



Freedom & Prosperity

FRAMEWORK

Ensuring Freedom & Prosperity for America

Framework for a Democratic Future

Dr. Samuel Smith

www.lullabypit.com

White Paper | 2026.3.5



Contents

- Introduction: Why Does the United States Need a New Constitution? 3**
- I: Electoral System, Democratic Integrity, Federal Authority 7**
- II: Governmental Ethics, Transparency, and Public Responsibility 12**
- III: Fundamental Rights, Responsibilities, and Freedoms of the People..... 14**
- IV: Economic Order, Corporate Power, and the Public Interest 18**
- Influences (and What's New)..... 19**
- About the Author 25**
- Notes 26**

Introduction: Why Does the United States Need a New Constitution?

We're broken. We can be fixed. We can be better.

So much has been written about Donald Trump's illegitimacy and all the ways in which he has managed to corrupt our system.

Let's be clear about some things:

- Trump won two elections according to the rules of the system. In 2016 he lost the popular vote but won the Electoral College. In 2024 he won both.
- He has governed according to the rules, either with the support of a duly elected legislature or through perfectly legal executive orders.
- He has been backed by legally appointed judges.
- When he has ignored apparently lawful mandates, no meaningful official action has been taken against him.
- Over two administrations, he has been supported—reluctantly, perhaps, but still supported—by the opposition Democratic Party. Examples include:
 - Democratic leadership accepted the certification of Trump's 2016 election under existing constitutional procedures, despite credible evidence of foreign interference, prioritizing institutional continuity. Those with the power to do something *chose* to play on.
 - During first-term impeachment proceedings, Democrats operated within Senate rules that guaranteed limited evidence and foreclosed meaningful fact-finding, validating a constitutional mechanism stripped of its intended checking function.
 - Democratic majorities repeatedly approved must-pass budgets and continuing resolutions that funded Trump-era policies, reinforcing executive priorities under the banner of "fiscal responsibility" and governmental stability.



*Things fall apart,
Yeats said, and no
system so far
devised has
indefinitely
forestalled the rot of
human corruptibility.*

- Democratic leaders consistently deferred to Department of Justice independence, even under unprecedented threats to constitutional order, accepting delays that insulated executive misconduct from timely accountability.
 - When Trump officials ignored lawful subpoenas, Democratic leadership relied on protracted civil litigation rather than inherent contempt or institutional enforcement, signaling that congressional oversight was negotiable rather than compulsory.
 - Despite recognizing the role of Trump-appointed courts in expanding executive immunity and weakening oversight, Democrats declined to pursue meaningful judicial or constitutional reform when politically positioned to do so.
 - In repeated shutdown and debt-ceiling crises, Democrats accepted asymmetric concessions to avoid economic disruption, reinforcing a precedent in which constitutional brinkmanship is rewarded and governance is held hostage without consequence.
 - Democratic leadership has actively resisted internal movements seeking structural reform, suppressing or isolating left-wing challenges to entrenched norms in order to preserve institutional continuity and donor-aligned governance.
- Not one shot was fired.

Trump may have twisted and contorted the system, but what he has mainly twisted and contorted is the public's misconceptions about it.

This is hard to hear, and many people will howl in protest. Yet the uncomfortable truth is *he did not violate our system, he exploited it.*

Whatever the details, Donald Trump and the Democratic Party leaders aren't the disease. They're *symptoms*.

Here are brief overviews of a few major constitutional vulnerabilities.

Founding Motives and Constitutional Design

The United States constitutional system was constructed by an elite class of wealthy, property-owning men seeking independence from imperial rule while preserving their political-economic control and perch atop the social hierarchy. The constitution they wrote and ratified prioritized stability, insulating political power from popular pressure through layers of veto mechanisms. It excluded working men and *all* women from participation and allowed for the enslavement of millions.

This wasn't an oversight. It was a deliberate design choice, rooted in fear of democracy and its perceived threat to property and order. The result was a system that embedded inequality at its foundation and continues to resist democratic accountability.

Electoral Malapportionment and Minority Rule

The U.S. system preserves order and privilege via entrenched minority rule mechanisms. Through the Electoral College and a severely malapportioned Senate (Wyoming gets one senator per ~290,000 people while California gets one per ~19,500,000), for example, political power is routinely exercised by coalitions that distort democratic legitimacy.

These structures don't merely skew outcomes; they incentivize obstruction, polarization, and rule by veto, allowing entrenched minorities to block democratic reform while claiming procedural legitimacy.

