



Writing The 28th Amendment

All Americans Welcome

Introduction

Has this been vetted? That's a question any responsible citizen must ask about a proposed Constitutional amendment. With *Writing the 28th Amendment*, the answer will be yes.

American Promise's *Writing The 28th Amendment* is an 18-month program that pairs widespread cross-partisan citizen energy with Constitutional and legal expertise to advance urgent Constitutional democracy reform.

American Promise leads the cross-partisan campaign for the 28th Amendment so that people, not money, govern America. The 28th Amendment to the U.S. Constitution replaces the Supreme Court's doctrine of political inequality, reflected in decisions such as *Citizens United v. Federal Election Commission*, with foundational American principles of equal citizenship and representation and safeguards against systemic corruption.

Our plan to win ratification of the 28th Amendment within the decade has three drivers:

- (1) Growing Congressional and State support with our *Citizen Uprising* and *Ready To Ratify* programs to organize and amplify cross-partisan local action;
- (2) Expanding the national 28th Amendment movement with our *Citizen Connection Center* and *National Citizen Leadership Conferences*; and
- (3) **Building a national consensus about the specific language of the Amendment with our *Writing The 28th Amendment Program*.**

The third driver is *Writing The 28th Amendment*, which will:

- Consolidate Congressional, State and cross-partisan grassroots support around amendment text that is effective and can be ratified;
- Create consensus understanding of the role of the Constitutional amendment process to address corruption and political inequality caused by concentrated money and unbalanced corporate power in America's political system;
- Counter destructive hyper-partisan rancor with a model of effective deliberative democracy;
- Build an online, public-access library of background resources, debates and reports of deep value for building the Constitutional foundations and related reforms that support rather than undermine American democracy;

- Unify a national cross-partisan network that become leading voices for passage and ratification and model deliberation and self-government for a politically and demographically diverse people.

The Opportunity

Writing the 28th Amendment follows significant preparation. As of January 2017, 18 states and nearly 800 communities have enacted 28th Amendment resolutions. This momentum has led to a dozen different 28th Amendment bills in Congress.¹

These are a good start, and the progress in Congress may be a “good problem” but it still is a problem.² Under Article V, we need one Amendment resolution to pass with super-majority support in Congress.

Additionally, several of the leading advocacy groups support different versions of the 28th Amendment, and have had difficulty unifying their positions.

Finally, many Americans remain uninformed about the Constitutional crisis requiring an Amendment. Even many who recognize the problem are unsure of what the Amendment should say and do, how it will pass, and how they can participate in the process.

Writing The 28th Amendment addresses each of these problems by bringing Constitutional experts, committed citizens, and members of Congress and state legislatures into an inclusive, comprehensive, and transparent process to study, deliberate, and report on the most effective 28th Amendment language.

The Plan

American Promise initiated our model of inclusive, cross-partisan deliberation at our [National Citizen Leadership Conference](#) in October 2016. We brought 300 citizen leaders from 40 states together in Washington DC with Constitutional experts and a cross-partisan group of members of Congress for two days of meetings and citizen roundtable deliberations. The feedback and reviews were very positive. *Writing the 28th Amendment* is the next step.

While this project is ambitious, many of the conceptual pieces of the 28th Amendment already are reflected in existing versions of the 28th Amendment and have broad, cross-partisan

¹ Versions of the 28th Amendment that have been introduced in Congress can be found at: <http://united4thepeople.org/amendments/>

² To enhance our ability to make the *Writing The 28th Amendment Project* trusted, transparent and effective, American Promise has refrained from endorsing any specific amendment bill, much as we applaud and facilitate continued progress in Congress.

support in the country. These include: Limits on election and political spending to check corruption and unbalanced power of corporations and other concentrated money; the right of every American to equal participation and representation in elections and government; affirmation of human liberty, including robust freedom of speech and of the press for all, rather than locked-in privileges for only the most powerful people, corporations and interests.

Writing The 28th Amendment rests on three components:

- Constitutional and legal expertise
- Cross-partisan citizen deliberation
- An inclusive, transparent process

Constitutional and legal expertise

American Promise brings significant Constitutional and legal expertise to *Writing the 28th Amendment*.

- American Promise [president and co-founder, Jeff Clements](#), has practiced law for nearly thirty years, and has significant First Amendment and Constitutional experience. After submitting a brief in the *Citizens United* case on behalf of several democracy advocacy groups, he co-founded the legal advocacy and 28th Amendment organization, Free Speech For People, in 2010 and served as Chair of the Board for several years. Along with many others, Free Speech For People [staff](#) and the Free Speech For People [legal advisory committee](#) will be invited to participate in *Writing the 28th Amendment*.
- American Promise's [Advisory Council](#) has deep Constitutional experience, including:
 - Justice James Nelson, who recently retired from the Montana Supreme Court after twenty years of service;
 - Former Members of Congress, Governors, and state legislators with a century of combined experience in the law, lawmaking, and federalism. These include Senator Alan Simpson [R-Wyoming], Governor Mike Dukakis [D-Massachusetts], Congressman Jim Leach (R-Iowa) and State Senator Nina Turner [D-Ohio];
 - Doris Kearns Goodwin, renowned American historian, whose work focuses on the presidents and times of change and transformation that have most frequently led to previous Constitutional Amendments (Lincoln, the Roosevelts and Johnson). Ms. Kearns Goodwin offers a historical perspective on the 28th Amendment to this short video:
<https://www.youtube.com/watch?v=K6igolnTvqA>

