

THE MODEL CONSTITUTIONAL CONVENTION: A SIMULATED EXERCISE IN CONSTITUTIONAL REFORM

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I. INTRODUCTION

The United States Constitution is one of the most difficult constitutions to amend in the world.¹ Article V's threshold requirements for amendments pose daunting challenges for reformers, with high supermajority requirements in Congress and the states regardless of the alternative paths available to ratification.² As Professor Richard Albert has observed, these high hurdles produce a vanishingly low probability of success: although about 12,000 amendments have been proposed since 1789, only 27 have been adopted, creating a success rate of 0.002%.³ This low success rate has contributed to a constitutional “amendment culture” that inhibits reform⁴ and

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1. Richard Albert, *The World's Most Difficult Constitution to Amend?*, 110 CALIF. L. REV. 2005, 2008 (2022) (noting that academics who have ranked amendment difficulty consistently place the United States Constitution at the top of the scale for constitutional rigidity).

2. U.S. CONST. art. V.

3. Albert, *supra* note 1, at 2007.

4. See Tom Ginsburg & James Melton, *Does the Constitutional Amendment Rule Matter at All? Amendment Cultures and the Challenges of Measuring Amendment Difficulty*, 13 INT'L J. CONST. L. 686, 709 (2015) (explaining that historical trends in constitutional amendments—an amendment culture—may influence the likelihood of future amendments).

to what Professor Vicki Jackson has called the “myth” of amendment impossibility.⁵

At the same time, a movement has emerged, largely in conservative political circles, to call a constitutional convention to consider specific amendments to the constitution.⁶ These reformers seek to deploy a procedural method authorized by Article V but never used: the so-called “Convention of the States.”⁷ Although all twenty-seven existing amendments were proposed and ratified through a process that began with a two-thirds vote in Congress,⁸ the Convention of the States instead allows two-thirds of state legislatures to call upon Congress to convene a constitutional convention.⁹ Amendments that might emerge from this convention would then, as in the primary method, be returned to the state legislatures or state conventions for ratification by three-fourths of the states.¹⁰ State legislatures have enacted calls for a Convention of the States on various topics, and many of these requests remain operative.¹¹ Indeed, twenty-eight states now have standing requests for a convention to address a balanced budget amendment, thus nearing the thirty-four state threshold necessary for Congress to act.¹²

Many observers fear the Convention of the States, however, on grounds that the Constitution itself fails to place limitations on its scope.¹³ Thus, even if it were narrowed to a particular topic nominally, a Convention of the States could “run away” to

5. Vicki C. Jackson, *The (Myth of Un)Amendability of the US Constitution and the Democratic Component of Constitutionalism*, 13 INT'L J. CONST. L. 575, 602 (2015).

6. See, e.g., CONVENTION OF STATES ACTION, <https://conventionofstates.com/> [<https://perma.cc/6TUK-8836>].

7. See *id.*

8. *Constitutional Amendment Process*, NAT'L ARCHIVES, <https://www.archives.gov/federal-register/constitution> [<https://perma.cc/Q2EA-7AH7>].

9. U.S. CONST. art. V.

10. *Id.*

11. For a complete list of all pending requests from state legislatures for Congress to call a convention, see *Interactive State Article V Application Database*, ARTICLE V LIBR., <http://article5library.org/apptable.php?type=Application&sort=Y&order=A> [<https://perma.cc/KTT7-3QEH>] (providing an interactive list of state convention applications).

12. Heather Knight & Kate Selig, *A Constitutional Convention? Some Democrats Fear It's Coming*, N.Y. TIMES (Dec. 16, 2024), <https://www.nytimes.com/2024/12/16/us/a-constitutional-convention-some-democrats-fear-its-coming.html> [<https://perma.cc/DZ6T-7N9B>].

13. See Vincent Pulignano, *A Known Unknown: The Call for an Article V Convention*, 67 FLA. L. REV. F. 151, 153, 155 (2016) (highlighting the vagaries of Article V with respect to the procedures and scope of authority at a convention).

a broader remit that upends our constitutional order entirely. We have precedent for such a result of course. The Constitutional Convention of 1787 was convened to amend the Articles of Confederation.¹⁴ Instead, it produced a completely new constitution.¹⁵

The current era is therefore one in which agitation exists for constitutional change. At the same time, however, constitutional rigidity makes that change nearly impossible. Transforming our “amendment culture” into one that allows for greater constitutional flexibility will require not only a political movement but also an educational one.

