

## **Must our Independence be Re-Declared? Interpreting Democracy and Rights in the United States in 2026**

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Two-hundred and fifty years after its signing, the Declaration of Independence remains one of the most well-known foundational sources for Americans on all demographic and political spectrums. It is one of the first things we are taught in elementary school, it continues to be taught in American history courses throughout higher education, and it continues to have relevance in the lives of every American citizen. Americans have been exposed to the ideas of life, liberty, and the pursuit of happiness from an early age, and these ideas have survived for generations. Although Americans agree that the Declaration is foundational, it feels natural to question whether the country remains in line with its values today. We are taught as children that the Declaration contains incontestable truths, and that the heroicized leading men who signed it had endured violations of their rights so severe that, after the American Revolution, we would never have to experience them again. However, it is more complicated than that. There are things we can learn from the Founders' ideas, but are there also things we should reconsider? Have circumstances changed so much in our 21st century society that foundational ideas in the Declaration are no longer applicable? Are there American values that have and will always remain the same under the Declaration? Are foundational documents no longer sufficient protection of our fundamental rights? Have they ever been?

As a future civil rights attorney, these questions are especially relevant to me. On the 250th anniversary of the signing of the Declaration of Independence, I hope to explore how the Declaration has formed the basis of rights protected by the Constitution, as well as American values. Additionally, I will examine the document's relevance to modern issues of democracy and constitutionality as related to inequality and underrepresentation in voting, actions of the current administration, and immigration policy. Conclusively, I intend to link the Declaration's relevance in the United States today to my future interpreting democracy and constitutionality as I work to preserve constitutional rights.

The Declaration of Independence laid the groundwork for values still considered fundamental for Americans today. To understand the significance of the Declaration during America's founding and what it should mean for Americans today, it is important to examine the historical context surrounding its signing. When the Founders were debating foundational decisions, they looked to the second sentence of the Declaration (Himmelfarb 1990). Every American knows the sentence in question. The one that begins proclaiming the self-evident Truths that "all Men are created equal" and endowed with the "unalienable Rights" of "Life, Liberty, and the Pursuit of Happiness" (Jefferson et al. 1776). This proclamation was the one thing everyone could agree on, and perhaps the same thing can be said today, even as circumstances have shifted and as many have started to lose faith in the strength of democracy and promises of freedom and success in America. The Declaration goes on to assert that if any government encroaches on these unalienable rights, after a "long train of abuses and usurpations," "it is the Right of the People to alter or to abolish it" (Jefferson et al. 1776). After questioning the constitutionality of the Trump administration's actions over the past years, Americans cannot help but to analyze these words and wonder, has this begun to happen again? Are we at the point where it is our duty as citizens to act against the government?

The Declaration is not a defense of the rights of a specific people, such as Englishmen or Americans, but of mankind. It preaches that all are granted unchallengeable rights by nature and by birth, in contrast to other rights-based documents like the Magna Carta or English Bill of Rights which specify that those protected are those “of our/this kingdom” (Himmelfarb 1990, 177; citing Magna Carta 1215; Bill of Rights 1689). The Founders were aware of the inequalities of their time, of how not all men were regarded equal under the institution of slavery, for instance. They did not, however, find these inequalities incompatible with the Declaration (Kallen 1915). This begs the question of whether and in what manner we perceive this thought process today, when so many Americans claim to uphold fundamental ideas of liberty, equality, and the American Dream, but support institutions that make these so-called guaranteed American values so difficult for so many to achieve. Was there ever any real intent to create a nation based on the true definition of these values? How is it that, in a nation founded on the principles of equality, liberty, and prosperity, and in a nation that has undergone numerous war-like social justice movements during its development, there are still American citizens who face limitations and hostility, are targeted by the government based on stereotypes, and are deprived of constitutional rights that so many, from America’s Founders to civil rights leaders, have fought for endlessly?

Even during moments of crisis, Americans like to stick to the deeply rooted teaching that democracy and freedom are embedded in the United States, more so than in other parts of the world. However, many Americans have started to find this narrative hypocritical as the contradiction between the ideals the nation claims to fight for globally and their failure at home has become clear (Applebaum 2025, 133). In the last 250 years of living under the ideology of the Declaration, the concept of the American Dream has emerged. With this has come the modern neoliberal idea of individual responsibility: that every American has the freedom and responsibility to work hard, gain wealth, and improve their lives no matter where they come from (Kloppenber 2023). This is a compelling concept, but one many Americans find hypocritical as well. The American Dream often overlooks the underlying causes of social and economic inequality, allowing systemic issues to persist. It is easy to get frustrated by the Declaration’s assertion of self-evident equality for all when the United States often refuses to acknowledge the pieces of history that have created a society where people are born systematically unequal, with their natural rights unrecognized. Some are born into cycles of poverty and discrimination, while others are born into those of privilege and opportunity. American revolutionaries had the basic insight that economic and political inequality are undoubtedly linked. In modern American democracy, these inequalities seem to be moving toward unendurable levels, to the point where disadvantaged groups do not have the opportunity for social mobility and are deprived of political representation. The Revolutionaries’ sense of social equality assumes that if all citizens have a say in how they are governed, social disparities cannot grow beyond a fundamentally oppressive point (Hudson 2021, 345). This would create a society in which citizens have shared respect and accept each other as equal participants, which is necessary to understand collective problems and create meaningful progress. Continued growth in income inequality makes it difficult to maintain democratic communities as Americans are beginning to live in “radically different social spheres,” making their capacity to understand each other and work together disappear (Hudson 2021, 345). Americans’ experience with social, economic, and political inequality are causing many to lose faith in the language of the Declaration. Living in such a society can become disheartening when we are taught the American Dream is guaranteed from an early age, but achieving it feels impossible.