Party Gatekeeping and Ballot Access

The nation's two-party cartel sustains itself through a host of anti-democratic barriers, including restrictive ballot access laws, party-controlled primaries, debate exclusions, and a campaign finance system that concentrates political viability in candidates backed by wealthy donors and institutional funding networks.

Because only the top vote-getter wins, voters routinely confront "lesser-of-two-evils" choices between two dominant parties, even when neither represents them. Smaller parties and movements, despite reflecting the views of substantial blocs of voters, are denied

Wyoming gets one senator per ~290,000 people while California gets one per ~19,500,000...

any practical path to visibility, resources, or representation. Electoral rules are administered by the very parties they entrench, converting elections from mechanisms of accountability into instruments of gatekeeping.

Popular discontent is channeled into predefined political boundaries that [afford protest without granting any real avenue for structural change](#).

Judicial Review Without Democratic Check

Judicial review in the United States operates without effective democratic constraint. Lifetime appointments, expansive jurisdiction, and the absence of meaningful override mechanisms have elevated the judiciary from constitutional interpreter to final authority, even in the face of documented conflicts of interest, undisclosed financial entanglements, and overt partisan alignment.

This arrangement allows an unaccountable minority to dictate sweeping policy outcomes, insulating structural power from democratic correction while maintaining the appearance of constitutional order.

In Sum

Things fall apart, Yeats said, and no system so far devised has indefinitely forestalled the rot of human corruptibility. Perhaps the best we can do is acknowledge at the outset that humanity has no greater enemy than itself. I've tried to do this, as best I can, in the U.S. Freedom & Prosperity Framework.

It's certainly lacking. At the same time, I feel like it's significantly better than the system the United States has lived with for 250 years.

Perhaps that's enough to get a conversation started.



I: Electoral System, Democratic Integrity, Federal Authority

1. Parliamentary Democracy

The nation should operate as a parliamentary democracy, in which executive power is drawn from and accountable to a legislature elected by the people.

The government shall consist of a prime minister and cabinet drawn from and accountable to Parliament. The prime minister should be selected by Parliament and must retain its continuing confidence to remain in office. Ministers exercise only those authorities granted by law and remain collectively responsible to Parliament.

If Parliament withdraws its confidence, the government must resign or a new government must be formed through parliamentary vote according to procedures defined by law.

2. Executive Authority and Administration

Executive authority derives solely from the confidence of Parliament. The prime minister and cabinet hold no independent constitutional mandate and may exercise only powers expressly granted by statute.

The administrative service should be professional and nonpartisan. Regulatory and enforcement bodies should remain accountable to Parliament.

Emergency powers should be predefined, narrowly limited in scope and duration, and subject to immediate parliamentary review and renewal. No emergency authority should suspend fundamental rights or alter electoral processes beyond strict necessity.

3. Proportional Representation

Elections to Parliament should use proportional representation, so that the number of seats each party or electoral list receives closely reflects the share of votes it earns nationwide.

This approach is meant to translate public preference into representation with minimal distortion, ensuring that political power



reflects how people actually vote rather than how electoral rules advantage particular outcomes.

4. Electoral Thresholds

Parties or electoral lists receiving at least five percent of the national vote should be represented in Parliament.

Representatives should be chosen by direct vote in a way that preserves proportionality and political pluralism.

5. Equality of the Vote

Representation should be fair, inclusive, and broadly reflective of the electorate as a whole.

Each person's vote should carry equal weight, and electoral rules should not significantly distort how votes are translated into seats.

6. Public Interest

The electoral system should serve the democratic will and best interests of the people.

It should protect fair and inclusive representation and resist efforts to undermine representative government, without suppressing lawful dissent or political pluralism. Democratic legitimacy rests in majority decision-making constrained by explicitly protected rights, not by institutional structures that entrench minority rule or grant permanent veto power over democratic outcomes.

7. Fair Elections

Elections should be publicly funded and conducted on equal footing, without reliance on private wealth, corporate influence, or donor-driven access.

Electoral rules should translate voter preferences into representation with minimal distortion. No procedural mechanism may be used to negate majority outcomes through obstruction or delay unrelated to the protection of fundamental rights or constitutional order.

Democratic legitimacy rests in majority decision-making constrained by explicitly protected rights, not by institutional structures that entrench minority rule or grant permanent veto power over democratic outcomes.

