first fifty years, "less than one-half of 1 per cent" of the cases invoking it concerned Black Americans, and "more than 50 per cent. asked that its benefits be extended to corporations."[223]

From 1897 to 1937, courts read the amendment's "liberty" as freedom of contract, striking down a 60-hour limit on bakers' working weeks, the federal child-labour law and a minimum wage for women. Justice Holmes protested that the amendment "does not enact Mr. Herbert Spencer's Social Statics."[224][225][226] The era ended in 1937.[227]

Since 2025

- **Birthright citizenship.** On 20 January 2025 the President ordered that children born after 19 February 2025 to mothers who were undocumented or temporary residents, unless the father was a citizen or permanent resident, no longer be recognised as citizens.[228] On 30 June 2026 the Supreme Court struck the order down, 6–3. The President urged Congress to try again by statute.[229][230]
- **Pressure on judges.** After the Court struck down his tariffs in February 2026, the President called the majority "a disgrace to our nation" and said two justices he had appointed were "an embarrassment to their families."[231] In May 2025 the judiciary's chief administrator told Congress that the rhetoric against judges had escalated to a degree that threatens their safety and their families'; the Chief Justice had already reported that hostile threats and communications directed at judges had more than tripled in a decade.[232]
- **Protected status.** In June 2026 the Supreme Court, 6–3, allowed the government to end Temporary Protected Status for people from Haiti and Syria, reading the statute to bar most judicial review. Those affected lose both protection from deportation and the right to work.[233]
- **Denaturalisation.** A June 2025 Justice Department memo directed lawyers to "prioritize and maximally pursue" stripping naturalised Americans of citizenship wherever the law and evidence allow.[234]
- **Speech and residence.** Lawful residents have been targeted for removal over political speech (see First Amendment).

This amendment is under sustained pressure and has held, so far, through the courts. That protection is only as durable as the courts' willingness to keep providing it.

Fifteenth Amendment

Reconstruction Amendments
Your right

The right to vote may not be denied on account of race or color.

The unspoken fine print

For nearly a century after 1870, Southern states used poll taxes, literacy tests and white primaries to keep Black citizens, and many poor white citizens, from voting. The Supreme Court upheld literacy tests as late as 1959. Only the Voting Rights Act of 1965 broke the system.[235][236][237]

The Court has since taken much of that Act apart:

- *Shelby County v. Holder* (2013) disabled federal preclearance of voting changes in states with a history of discrimination.[238] In the next five years, formerly covered jurisdictions closed at least 1,688 polling places, though

some closures reflected a move to countywide vote centres.[239] The racial turnout gap has grown since, fastest in those jurisdictions.[240]
- *Louisiana v. Callais* (April 2026) held that the Act's remaining protection applies only where the evidence supports "a strong inference" that a state drew districts intentionally to disadvantage minority voters. Justice Kagan called it the "now-completed demolition of the Voting Rights Act."[241][242] Tennessee and other states then redrew their maps.[243]
- About 4 million Americans could not vote in 2024 because of a felony conviction, though the number has fallen as states have reformed.[244]

Since 2025 the President has issued executive orders to require documentary proof of citizenship and restrict mail voting, despite no evidence of significant fraud. A federal judge ruled that "the President lacks the authority to direct such changes," and the Supreme Court declined to let the mail-ballot rules apply in 2026.[245][246][247]

Sixteenth Amendment: Income Tax

Progressive Era Amendments (1913)
Your right

Congress may tax incomes "from whatever source derived." The amendment's purpose was to reach concentrated wealth, so that those who gain most from the country pay their share for it.

The unspoken fine print

The very top pays the least

- Federal economists estimated that the 400 wealthiest families paid an average federal income tax rate of 8.2% from 2010 to 2018, once their untaxed investment gains are counted.[248]
- IRS records obtained by ProPublica showed the 25 richest Americans' wealth grew $401 billion from 2014 to 2018, while they paid $13.6 billion in federal income tax, a "true tax rate" of 3.4%. The median household paid about 14% in federal taxes.[249]
- The mechanism is legal and well known: gains are not taxed until an asset is sold; the wealthy borrow against assets instead of selling; and at death the gain is erased for heirs. In short, "buy, borrow, die."[249]
- One prominent estimate, by the economists Emmanuel Saez and Gabriel Zucman, finds the 400 richest households paid a lower total tax rate in 2018 than the bottom half. Treasury and Joint Committee on Taxation economists dispute it, finding rates that still rise with income.[250][251]