Indeed, on the heels of a presidential election that exposed wide ideological rifts within our country—and even the prospect of political violence—civic engagement and education remain vital to the continuation of American democracy. The 2024 election also revealed certain unique characteristics of the young vote, such as a gender gap and lower voter turnout than in 2020.¹⁶ And while young people are certainly taught that their vote and civic engagement will allow them to shape their country’s future in a way that reflects their vision and values, amending the Constitution is a topic that has been less explored within classrooms. While voting is critical, what if our education system also emphasized to students that they can engage with our nation’s Constitution in a critical and change-oriented way? And what if, in the classroom, we as educators prioritized how students can sit across the table from and negotiate with those who have different perspectives in order to engage in vigorous discussion, to persuade and be persuaded, and to find solutions to civic and constitutional challenges?

Students can and do make a difference in our national dialogue over constitutional reform. On May 7, 1992, the Michigan House of Representatives ratified the Twenty-

14. Confederation Congress Calls the Constitutional Convention (Feb. 21, 1787), *reprinted in* 1 THE DOCUMENTARY HISTORY OF THE RATIFICATION OF THE CONSTITUTION 185, 187 (Merrill Jensen ed., 1976).

15. Gregory E. Maggs, *A Concise Guide to the Records of the Federal Constitutional Convention of 1787 as a Source of the Original Meaning of the U.S. Constitution*, 80 GEO. WASH. L. REV. 1707, 1711 (2012) (stating that the Federal Constitutional Convention of 1787 “proposed an entirely new Constitution to replace the Articles of Confederation”). *But see* Michael Farris, *Defying Conventional Wisdom: The Constitution Was Not the Product of a Runaway Convention*, 40 HARV. J.L. & PUB. POL’Y 61, 146 (2017) (arguing that the 1787 Convention was convened and the Constitution adopted lawfully).

16. *The Youth Vote in 2024*, TUFTS: CTR. FOR INFO. & RSCH. ON CIV. LEARNING & ENGAGEMENT, <https://circle.tufts.edu/2024-election> [<https://perma.cc/AP6Q-ACYN>].

Seventh Amendment to the United States Constitution, finalizing the adoption process.¹⁷ Initially proposed as the second amendment in the Bill of Rights,¹⁸ the Twenty-Seventh Amendment prohibits pay raises for members of Congress from taking effect until the intervention of an election in the House of Representatives.¹⁹ After languishing for more than 200 years, the Amendment was “resurrected” by a college student at the University of Texas named Gregory Watson.²⁰

Watson’s efforts remind us of Thomas Jefferson’s admonition that constitutions should expire after nineteen years to allow a new generation to imprint their views upon our governmental and political system. In a letter written to James Madison from Paris, Jefferson opined that “no society can make a perpetual constitution, or even a perpetual law. . . . Every constitution then, and every law, naturally expires at the end of 19 years.”²¹ Jefferson took this perspective because he believed that “[t]he earth belongs always to the living generation,” and therefore, constitutions must be adapted to each generation’s evolving standards of liberty and good government.²² Nevertheless, the amendment process appears to have atrophied, with no new amendment adopted since 1992.

To engage young people further in the process of constitutional reform and to instill an understanding of the importance of constitutional engagement, in 2024, the Center for Constitutional Design (CCD) at Arizona State University’s (ASU) Sandra Day O’Connor College of Law created the first student-led, nationwide Model Constitutional Convention (MCC) to propose, debate, and potentially adopt amendments to the U.S. Constitution.²³ Patterned after other successful simulations, such as the Model United Nations, the MCC brought together more than 100 law and undergraduate

17. Matt Largey, *The Bad Grade that Changed the U.S. Constitution*, NPR (May 5, 2017, 5:00 AM), <https://www.npr.org/2017/05/05/526900818/the-bad-grade-that-changed-the-u-s-constitution> [<https://perma.cc/YJP3-PCAE>].

18. 2 DOCUMENTARY HISTORY OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA 322 (1894) [hereinafter DOCUMENTARY HISTORY].

19. U.S. CONST. amend. XXVII.

20. Largey, *supra* note 17.

21. Letter from Thomas Jefferson to James Madison (Sept. 6, 1789), in 15 THE PAPERS OF THOMAS JEFFERSON 392, 395–96 (Julian P. Boyd ed., 1958) (footnote omitted).