To add another layer to modern threats to democracy, increasing polarization in American politics, in addition to the fact that both main parties fail to address issues of intergenerational poverty and civic disengagement, make people feel that they do not have voter efficacy, and those whose voices need to be heard the most do not bother voting at all. According to Hudson, “nearly half of all Americans of voting age fail to go to the polls,” and socioeconomic status has a major impact on an individual’s propensity to vote. People with higher levels of income, education, and occupational status are much more likely to vote than those with lower socioeconomic status (2021, 174; 179). Widespread participation would lead to more policies created that reflect the values and needs of all Americans. As the Declaration states, the creation and sustainment of the United States government is based on the consent of the people.

Threats to democracy and constitutionality in 2026 are different than they were at the time of the Declaration’s signing in many ways. However, actions of the current administration have made many Americans feel as if they have time traveled back to 1776, when abuses of a king were so severe that Americans felt the need to declare a revolution. Since taking office for a second term in 2025, President Trump has taken action that many Americans find unconstitutional and inconsistent with United States foundational documents and values. This fear over the state of democracy in America is best exemplified by the No Kings protests that have spanned all fifty states since 2025. Most of the Declaration revolved around grievances of the colonists against King George’s abuses of absolute power, stating it was their right and duty to “throw off such Government, and to provide new Guards for their future security” (Hirsch 2025; citing Jefferson et al. 1776). The sentiments expressed by Americans at No Kings protests were so similar, it was as if the Founders were present. There are some striking parallels between complaints from the Declaration regarding King George's behavior and President Trump's behavior while in office. The 1776 Declaration states King George “has made Judges dependent on his Will alone,” while President Trump “has attempted to make the judiciary subservient to him either by appointing judges who will do what he asks or by arguing for the impeachment of any judges who rule against him.” In 1776, the Founders wrote that King George “has kept among us, in times of peace, Standing Armies without the Consent of our legislatures,” as President Trump “has ordered the National Guard and Marines to patrol cities and arrest people without the consent of the mayors and governors concerned” (Jefferson et al. 1776; Hirsch 2025). These parallels demonstrate how relevant the words of the Declaration are today as abuses of power that the Founders feared may be re-emerging once again.

To explore further actions that have made Americans feel they have gone back to the era of the Revolution, we may look to *Learning Resources, Inc. v. Trump (2026)*. On April 2, 2025, President Trump issued an executive order declaring an emergency under the National Emergencies Act, with respect to what he called “large and persistent trade deficits” which presented an “unusual and extraordinary threat” to various American interests. This triggered the International Economic Emergency Powers Act (IEEPA), which allows the president executive authority in world economic issues only when there is an “unusual and extraordinary threat” to American interests. IEEPA historically has had nothing to do with tariffs, and instead Article 1, Section 8, Clause 1 of the Constitution gives Congress the power to impose “taxes, imposts and duties” (Karlán et al. 2025). However, Trump essentially used IEEPA as a loophole to gain the power to impose tariffs. This is what led the Supreme Court justices to consider the constitutional question of whether IEEPA authorizes the president to impose tariffs as Trump has. The Court’s ruling held that it does not and President Trump’s tariffs were therefore

unconstitutional. In the reasoning, the justices cited Article I, Section 8 of the Constitution, as well as *the Federalist* No. 48 and the Declaration of Independence which demonstrate that the Framers intentionally worked to give Congress alone “access to the pockets of the people” (*Learning Resources, Inc. v. Trump*). This case is especially reminiscent of the issues the colonists were fighting against by 1776. The Court’s majority opinion cited the Declaration once again as evidence that “Americans fought the Revolution in no small part because they believed that only their elected representatives (not the King, not even Parliament) possessed authority to tax them” (*Learning Resources, Inc. v. Trump*).