Corporations versus workers

- The top corporate rate was 52% in the 1950s and 46% in the early 1980s; since 2018 it has been 21%.[252] Corporate tax supplied about 32% of federal revenue in 1952.[253] In fiscal 2024, a strong year, it brought in $529 billion, roughly a tenth.[254]
- Of 342 large companies profitable every year from 2018 to 2022, the average federal effective rate was 14.1%, and 23 paid nothing over the five years.[255]
- A typical worker pays 7.65% in payroll tax from the first dollar earned. The Social Security portion stops at $184,500 of wages in 2026, so higher earnings pay none.[256]

The trend since 1980, honestly counted

- The top income tax rate was 70% in 1980; the 1981 tax law cut it to 50%, and it is 37% today.[257]
- Not every change favoured the top. The 1986 reform raised the top capital-gains rate,[258] and, by President Reagan's count, took 6 million low-income people off the income-tax rolls.[259] Expanded credits for working families have

lowered taxes at the bottom. The temporary 2021 child tax credit cut child poverty to a record low; after it expired, child poverty more than doubled.[260][261]

- The largest and most lasting benefits have flowed upward. Under the 2017 tax law, most middle-income households got a cut in 2018, but the top 1% received 20.5% of the benefits that year, and an estimated 83% by 2027, because the individual cuts were temporary and the corporate cut permanent.[262]
- The 2025 budget law, by the Congressional Budget Office's estimate, leaves the poorest tenth of households about $1,200 a year worse off and the richest tenth about $13,600 better off, mostly because of cuts to Medicaid and food assistance.[263][264] It also set the estate-tax exemption at $15 million per person.[265]
- Enforcement has followed the same slope. Black taxpayers are audited at 2.9 to 4.7 times the rate of other taxpayers, largely through checks on low-income tax credits.[266] In early 2025 the IRS lost about a quarter of its workforce, including about a quarter of the revenue agents who audit complex returns.[267]

Overall, the federal tax system remains progressive on paper.[268] The harm at the bottom comes mostly from spending cuts and expired credits rather than higher tax rates.

The amendment meant to reach concentrated wealth now reaches wages first. Income from work is taxed as it is earned; wealth that simply grows can go untaxed for a lifetime.

Seventeenth Amendment and the Senate

Article I, Section 3; Article V; Seventeenth Amendment (1913)
Your right

You elect your senators directly, instead of state legislatures choosing them, a system that railroad and industrial money had notoriously bought.

The unspoken fine print

The Seventeenth Amendment changed only who elects senators. Equal representation of states comes from Article I and the 1787 compromise between large and small states, and Article V makes it effectively unamendable: no state may lose “its equal Suffrage in the Senate” without its consent.[269] The original rationale, protecting smaller states within a union of states, was a real bargain, not a conspiracy.

But population gaps have grown enormously. By Census estimates for 2025, a Wyoming resident has about 67 times the Senate weight of a Californian. Senators from the 25 smallest states, home to about 16% of Americans, hold half the seats. Senators from 21 states with about 11% of the population could, in theory, sustain a filibuster, a Senate rule found nowhere in the Constitution.[270]

Direct election also brought direct fundraising. Federal campaigns in 2024 cost $15.9 billion.[128] Policy tracks the preferences of the affluent far more closely than those of average citizens when the two diverge, though the size of that effect is debated.[129][130]

Nineteenth Amendment

Suffrage Amendments
Your right

The right to vote may not be denied on account of sex.

The unspoken fine print

No legislation or amendment to reverse this right has been proposed. But views once confined to the fringe now circulate close to power. In August 2025 the Secretary of Defense, Pete Hegseth, reposted a CNN segment on his church network in which a pastor said families should vote as a household, with the husband and father casting the vote. A Pentagon

spokesman said Hegseth “very much appreciates” the network founder's teachings.[271] The daughter of a sitting congressman, herself a 2026 candidate for Arizona's state Senate, has said women should not hold public office.[272]

Twenty-Second Amendment

Presidential Term Limits (1951)
Your right

No one may be elected president more than twice. The limit was ratified after Franklin Roosevelt's four terms.

The unspoken fine print

In 2018 the President said of China's leader, who had just ended his own term limits, “Maybe we'll give that a shot some day.”[273] In March 2025, asked about a third term, he said, “No, no I'm not joking,” and that “there are methods which you could do it.”[274] His former chief strategist, Steve Bannon, said there was a “plan.” In October 2025 the President said, “it's pretty clear, I'm not allowed to run. It's too bad.”[275] By August 2026 he was still teasing the idea while acknowledging, “I'd love to run, but the law is very strong.”[276] The text has held. The repeated testing of it is the point.

Twenty-Third Amendment and D.C.

Suffrage Amendments (1961)
Your right

Residents of Washington, D.C., may vote for president, through three electors.