22. *Id.* at 396.

23. The MCC was held in Phoenix, Arizona, from May 23 to May 26, 2024, on the campus of ASU’s Sandra Day O’Connor College of Law.

student delegates from more than seventy universities.²⁴ Following preparation of the student delegates in the form of a curriculum, outstanding keynote addresses by distinguished speakers, support from faculty mentors from across the country, and lively debate channeled by *Robert's Rules of Order*, the delegates adopted four amendments to the model constitution.²⁵ Notwithstanding the students' varied backgrounds and perspectives, the delegates demonstrated that compromise is possible even in our polarized times.

This Essay explains how the MCC was structured and the amendments it produced. It reflects on the impact the event had on the participants and on how a national movement to host MCCs across the country might unfold. It concludes with thoughts about how the MCC might be improved in future years to simulate more closely the reality of legal, social, and political conditions in the United States—conditions that have the potential to shape constitutional reform efforts.

II. CREATING THE MODEL CONSTITUTIONAL CONVENTION

In 2022, ASU created the Center for Constitutional Design funded by a generous gift from the Arizona-based Lodestar Foundation.²⁶ The Center's mission is to promote constitutional dialogue in the United States and globally through partnerships, events, and programs that highlight constitutional reform and change while simultaneously celebrating the world's longest-lived written constitution.²⁷ The Center cultivated partners such as the National Constitution Center (NCC) and Jeffrey Rosen, its president and CEO.²⁸ This partnership gave rise to several opportunities to co-host events

24. *2024 Model Constitutional Convention*, ARIZ. STATE UNIV.: CTR. FOR CONST. DESIGN, <https://constitutionaldesign.asu.edu/2024-model-constitutional-convention/> [https://perma.cc/4TNV-ZRBZ].

25. For a schedule of the 2024 Model Constitutional Convention events and a list of mentors and speakers, see ARIZ. STATE UNIV.: CTR. FOR CONST. DESIGN, MODEL CONSTITUTIONAL CONVENTION: 2024 GUIDE, <https://apps.law.asu.edu/FB/MCC/Guide/index.html> [https://perma.cc/EK86-N35R].

26. Julie Tenney, *ASU Law Forms Center for Constitutional Design*, ARIZ. STATE UNIV. NEWS (Feb. 9, 2022), <https://news.asu.edu/20220209-solutions-asu-law-forms-center-constitutional-design> [https://perma.cc/F9LG-RCBA].

27. *About the Center for Constitutional Design*, ARIZ. STATE UNIV.: CTR. FOR CONST. DESIGN, <https://constitutionaldesign.asu.edu/about/> [https://perma.cc/T87Q-UK27].

28. *See ASU Law Hosts Model Constitutional Convention*, ARIZ. PBS (May 20, 2024), <https://azpbs.org/horizon/2024/05/asu-law-hosts-national-model-constitutional-convention/> [https://perma.cc/VE5U-FEBE].

in Phoenix and Philadelphia on a number of constitutional topics. One such event²⁹ involved a retrospective on the NCC's Constitution Drafting Project.³⁰ That project brought together teams of law professors representing three perspectives—progressive, libertarian, and conservative—to debate potential constitutional amendments.³¹ Five such amendments were ultimately advanced through the project, all of which had cross-ideological support from each of the teams.³²

In considering how the Center could further impact constitutional dialogue, and because the Center was housed in the largest university in the country, the Center's leadership decided to (1) build on the NCC's Constitution Drafting Project and (2) embark on a simulated student-led and nationwide Model Constitutional Convention. In 2022, planning began to develop the structure for a simulated convention. Some examples did exist: several university and political activists have conducted classroom simulations of the original 1787 Convention,³³ as well as conventions focused on specific amendments involving budgetary discipline and term limits.³⁴ But no one had yet created the opportunity for students from across the United States to convene, debate, and potentially adopt proposals to amend the Constitution. In the initial planning stages, Center personnel concluded that both college and law students—students from as wide a range of viewpoints, experiences, and institutions as possible—should be invited to attend, allowing multiple perspectives to emerge in the debates. But what would be the structure? How many students? And how should they be selected? To address these questions, we

29. National Constitution Center, *Constitution Drafting Project: A Discussion of Five New Amendments*, YOUTUBE (Feb. 5, 2024), <https://www.youtube.com/watch?v=a4KaW5NMO8s> [<https://perma.cc/3BQG-9KA8>].

