**Who Should Lead? Revisiting the Constitutional Criteria for the Presidency**

The Constitution is often regarded as a *living* document that can theoretically be changed at any point with congressional approval. This concept is more complex as congressional approval happens seldom, calling into question whether change can ever truly be implemented through the Constitution. To illustrate this issue, over eleven thousand amendments have been proposed since the ratification of the Constitution (1778); yet only twenty-seven of those amendments have been ratified.[[1]](#footnote-1) It can be extrapolated that idealistically this document is meant to be adaptable; however, the statistics would suggest otherwise. David Strauss at the University of Chicago Law School accentuated the difficulties when amending the Constitution and how the practice itself is quite misleading. For example, “The bad news is that, perhaps because we do not realize what a good job we have done in solving the problem of how to have a living Constitution, inadequate and wrongheaded theories about the Constitution persist.”[[2]](#footnote-2) The author is clearly pointing out that there is quite a bit of misinformation surrounding the ability to amend the Constitution as a result of the dichotomy of realistic and idealistic expectations. Therefore, when considering the amending of the qualifications of the president of the United States it is incredibly important to have an effective and thorough amendment that would transcend for future presidencies and most importantly receive congressional approval.

For context, the founding fathers only outlined three main qualifications for President during the ratification of the Constitution. Article II Section 1 specifies that to be president, the candidate must be a natural born citizen of the United States, have resided in the United States for at least fourteen years, and be at least thirty-five years of age.[[3]](#footnote-3) In order to be a natural citizen, the Constitution outlines that the candidates must have been born in the United States or have been naturalized. There is also the ability to become naturalized on the chance that a P\president’s parent was an American citizen or on the chance that an individual who was born outside of the country can naturalize. A contemporary example can be related back to the Obama administration when politicians like Hillary Clinton and Donald Trump questioned his status as an American citizen. There was much controversy over whether President Obama had been born in Hawaii per his birth certificate; however, his mother was an American citizen. The courts, however, have ruled in conjunction with the Constitution that President Obama had more than enough evidence to support that he met the naturalized requirements.[[4]](#footnote-4) While the naturalized portion of the Constitution is more complicated as the founding fathers did not give much specification, the other two provisions are quite self-explanatory. To reiterate, a candidate needs to meet a minimum age requirement and residential qualification. While I do not protest the validity of these statements, there are more requirements that should be implemented regarding the ability to run for president. While some political scientists would argue that updating the Constitution would be reflective of modern-day principles, I would argue that the values implemented in this new amendment would transgress for decades to come.

Through this proposal I will be introducing an additional two qualifications that should be taken into consideration when discussing the viability of a presidential candidate. Based on recent events specifically in a post-Trump era, it is incredibly important to discuss the eligibility of candidates who have felony convictions. When the founding fathers drafted the Constitution, they never addressed the potential of a convicted president because it was probably never an issue that they considered. However, the point of the Constitution is to amend it when issues arise that were not contextually issues of importance in the late 1700s which is why it is incredibly necessary to exclude candidates who are convicted of felonies. To understand this justification, it is necessary to draw upon the laws and cases that govern eligibility to participate in democratic institutions in the United States. According to the Brennan Center for Justice, millions of Americans are excluded from voting and the democratic process because of criminal disenfranchisement laws.[[5]](#footnote-5) While this idea varies by state, more than twenty-five states prevent community members from voting merely on the basis that they were incarcerated or have committed a felony. In the case of Pennsylvania, voting rights are restored immediately after an individual is released from prison; however, when those individuals are in prison their right to vote is suspended. On the other hand, states like Tennessee, Kentucky, and Florida participate in permanent disenfranchisement which means that the ability for convicted felons to vote is permanently suspended unless government restoration ensues.[[6]](#footnote-6)