- American Promise knows how to bring Constitutional expertise to deliberative citizen processes concerning the 28th Amendment. At the National Citizen Leadership Conference, we included the following experts (in addition to those identified above) who will be invited to participate in the *Writing the 28th Amendment* working group
 - John Coates, Professor of Law, Harvard Law School;
 - Elizabeth Wydra, President, Constitution Accountability Center;
 - Jamie Raskin, Professor of Law, American University (and Congressman)
 - Tamara Piety, Dean & Professor of Law, University of Tulsa Law School;
 - Tim Kuhner, Professor of Law, Georgia State University
 - Yael Bromberg, Civil Rights & Voting Rights Staff Attorney, Institute for Public Representation, Georgetown Law School (co-author of Report on 45th Anniversary of the 26th Amendment)
 - Daniel Greenwood, Professor of Law, Hofstra Law School;
 - Caroline Fredrickson, President, American Constitution Society.

- The working group will expand to include other legal scholars and practitioners, and will include “peer review” and feedback from Constitutional scholars, regardless of whether they are yet persuaded about the 28th Amendment.

Cross-partisan citizen deliberation

Writing the 28th Amendment is for all Americans, not only the lawyers. Any strategy to win an Amendment must secure national consensus across partisan lines, and the participation of citizens of different political viewpoints to draft sound amendment language is essential.

American Promise is built to engage and empower cross-partisan citizen deliberation and action. We model civic, service-oriented advocacy for the 28th Amendment from our Advisory Council to our National Citizen Leadership Conference, from our work with members of Congress of both parties to our local American Promise Associations. We are experienced in complex issue deliberation using the World Café method—we call this Citizen Café when using it at our national and local conferences.³

In addition, American Promise is a member of the [Bridge Alliance](#) (“country before party”), and expects to invite the Bridge Alliance network to participate in *Writing the 28th Amendment*.

Inclusive, transparent process

Inclusiveness and transparency are necessary not only for the American public but also to overcome ‘movement politics.’

³ More on this collaborative knowledge-sharing method can be found here- <http://www.theworldcafe.com/>

Given the large and complex campaign for the 28th Amendment, it is not surprising that internal ‘factions’ have emerged, with different organizations and groups of people strongly favoring one Amendment approach or another. Several organizations have endorsed and advocate for particular amendment bills and do not support others (examples include Move To Amend, which favors the “We the People Amendment” introduced by Rep. Richard Nolan, and Public Citizen, which favors the “Democracy For All Amendment” introduced by Sen. Tom Udall.)

American Promise has the credibility and experience to manage an inclusive and transparent process. Our National Citizen Leadership Conference in October 2016 was the first time since the *Citizens United* decision nearly seven years earlier that leaders of all of the national organizations involved in the Amendment effort came together in one place for collaboration and communication. We will convene the second annual National Citizen Leadership Conference in early 2018.

American Promise also brings to *Writing The 28th Amendment* our online citizen forum and resource library for civil discussion, debate, learning and collaboration (APConnect).

With *Writing the 28th Amendment*, we leverage this experience, technology, and our cross-partisan network to build consensus support for specific wording of a 28th Amendment that is effective, sound, and “ready for ratification.”

Timeline and Benchmarks

<p>2017Q1</p> <ul style="list-style-type: none"> Recruit initial working group Assemble amendments, case law, testimony, relevant scholarship and advocacy pieces Schedule initial conference call Raise funds 	<p>2017Q2</p> <ul style="list-style-type: none"> Circulate proposed work-plan, initial amendments, testimony & writings Establish online resource library & online community for working group discussions and resources Agenda for first working group conference call Hold first working group conference call Identify Congressional and State liaisons
<p>2017Q3</p> <ul style="list-style-type: none"> Study, circulation of edits/drafts/comments, 2-x-month working group conference calls Draft Statement of principles and yardsticks Launch online public comment and suggestion box National all-welcome conference call with public and members of working group Identify pros & cons/criticisms & responses Draft report 	<p>2017Q4</p> <ul style="list-style-type: none"> Circulate draft report for comment, peer review, criticism Define scope of 28th amendments Rank drafts according to statement of principles & yardsticks Plan and confirm second Nat’l Citizen Leadership Conference Deliberations Regional Open Meeting/Forum #1
<p>2018Q1</p> <ul style="list-style-type: none"> Panels, debates & Citizen Roundtables- 2nd National Citizen Leadership Conference 	<p>2018Q2</p> <ul style="list-style-type: none"> Issue Preliminary Report Continued working Group deliberations

<ul style="list-style-type: none"> Continued working Group deliberations 	<ul style="list-style-type: none"> Regional Open Meeting/Forum #2 and #3
2018Q3 <ul style="list-style-type: none"> Continued working Group deliberations Regional Open Meeting/Forum #4 and 5 Draft and approval of final report 	2018Q4 <ul style="list-style-type: none"> Summary report and recommendation to Congress & State Legis. liaisons, organizations, media Preparation for 3rd National Citizen Leadership Conference deliberations and vote

Conclusion

Thank you for your interest. Contributions to this civic program may be made to American Promise, Inc. a non-profit organization under IRC section 501(c)(3).⁴

For more information or to support *Writing the 28th Amendment*, please contact:

Jeff Clements, President
American Promise
33 Bradford Street
Concord, MA 01742

jeffc@americanpromise.net
617-281-5350

⁴ In addition to our 501(c)(3) work, we also advance the 28th Amendment through ballot initiatives, candidate scorecards, citizen action and more under American Promise Initiative, Inc., a non-profit organization under IRC section 501(c)(4).