30. See *Constitution Drafting Project*, NAT'L CONST. CTR., <https://constitutioncenter.org/news-debate/special-projects/constitution-drafting-project> [<https://perma.cc/PRQ8-3JBL>].

31. *Id.*

32. See *id.*

33. See, e.g., Erica Turman, *Reliving Constitutional History in the Classroom*, WASH. & LEE UNIV.: COLUMNS (Mar. 31, 2021), <https://columns.wlu.edu/reliving-constitutional-history-in-the-classroom/> [<https://perma.cc/8PZW-4WH6>].

34. Sanya Mansoor, *How a Mock Convention Is Helping Fuel a Movement To Change the Constitution*, CTR. FOR PUB. INTEGRITY (July 30, 2018), <https://publicintegrity.org/politics/state-politics/how-a-mock-convention-is-helping-fuel-a-movement-to-change-the-constitution/> [<https://perma.cc/U2C5-5WDP>]; see also ARTICLE V SIMULATED CONVENTION, <https://cossimulation.org/> [<https://perma.cc/Q7A9-X4W2>] (Convention of States Foundation's simulation).

turned to the literature on educational simulations, and especially to those adopted in political science departments.

Simulation exercises have a long history in political science, with advocates arguing that, like laboratory experiments in physical science, simulations “offer social science students an opportunity to learn from firsthand experience.”³⁵ Deployed to assist students in understanding the dynamics of political interactions, professors and teachers have created simulation exercises and games in numerous contexts, including international relations, public policy creation, legislative decisionmaking, redistricting, Supreme Court oral arguments, Supreme Court confirmations, and presidential politics.³⁶ These simulations often reflect extremely creative approaches, such as the use of the board game “Battleship” to help students highlight the differences between the Articles of Confederation and the U.S. Constitution,³⁷ as well as the use of a fantasy football draft to identify desirable qualities in a president.³⁸ The level of enthusiasm for simulation activities has only grown in recent years to include online elements and other innovations that create a deeper and more realistic experience for students.³⁹ As the literature and degree of experimentation in educational simulations has grown, researchers have identified a number of best practices to ensure that simulations produce meaningful learning experiences that focus on goals, structure, and limitations.⁴⁰ The manner in which these elements are addressed by the MCC are set forth in a table in Appendix A, as well as in the following Part.

35. Victor Asal & Elizabeth L. Blake, *Creating Simulations for Political Science Education*, 2 J. POL. SCI. EDUC. 1, 2 (2006).

36. For a lengthy bibliography of these programs and published research explaining them, see the UK’s Political Studies Association’s website on teaching and learning, *IPED 2016 – Simulations*, POL. STUD. ASS’N TEACHING & LEARNING GRP., <https://sites.google.com/site/psatlg/resources/journal-articles/simulate?pli=1> [<https://perma.cc/9ZFE-VBG3>].

37. Dave Bridge, *You Sunk My Constitution: Using a Popular Off-the-Shelf Board Game to Simulate Political Concepts*, 10 J. POL. SCI. EDUC. 186, 190–93 (2014).

38. Dave Bridge, *Fantasy Presidents: A Game that Makes Research More Exciting*, 48 PS: POL. SCI. & POL. 621, 621–22 (2015).

39. See, e.g., *Interactive US Government and Politics Simulation*, STATECRAFT SIMULATIONS, <https://www.statecraftsims.com/us-government-simulation/> [<https://perma.cc/2XGM-QMF2>].

40. See, e.g., Olga Chernikova, Nicole Heitzmann, Matthias Stadler, Doris Holzberger, Tina Seidel & Frank Fischer, *Simulation-Based Learning in Higher Education: A Meta-Analysis*, 90 REV. EDUC. RSCH. 499, 499–522 (2020) (collecting and analyzing studies).

III. STRUCTURE OF THE CONVENTION

Creating a simulation that operates within a limited scope of space and time requires compromises and significant deviations from the modeled institution. A real constitutional convention could involve hundreds of delegates depending on how Congress chooses to structure it. On one hand, such a constitutional convention might extend over weeks or months. And amendments adopted pursuant to a real constitutional convention under Article V would involve ratification by state legislatures or state-level conventions. The MCC, on the other hand, took place over three days, involved far fewer participants, and did not involve the process of ratification.