The issue surrounding the eligibility of convicted felons to vote has also been espoused within federal and state courts. For example, in 1974 *Richardson v. Ramirez* was brought to the Supreme Court of California on the basis that three convicted felons should be allowed to register to vote. The three defendants challenged the government officials who denied them through a writ of mandate citing that it was unconstitutional to deny this right based on the Fourteenth Amendment. In a 6-3 decision, the Court ruled that this was not a violation of the equal protection clause as states have their own right to restrict individuals who are convicted of crimes. While this was a state case, it had major federal implications as it gave the ability for other states to follow California’s lead when it came to denying convicts the right to vote.[[7]](#footnote-7) When a citizen chooses to conduct himself or herself in a manner that is comparable to a felony it makes sense that his or her democratic right is waived; however, it does not make sense that the same person who cannot vote, can run for president. This completely exacerbates the double standard between what politicians advocate and how this strays from the actual treatment they themselves receive. Therefore, the first clause I will be adding will state, ***In order to serve as president, the candidate must not be found guilty of a felony or felony comparable charge.***

Considering President Trump’s recent reelection, it is very important to include this clause as he is the first president to ever be found guilty on a felony charge. It can be postulated that the founding fathers never included this clause when drafting the Constitution because the judicial system differed, and it probably never occurred to them that the country would be in this predicament. It should be clear that this is not an issue niche to President Trump, but rather a matter of not holding politicians to the same standards as the average American citizen. However, the United States allowed a felon to run for the same position when millions of Americans are excluded from the voting process for the very position in question. The lack of accountability when it comes to reprimanding President Trump also stems from a larger problem which is that politicians and individuals of wealth/power often experience limited consequences. It is completely unfair and unethical to have millions of felons excluded from voting; yet our country sends the message that if one is rich and has wealth one can run for president as a felon. For example, “Normally, a felony conviction is a big deal, he says. It can prevent individuals from receiving government assistance like public housing and can impact job and loan applications. But none of those things are going to affect Donald Trump, because his wealth isolates him from those consequences.”[[8]](#footnote-8) The consequences of a felony conviction completely target lower-income Americans; yet, for the rich the economic ramifications would not affect them. Thus, it is incredibly important for the Constitution to be reflective of a standard that holds the most powerful politician to the same standards an average American citizen is expected to uphold.

Furthermore, to have a president that is held to the same standards and representative of the American constituency it is critical to have an age cap for individuals that can run for president. To start, as previously discussed the Constitution mandates that the youngest someone could run for president is thirty-five; however, there is not a limit for the oldest president. While I do acknowledge that there is merit to a president having experience at an older age, there is still quite a bit of concern that when presidents are at such an old age, they are not able to relate and represent the majority of Americans. For context, President Trump is seventy-eight, President Biden was eighty-two during his presidency, President Obama ended his presidency at fifty-five, and George Bush completed his presidency at sixty-two.[[9]](#footnote-9) It should be made clear that I am not arguing that the older age of past presidents makes them unfit because of their age, but their age prevents them from relating to what the majority of Americans face. Thus, the second part of my amendment would read, **“...and be at least 35 years of age and at most 65 years old.”**

There is merit to discussing how many of these presidents are far removed from the problems and circumstances that middle-aged to younger Americans face daily. Issues such as the housing crisis and minimum wage are very different than when President Biden and President Trump were entering the job market. For example, “While the minimum wage has been adjusted numerous times since its implementation in 1938, it has failed to keep up with inflation and the rising cost of living. The purchasing power of minimum wage reached its peak in 1968 and steadily declined since. If it had kept up with inflation from that point it would have reached at least $10.45 in 2019.”[[10]](#footnote-10) It is evident that the economic problems that current young and middle-aged Americans face are a novelty compared to what older Americans endured. The ability to buy a home on a salary of sixty-thousand dollars a year or the ability to live on minimum wage is not a predicament that young Americans could relate to modern day. Oftentimes, older Americans use this “American Dream” vernacular that the younger generations do not work hard enough and that is why they have difficulty buying homes. However, the statistics suggest otherwise; yet, by not having an advocate who has experienced these issues or even remotely have relation to them, the president is out of touch. Further, the reason I chose sixty-five years is because at that age that is generally when retirement is encouraged, but also if a president was elected at sixty-five then at the eldest, he or she would be at most sixty-nine. This will also send the message on a federal level that the executive branch is prioritizing the realistic issues of the American people by having a younger advocate who can relate to time-related issues like global warming, inflation, and reproductive rights.

It is evident that a push towards holding politicians accountable through a presidential age limit and through excluding felons from running for president would foster more equity, transparency, and overall accountability of politicians. The goal of this amendment is to create a bipartisan amendment that will promote a holistic selection for presidential candidates but also have a president that can understand the struggles the average American experiences.

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