8. Federal Sovereignty

The nation should function as a unified federal system in which ultimate political authority rests with the Constitution and government.

States should exist to administer and implement law at regional and local levels, not to override, obstruct, or selectively apply national law. Federal law should operate uniformly, and basic political rights should not depend on where a person lives.

When state or local authorities act in ways that undermine equal participation, deny protected rights, or impair the consistent application of national law, federal authority should intervene to restore those rights and ensure equal treatment.

9. Constitutional Court

A constitutional court should exist to interpret the Constitution and to determine whether laws or government actions are consistent with it.

The court should be composed of professionally qualified judges selected through an independent, non-partisan process and confirmed by the legislature. Judges should serve a single, fixed term and be removable only for serious misconduct or incapacity. Appointments must not be controlled by any single political actor or blocked through procedural delay.

The court's role is to resolve constitutional questions and protect explicitly protected rights, not to govern directly or substitute judicial preference for democratic judgment.

Judicial review must be conducted decisively. Courts must not exercise *de facto* veto power through inaction, indefinite delay, or procedural avoidance. Constitutional adjudication should constrain the misuse of power, not paralyze democratic governance.

10. Legislative Override

Courts should not be the final arbiters of all political questions.

In matters that do not implicate explicitly protected fundamental rights, the legislature may, by a strong and sustained democratic consensus, reaffirm a law even after a court has ruled it



unconstitutional. Such decisions must reflect broad agreement over time rather than a momentary majority.

Judicial review should focus on concrete harms to protected rights, not abstract policy disagreements. Questions of economic regulation, administrative design, or general public policy should ordinarily remain within the democratic domain unless they directly infringe an explicitly protected right.

Procedural rules must not operate to grant minority factions permanent or costless veto power over democratic governance. Democratic disagreement with courts should be visible, accountable, and revisitable, not indefinite or obstructive.

Private entities should be subject to constitutional limits when their size, market power, or institutional role gives them the practical ability to control, exclude, or materially impair the rights, dignity, or democratic participation of others.

11. Constitutional Limits on Private Power

Private entities should be subject to constitutional limits when their size, market power, or institutional role gives them the practical ability to control, exclude, or materially impair the rights, dignity, or democratic participation of others.

When corporations or other private actors exercise power comparable to public authority—by shaping access to work, housing, information, essential services, or political participation—core constitutional protections must apply to prevent domination, coercion, or abuse. Such limits should be applied carefully and only to the extent necessary to protect rights, dignity, and democratic participation.

All constitutional principles should be interpreted with the same aim: preserving democratic self-government, protecting human dignity, and preventing the concentration of power—public or private—from overriding equal political participation.

12. Professional Adjudication and Democratic Legitimacy

Criminal justice should be administered by people who are trained, independent, and accountable to the law rather than by temporary, untrained participants asked to make irreversible decisions.

Serious criminal cases should be decided by professional jurors serving as public officers for fixed, non-renewable terms. These jurors should be selected through an independent process, trained in

evaluating evidence and legal procedure, and insulated from political pressure. Their role is to apply the law consistently and competently, not to represent public opinion in the moment.

At the same time, justice must remain publicly legitimate. Democratic participation should be preserved through non-decisional forms of public involvement—such as open proceedings, civic review, community and victim impact processes, and other mechanisms that promote transparency, understanding, and trust without transferring adjudicative power.

The purpose of this model is not to exclude the public from justice, but to separate democratic oversight from judicial decision-making, so that verdicts are both professionally sound and publicly accountable.

13. Civilian Control of the Military and Foreign Policy

The armed forces exist solely to defend the nation and its constitutional order and must remain politically neutral and under civilian authority accountable to Parliament.

No military action, foreign deployment, or use of force may occur without explicit authorization from Parliament, except in cases of immediate defense against armed attack. Any such emergency action must be promptly reported and remains subject to immediate parliamentary review and termination.

Domestic security and public order are civilian responsibilities. The armed forces must not be deployed within the nation against civilians and may assist civilian authorities only in narrowly defined emergencies authorized by Parliament.

14. Parliamentary Authority Over Foreign Policy

Foreign policy and international agreements must be conducted by the government on behalf of the nation but remain subject to parliamentary oversight and approval. No executive authority may initiate or sustain military commitments, international agreements, or foreign operations without democratic authorization through Parliament.