The unspoken fine print

That is all they may vote for at the federal level. About 694,000 D.C. residents, more than in Wyoming or Vermont, have no senator and only a non-voting delegate in the House.[270] Congress can overturn their local laws, and did so in 2023 with a bipartisan vote, signed by President Biden, against the city's revised criminal code.[277] In August 2025 the President declared a crime emergency in the city and took temporary control of its police.[134] Taxation without representation persists in the capital of a country founded against it.

Twenty-Fourth Amendment

Suffrage Amendments (1964)
Your right

The right to vote without paying a poll tax.

The unspoken fine print

The poll tax is the clearest historical case of a constitutional right made conditional on payment. The Supreme Court upheld it in 1937; it fell only with this amendment for federal elections and a 1966 ruling for state elections.[278][279]

Courts define a poll tax narrowly, as a fee charged for voting. None of the barriers below is a poll tax in law. Each makes voting cost more for people with less, in ways the amendment's authors did not anticipate:

- **Time.** Using smartphone data from 2016, economists found that residents of entirely Black neighbourhoods waited 29% longer to vote than residents of entirely white ones, and were 74% more likely to wait over 30 minutes (a working paper, not yet peer reviewed at release).[280] A separate study of the 2018 election found Black and Latino voters faced longer waits than white voters.[281] For an hourly worker, waiting costs wages.
- **Documents.** “Free” voter IDs can cost $75 to $175 in underlying documents, travel and waiting time: after inflation, at least seven times the $1.50 poll tax banned in 1964.[282]

- **Closures.** After *Shelby County*, formerly covered jurisdictions closed at least 1,688 polling places between 2012 and 2018.[239]
- **Debts.** Florida voters restored voting rights to people who had completed their sentences in 2018; the legislature then required payment of all fines, fees and restitution first. Critics call it a modern poll tax. The federal appeals court held in 2020 that it is not one, treating the debts as part of the sentence.[283][284]
- **Maps.** Since 2019, federal courts no longer police partisan gerrymandering.[285] Both parties draw maps to choose their voters wherever they control the pen. Democrats: Maryland's 2011 map flipped a Republican seat, and a state judge permanently blocked its 2021 map;[285][286] California's 2025 Proposition 50 replaced its independent commission's map to offset Texas.[287] Republicans: North Carolina's map was drawn, in its author's words, to give "a partisan advantage to 10 Republicans and 3 Democrats";[285] Texas began the 2025 mid-decade round with a map intended to add five Republican House seats, which the Supreme Court allowed over three dissents; other Republican-led states followed.[287][243] Republican-led states have redrawn in more states and for more seats.[243]

Since 2025 the President has also tried by executive order to restrict mail voting, which courts have so far blocked (see Fifteenth Amendment).

Twenty-Sixth Amendment

Suffrage Amendments (1971)
Your right

The right to vote at age 18.

The unspoken fine print

At this point, there is no attempt to reverse or compromise this amendment. Young voters face the same costs of time, documents and travel described above.

Amendments not covered here

A few amendments are left out because they bear little on the question this page asks. The Eighteenth (1919) imposed Prohibition and the Twenty-First (1933) repealed it, the only amendment ever undone by another.[288] Its lasting lesson is a hopeful one: a country can recognise a mistake and correct it through its own constitutional process. The Twenty-Fifth (1967) sets rules for presidential succession and disability, and the Twenty-Seventh, proposed in 1789 and ratified only in 1992, delays changes to congressional pay until after an election.[288] The Eleventh, on lawsuits against states, appears briefly under the Seventh Amendment.

The Pattern

Read one entry at a time, each gap can look like an accident or a single bad actor. Read together, they show a structure. Convict leasing, the *Lochner* courts, strike-breaking injunctions, poll taxes, COINTELPRO, civil forfeiture, forced arbitration, untaxed gains and money-as-speech span more than 150 years and administrations of both parties. In each case a right existed on paper, and in each case its practical reach depended on money: money to hire a lawyer, to wait in line, to travel, to litigate, to buy airtime, or to fund the people who write the rules.

That is what an economic system produces when it lets wealth concentrate and then lets that wealth shape law, courts and elections. It does not need a conspiracy. It needs only the ordinary incentive of those who hold power to keep it.

Since 2025 the process has accelerated sharply. The record above separates what was planned (a published blueprint, about half implemented), what was said (by the President and named officials), what was done (executive orders, removals, prosecutions, pardons, withheld funds) and what the courts decided. The courts have blocked a great deal. They have also allowed a great deal, and their relief often arrives after the harm is done. Checks that work only for those who can afford to invoke them are not equal protection.

The constitutional rights are real. Their fine print is written in money. Changing that means changing who holds economic power, not only who holds office.

For the structural dynamics behind this pattern:

The Structural Dynamics of Oligarchic Capture

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