



Writing The 28th Amendment

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.**

Writing The 28th Amendment will:

- Consolidate Congressional, State and cross-partisan grassroots support around amendment text that is effective and can be ratified;
- Create consensus about 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 hyper-partisan rancor with a model of effective deliberative democracy;
- Build an online, public-access library of background resources, debates and reports for building the Constitutional foundations and related reforms that support rather than undermine American democracy;
- Unify a national cross-partisan network to become leading voices for passage and ratification, and who model deliberative self-government for a politically and demographically diverse people.

The Opportunity

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

These are a good start, and the progress of different Amendment bills 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

While this project is ambitious, many of the core principles of the 28th Amendment already are reflected in existing Amendment bills, and have strong cross-partisan 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 the most powerful people, corporations and interests.

Writing The 28th Amendment rests on three key components:

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

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.

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
- 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).
- American Promise knows how to bring Constitutional expertise to deliberative citizen processes concerning the 28th Amendment. At our National Citizen Leadership Conference, we included the following experts (in addition to those identified above):
 - 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, 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 wisdom of the 28th Amendment.

Cross-partisan citizen deliberation

Writing the 28th Amendment is for all Americans, not only 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 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.

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.’

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.

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.”