II: Governmental Ethics, Transparency, and Public Responsibility

1. Lobbying

Advocacy before public officials should be transparent and free from material inducement.

Anyone seeking to influence legislation, regulation, or public policy should do so openly, with clear disclosure of who they represent, how they are funded, and whom they contact within government.

Labor unions, civic groups, and public-interest organizations should retain the right to petition and advocate on behalf of their members, so long as that advocacy is conducted openly and without financial exchange for access or outcomes.

2. Mitigation of Private Influence

To protect the independence of lawmaking and regulation, public officials should be subject to clear conflict-of-interest boundaries tied to the industries and sectors in which they have held significant power or financial stake.

People who move between senior roles in private industry and positions of public authority should not be placed in direct control of the same sectors they previously managed, represented, or profited from, nor immediately return to those roles after public service. Cooling-off periods before and after service are essential to prevent regulatory capture and preserve public trust.

During these periods, officials should not participate in decisions that are narrowly designed to benefit or burden a specific industry or sector with which they have had a substantial prior connection. Such restrictions should apply automatically and consistently, without discretionary waivers.

At the same time, these safeguards should not bar participation in broadly applicable legislation or prevent qualified individuals from serving in public office. The goal is not exclusion, but separation, ensuring that public decisions are made in the public interest rather than shaped by revolving-door incentives.

Public office is a public trust, exercised on behalf of the people rather than for personal, partisan, or private advantage.

3. Transparency

Government should operate openly, so that the public can see how power is exercised and decisions are made.

Secrecy should be permitted only in limited circumstances and only with continuous oversight by a multi-partisan body of elected representatives. Transparency is a prerequisite for accountability, not a substitute for it.

4. Public Responsibility

Public office is a public trust, exercised on behalf of the people rather than for personal, partisan, or private advantage.

Those who hold power are accountable for the consequences of their decisions and must be subject to meaningful oversight and removal when that trust is abused. Authority without responsibility is not democratic governance.



III: Fundamental Rights, Responsibilities, and Freedoms of the People

1. Freedom of Speech and Assembly

Freedom of speech, assembly, and petition are fundamental democratic rights that must be protected from both government suppression and private coercion.

No corporation, commercial entity, or other powerful private actor should be permitted to silence individuals, restrict lawful assembly, or interfere with the ability of people to organize and seek redress of grievances.

2. Freedom of the Press

A free and independent press is essential to democratic self-government and must be protected from interference by both the state and concentrated private power.

Press freedom carries a corresponding responsibility to act in good faith, to clearly distinguish fact from opinion, and to avoid the knowing publication of false or materially misleading information.

3. Hate Speech

Speech that dehumanizes or targets people for exclusion or persecution based on inherent characteristics undermines human dignity and democratic equality.

A democratic society should limit such speech when it threatens the ability of all people to participate freely and safely in public life.

4. Equal Rights

All people are entitled to equal rights and protections, and no government or private power should deny those rights or privileges to some while granting them to others.

The recognition of specific rights should not be taken to mean that other fundamental rights do not exist or are less worthy of protection.



5. Religion

Government must be expressly secular.

Individuals are free to hold, practice, or reject religion in their private lives, but religious belief, whether individual or organized, must never be used to shape legislation, public policy, or the exercise of government power over others.

6. Right to Privacy

Everyone has an inherent right to privacy, including personal autonomy, dignity, and the freedom to live their private life without unwarranted interference.

This includes the right to make intimate, personal, and bodily decisions free from coercion, surveillance, or undue influence by the state, corporations, or other private actors.

7. Informational and Digital Privacy

Individuals should control how their personal data, communications, and digital identity, including image and likeness, are collected, used, shared, or monetized.

Personal information should not be gathered, processed, or exploited without informed consent or a clearly defined and compelling public purpose. Data collection, profiling, and algorithmic use must be strictly limited, transparent, and justified by consent or a narrowly defined public need, not commercial profit or convenience.

8. Searches, Seizures, and Surveillance

People should be secure in their persons, homes, communications, data, and effects, free from unreasonable searches, seizures, or surveillance.

Intrusive searches or monitoring should occur only for specific, justified reasons, subject to independent authorization, and narrowly limited to what is necessary rather than broad or indiscriminate collection.



9. Public Service

A democratic society depends on shared responsibility. Every citizen should contribute a period of public service as a condition of full political participation.