It is now incumbent to explore how the words of the Declaration have significance for the experiences of modern immigrants in the United States. It is of value to note that “we” in the Declaration refers to immigrants and settlers in land that they are actively making their own because of abuses perpetrated by the British government. It can certainly be argued that immigrants have faced persecution in their search for economic opportunity and fight for civil rights throughout the nation’s history, but actions of the current administration have taken the issue of immigrant rights to a new extreme. Much of the United States population is “either foreign-born or of foreign stock,” and all are Americanized as we cross ethnic lines by culture and by blood (Kallen 1915, 3). Citizens who have immigrated to the United States feel they have the same amount of American identity as all others who have retained citizenship in their families for generations, but in an effort to rapidly and aggressively clear unauthorized immigrants from the nation, American citizens are experiencing a complete infringement of their rights by the United States government as a result of stereotyping and executive overreach. In recent years, Congress has authorized federal immigration officials to detain any immigrant who may qualify for “removal” from the country (Das 2025, 1188). Additionally, courts have engaged more with constitutional issues with relation to detainment and have acted under the precedent of giving deference to prison officials and federal immigration officers (*Turner v. Safley*; Das 2025). The Declaration certainly expressed a fear of government infringement on fundamental rights, so the three branches of the federal government were created to hold separate powers, with checks and balances embedded into their systems. What happens when certain groups of Americans, such as legal immigrants or natural born citizens of color, are overlooked by multiple branches of government, and there is a president who seems so determined to exclude immigrants that he is willing to step out of his constitutional range of power?

Kallen argued in 1915 that a truly democratic society full of citizens willing to contribute diverse ideas in a harmonious manner is within reach. He wondered, however, whether the dominant classes in America want such a society. I wonder today, did they ever? Or was this only possible when most immigrants coming to the United States were white?

I recognize that the Declaration of Independence as it was written is hypocritical by modern standards by intentionally excluding women, enslaved people, and many more who are born with the same inalienable rights as white, property-owning men. Along with this recognition, however, I regard the Declaration as crucial to interpreting democracy and constitutionality as a future civil rights attorney. Even if the Declaration’s words were not meant to protect all individuals in 1776, they certainly can (and should) hold the power to protect all individuals today. Additionally, the fact that every individual was not protected during the American Revolution furthers the Declaration’s eternal relevance, as it is proof of the importance of fighting for the rights of *all* citizens in a nation where so many have been continuously oppressed and overlooked under false promises of equality and consent of the people. In my opinion, there is nothing that is more purely American than this fight.

Ideas presented in the Declaration continue to come up in constitutional law cases, as the Declaration is “fundamental to a proper understanding of the Constitution” (Himmelfarb 1990, 170). As I read more Supreme Court decisions and experience the release of modern holdings that will impact my life as an American, I become more determined to devote my life to law to ensure certain decisions I passionately agree or disagree with are upheld or overturned. When *Dobbs v. Jackson Women's Health Organization* was decided in 2022, I was only fifteen years old and did not yet have any passionate ideas about the law, but I remember feeling that something was shifting for the future of civil rights in America. A right that the Court had affirmed was fundamental for decades, the right to decide to have an abortion, ceased to be recognized in one jarring decision. This is a right undoubtedly linked to broader women’s rights, and its recognition in past cases meant women had autonomy on an equal plane with men. It meant women were free from letting others make their decisions for them, as was the case for so much of women’s history. Instead, women were told in 2022 that regulation of abortion is not a “sex-based classification,” and that these rights are “not deeply rooted in the Nation’s history and tradition” (*Dobbs v. Jackson Women's Health Organization*). The issues with the Declaration’s most famous assertion that “all Men are created equal” have been debated many times by present-day Americans who recognize the many individuals that statement excludes, but *Dobbs* brought us back to the moment when that statement was true in its simplicity. I later wondered what *Dobbs* could mean for the protections we thought we had secured for other protected groups in the United States if the Court is interpreting civil rights based on the idea of “history and tradition.” What does this mean for protections granted under cases like *Obergefell v. Hodges* or *Brown v. Board of Education*, if Americans are only granted rights if they fit the standards of 1776?

I interpret “history and tradition” to mean something very different. Perhaps it refers to the history of Americans fighting to keep democracy alive, or the American tradition of challenging oppressive institutions to secure fundamental rights. America’s “history and tradition” is filled with 250 years of continuous work toward a democratic society where all are indeed equal, in theory and in practice.

The future of democracy in America is uncertain. Although socio-economic inequality, a lack of representation in voting, and overreach of the federal government has occurred due to some level of decline in democratic values and constitutionality, I argue that within these issues lies evidence that we can strengthen our nation. The fact that the plaintiffs of *Learning Resources, Inc. v. Trump* came forward and the Supreme Court struck down Trump’s tariffs, and so many Americans are concerned enough to show up at No Kings protests and spread awareness about discrimination in immigration enforcement, proves that democratic society in America is very much alive, and citizens are willing to fight for it. Americans must continue participating in social movements and the fight against oppression, we must prioritize education to know our rights and understand the need for civic engagement, and through this we will allow for more representation. With education comes a willingness to acknowledge America’s darker periods throughout history, and an understanding of how our current systems continue to propagate old institutions of unequal opportunity and discrimination.

On the 250th anniversary of the signing of the Declaration of Independence, Americans have a lot to work through in terms of interpreting what it meant when it was written, and what it could mean for us today. In 2026, Americans must consider how the words of the Declaration where it lies in the National Archives have remained the same, despite questions around how the

words within can be applied to an ever-changing democratic society. As such, it is up to each American to decide what kind of power it holds moving forward.

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