Public service should take multiple forms, including civic, humanitarian, environmental, educational, or military service, and should include meaningful engagement beyond one's immediate community. Exposure to other societies, cultures, and shared global challenges is an essential part of democratic maturity.

Full enfranchisement should follow the completion of this service and participation in basic civic instruction about democratic institutions and constitutional principles. Civic participation should never be conditioned on ideological conformity, testing, or discretionary judgment, and no one should be excluded on the basis of disability, health, or caregiving responsibilities; equivalent forms of service must always be available.

10. Fundamental Material Rights

Basic material security is essential to human dignity and full democratic participation.

Everyone should have access to adequate housing, sufficient food, healthcare, and meaningful education as essential conditions for participating fully in civic life. Government has an affirmative responsibility to secure these conditions without discrimination and to prevent deprivation or extreme concentrations of economic power that undermine dignity, democratic participation, or fair competition.

11. Right to Organize

Workers have the right to organize for collective representation and bargaining.

This right must be protected from retaliation, coercion, or interference by employers or the state. Collective organization is essential to economic fairness, democratic participation, and preventing the concentration of power in the workplace and the economy more broadly.



12. Due Process and the Rights of the Accused

When the state accuses someone of a crime, it must meet the highest standards of fairness. No person should be deprived of life, liberty, or property without due process of law.

Those accused of crimes have the right to a prompt and public hearing before an impartial decision-maker, to know the charges against them, to examine the evidence and witnesses presented, and to present evidence and witnesses in their own defense with the assistance of counsel. They should not be forced to testify against themselves, tried more than once for the same offense, or punished without lawful justification.

Punishment must be proportionate and humane. Excessive bail, excessive fines, and cruel or degrading punishment are incompatible with justice. Property may be taken for public use only with fair compensation, and only through lawful process.



IV: Economic Order, Corporate Power, and the Public Interest

1. Non-Delegability of Essential Human Welfare

Essential human needs must be insulated from the profit motive and market forces that restrict access through price, scarcity, or exclusion.

Access to healthcare, food, education, and shelter should not depend on ability to pay, profit maximization, or artificially created scarcity. When basic human welfare is at stake, public responsibility cannot be delegated to systems designed to exclude.

2. Public Benefit

Legal privileges such as incorporation, accreditation, or licensure should be granted only to entities that accept a binding obligation to serve the public interest.

This obligation begins at creation and continues throughout an entity's existence; the pursuit of profit does not excuse harm to the public. Collective entities exist by public permission, not natural right, and must never be treated as political persons.

3. Limits on Economic Concentration

Extreme concentrations of private economic power undermine the public interest when they allow control over markets, labor, information, infrastructure, or essential services.

Government should have clear authority to prevent, limit, or break up concentrations of ownership or control that weaken fair competition, restrict economic freedom, distort democratic participation, or impair the ability to govern in the public interest.

That authority should include structural remedies, such as separation or divestiture, and should not depend on showing short-term consumer price harm, intent to monopolize, or completed abuse. The risk posed by concentrated power is sufficient grounds for action.

Extreme concentrations of private economic power undermine the public interest when they allow control over markets, labor, information, infrastructure, or essential services.

Influences (and What's New)

FPF is a comparative democratic theory grounded in working constitutional systems, not utopian speculation or national revisionism.

The Freedom & Prosperity Framework is a deliberate, comparative synthesis, grounded in postwar democratic practice. While I have certainly mixed and matched, all of the individual concepts already exist, operate at national scale, and have been tested under real political pressure.

I say this plainly to clarify the intent of the project and the intellectual terrain it occupies.

FPF Influences

My single most important influence is the European Union's postwar constitutional tradition. American constitutionalism has repeatedly treated democratic governance as subordinate to market primacy. This tack is grounded in the *laissez-faire* ideology that economic growth and market success will ultimately secure social well-being without sustained democratic intervention, an assumption for which there is no persuasive empirical support.

The European model begins with human dignity, which is foundational rather than rhetorical. Rights require material conditions to be meaningful. Economic power is viewed not as neutral, natural, or given, but as something that can threaten democratic equality and human well-being if left unconstrained.

This influence shows up most clearly in:

- the treatment of social and economic rights;
- the insistence that political legitimacy depends on more than formal access to the ballot; and
- the willingness to apply constitutional limits horizontally when private actors exercise governing power.

Markets are not illegitimate, but they must remain subordinate to democratic objectives. This perspective acknowledges that economic power, left unchecked, tends toward concentration and

distortion under modern conditions, undermining both democratic equality and fair competition. Regulation, in this view, is not a departure from market order but a necessary condition for preventing domination, preserving genuine competition, and ensuring that market activity serves public rather than private governing power.

These are core premises of European social constitutionalism, and they shape the document by design.

Closely related is the influence of the EU's proportionality culture. My emphasis on necessity and on limits applied "only to the extent required" reflects a broader balancing logic: power—public or private—must justify itself in relation to democratic purpose, rather than being entitled to deference by default.

Within the broader European frame, Germany is the strongest national influence. FPF reflects the German commitment to parliamentary democracy paired with constrained constitutional review, proportional representation with thresholds, and a strong public-law conception of democratic legitimacy. It insists constitutional limits be respected and defends democratic institutions against capture by concentrated private or technocratic power, including the delegation of democratic authority to private actors.

A familiar American example: Congress and federal regulators have allowed companies such as Facebook and Twitter/X to set and enforce rules governing public speech for billions of users, effectively outsourcing decisions that function as *de facto* public regulation despite being made by private corporations outside democratic control.

Economic order is treated as constitutionally relevant, including the recognition that competition policy and anti-monopoly authority must extend beyond consumer price effects alone.

France is a second heavy influence, particularly in its insistence on secularism, centralized sovereignty, and the sharp separation between public authority and private capture. The logic of public election financing, constitutional review that doesn't collapse into policymaking, and the rejection of private power masquerading as public governance all reflect this lineage.

...economic power, left unchecked, tends toward concentration and distortion under modern conditions, undermining both democratic equality and fair competition.

The Nordic countries, especially Sweden, also weigh heavily. Here the influence on FPF is less structural and more cultural: public service is a civic obligation, transparency is the default condition of administration, there's low tolerance for conflicts of interest, and anti-corruption constraints are embedded in constitutional and administrative structures rather than treated as ethical expectations without enforcement. Social rights aren't charitable add-ons, but are instead prerequisites for democratic participation.

Secondary influences refine FPF rather than define it. Norway's approach to resource governance reinforces the application of public-interest logic to essential services. Denmark contributes a model of parliamentary accountability and labor rights treated as democratic stabilizers rather than sectoral preferences. Finland informs the treatment of digital and informational rights, particularly the understanding of privacy as a civic concern rather than a purely personal one.

The Netherlands provides a practical model of coalition governance that accommodates pluralism without allowing institutional structures to empower minority factions to hijack broadly supported democratic initiatives or permit narrow electoral victories to translate into unchecked power. This runs counter to American institutional design; from the Senate filibuster to the equal representation of vastly unequal populations in the Senate to the Electoral College to party superdelegate systems, U.S. constitutional structure reflects a deep fear of majority rule by the founders, who constructed a system that consistently grants a narrow political elite veto power over democratic initiatives, often frustrating outcomes that serve the broader public interest.

Naming these influences matters. It preempts bad-faith claims of radical novelty, explains where the document diverges from U.S. instincts, and positions it correctly—as comparative democratic theory grounded in *working constitutional systems*, not utopian speculation or national revisionism.



What, if Anything, is Novel About the U.S. Freedom & Prosperity Framework?

For starters, I never assume that things will work the way they ought to, and I *absolutely* never assume that people can be counted on to behave nobly or rationally.

While there isn't any single concept here that's new, I think I may have introduced some novelty in the combination, explicitness, and design stance of the framework as a whole, particularly in how it treats power, bad faith, and democratic survivability.

Most modern constitutions assume a baseline of good faith. They presume, for some obscure reason, that politicians will respect norms, that markets will self-correct, that courts can clean up abuses after the fact, and that anti-democratic behavior will be the exception instead of the rule.

The FPF makes none of these assumptions. It begins from a premise forged by basic attention to history: that concentrated power will attempt capture, that bad faith is inevitable, and that democracy must be designed to function under sustained pressure, not merely in quiet moments of consensus.

I asked ChatGPT to examine and overview the Framework versus its influences.

—

Where the FPF Differs

First, the **U.S. Freedom & Prosperity Framework explicitly rejects minority-veto democracy**, while carefully preserving rights-based constraints. Some countries, the United States, tolerate cynical filibuster-style paralysis, judicial obstruction by delay, or procedural designs that allow narrow factions to hijack governance without responsibility. (FPF draws a sharp distinction between *minority protection* and *minority veto*, acknowledging that these are almost always different minorities: one at the top of the political-economic order, the other at the bottom).

Democratic legitimacy is treated as fundamentally majoritarian, constrained by explicitly protected rights, not by factional balance,

The FPF ... begins from a premise forged by basic attention to history: that concentrated power will attempt capture, that bad faith is inevitable, and that democracy must be designed to function under sustained pressure, not merely in quiet moments of consensus.

elite filtering, or indefinite obstruction. This clarity is unusual. Most constitutions hedge.

Second, **FPF constitutionalizes structural responsibility**, not just outcomes. The clearest example is the non-delegability of essential human welfare. Rather than merely promising access to healthcare, food, housing, or education, the Framework explicitly prohibits organizing these systems around profit, price exclusion, or artificial scarcity. This rejects market logic as an acceptable governing principle in core welfare domains. Few constitutions state this directly, even when they operate as if it were true.

Third, **FPF treats economic concentration itself as constitutionally suspect**, not merely as a regulatory concern (or worse, a bright star by which to navigate). Antitrust is elevated from statutory policy to democratic safeguard. Enforcement is detached from narrow consumer-price tests or proof of completed abuse and is instead justified by risk: the danger that concentrated private power poses to democracy, labor, and self-government. Structural remedies—breakups, separation, divestiture—are treated as legitimate first-order tools. This is rare even in Europe.

Other elements are less novel individually but distinctive in how they're combined: professional juries insulated from populist pressure; conflict-of-interest firewalls that are automatic and non-waivable; public service framed as civic participation rather than punishment; and courts that are strong on rights but explicitly barred from governing by delay or inertia.

The most original feature, however, is not any single provision. It's the throughline:

Democracy is a public system that must be actively protected from capture, sabotage, and market domination, even at the cost of some pluralist romanticism.

Where many constitutions rely on norms, this one relies on structure. Where many assume restraint, this one assumes pressure.

—

I've argued for years that most systems (economic, government, religious, whatever) ultimately fail because they're built on the

Democracy is a public system that must be actively protected from capture, sabotage, and market domination, even at the cost of some pluralist romanticism.

assumption that people will behave in a way they've never behaved—*ever*—in history. If you want a system that works, I've said, begin by assuming that what you see every day is reality.

I didn't invent new ideas. I did make some implicit doctrines explicit, combine them in an unusual (more coherent, I think) way, and push anti-capture logic further than most democratic frameworks are willing to go. And I never kidded myself (or my readers) that democracy has any chance in the absence of hard work and eternal diligence.

This, for better or worse, is where FPF's real novelty lies.



About the Author

Sam Smith is a former professor and technology marketer, as well as co-founder and publisher of Scholars & Rogues, where for fourteen years he wrote about progressive politics and culture.

Now retired and living in North Carolina with his fiancé and two spaniels, he has recently completed two books of poetry and a novel chronicling the goings-on at a Zen arts center.

He holds a PhD from the University of Colorado.



Notes

Here's a brief description of how I've used AI in this document.

Research: Perhaps AI's best use is as a kind of super-Google. It's not a substitute for source verification, but it *is* useful for orientation, synthesis, and follow-up questions. I used it for general research ("how do dog shows work, for instance") and specific research ("in what years did a Scottish Terrier win Best in Show at Westminster").

Organization: In a large project involving lots of information, AI can be very handy at categorizing.

Drafting/Accessibility: I sometimes explained the points I wanted to make and how I wanted to support them, and AI would generate the first draft. In some cases, AI was responsible for wording the final draft.

This function is crucial for me—I have spinocerebellar ataxia, which makes it extremely difficult to write and type. Without these (extremely problematic, I know) tools, this project would not have been possible.

Review: AI is very good at reviewing drafts for clarity, coherence, and flow, and it can respond in detail to specific questions about how the text is working at the structural level. I also used AI to critique my own arguments, asking how they might be challenged or misunderstood. This helped identify overstatements (to which I'm especially prone), ambiguities, and places where structural changes were needed.

Thesaurus: AI is remarkably good at generating words. Instead of sifting through a traditional thesaurus, you can tell it what term you need a variation of and provide syntax, context, and tone parameters.

Proofreading: Spelling, grammar, typos... Given how hard it is to proofread your own writing, this function is invaluable.

Image Generation: I employed AI to illustrate key concepts and assure consistency in "visual grammar."

Tools Used: ChatGPT, Gemini, Claude, Midjourney