The original 1787 Convention served as an initial model for the MCC, but to accommodate the limitations identified above, significant modifications were made to that original design.

First, at the 1787 Convention, states sent delegations of varying sizes from twelve states⁴¹ (Rhode Island did not send a delegation).⁴² With fifty states and multiple territories, however, we thought it impractical, for our first year, to host delegations from each state based on the size of each congressional delegation or through some other proportional allocation of delegates based on population. We concluded that each state, as well as Washington, D.C. and the U.S. territories, should be assigned two delegates, and students would represent the states that they preferred or to which they had some tie or proximity. Prior to the MCC, each student was provided with comprehensive demographic and political information about each state to facilitate effective state representation. Ultimately, 100 delegates were chosen to represent the fifty states, and ten additional delegates were selected to represent the territories and Washington, D.C.; these ten delegates also served as alternates in the event a state delegate failed to attend the MCC.

Second, the original 1787 Convention followed procedures to manage debate and voting,⁴³ but in the modern day, we decided that parliamentary and convention proceedings should be governed by *Robert's Rules of Order*. To facilitate students' learning and their adherence to *Robert's Rules*, the delegates

41. *List of Delegates by State*, TEACHING AM. HIST., <https://teachingamericanhistory.org/resource/the-constitutional-convention/delegates/> [https://perma.cc/M6U7-GLKP].

42. *Id.*

43. See 1 DOCUMENTARY HISTORY, *supra* note 18, at 50–54.

were supported by a professional parliamentarian, Al Gage, who educated the students about the rules and advised leadership on specific questions throughout the Convention.⁴⁴

Third, the 1787 Convention was organized around specific committees. The Committee of Detail produced the initial draft of the constitution,⁴⁵ and the Committee of Style produced a near-final draft.⁴⁶ Eight different “committees of eleven” addressed specific substantive issues that arose in the deliberations.⁴⁷ The MCC modified this structure by assigning students to one of ten committees, each of which were authorized to bring two proposals to the floor of the Convention. Each committee was assigned two faculty mentors drawn from law and political science faculties across the country, and the student delegates selected their own committee chairs.

Fourth, decisions by the 1787 Convention were determined by majority rule. In the MCC, however, the rules provided that no amendment could be adopted unless it received a three-fourths vote in the plenary session, thus mirroring the requirements of Article V. Because no ratification process could be undertaken following the MCC, the organizers concluded that the best rule for decisions on amendments would follow the three-fourths state ratification requirements mandated by either of the two amendment procedures in Article V.⁴⁸

And finally, like the 1787 Convention, the MCC delegates elected their own president and secretary.⁴⁹

44. See Al Gage, AM. INST. OF PARLIAMENTARIANS, <https://aipparl.org/listing/al-gage/> [<https://perma.cc/29Z8-5QXP>].

45. John C. Hueston, *Altering the Course of the Constitutional Convention: The Role of the Committee of Detail in Establishing the Balance of State and Federal Powers*, 100 YALE L.J. 765, 765 (1990).

46. David S. Schwartz, *The Committee of Style and the Federalist Constitution*, 70 BUFF. L. REV. 781, 783 (2022).

47. See *Committee Assignments Chart and Commentary*, TEACHING AM. HIST., https://teachingamericanhistory.org/resource/the-constitutional-convention/committee_table/ [<https://perma.cc/UH2P-PZJU>]; David O. Stewart, *Who Picked the Committees at the Constitutional Convention?*, J. AM. REVOLUTION (Sept. 13, 2018), <https://allthingsliberty.com/2018/09/who-picked-the-committees-at-the-constitutional-convention/> [<https://perma.cc/H2Y7-A2DR>].

48. The MCC Rules of the Convention are set forth in Appendix B.

49. See 1 DOCUMENTARY HISTORY, *supra* note 18, at 49. The MCC also elected a vice president. Prior to the MCC, candidates for these positions (president, vice president, and secretary) posted campaign pitches on YouTube, and the student delegates voted in advance of the Convention to select the Convention leadership.

IV. APPLICATION PROCESS

The MCC sought student delegates from every state and from all universities in the country. Graduate, undergraduate, and law students were all encouraged to apply via wide outreach to law school deans and department chairs, as well as through a social media campaign. The applications were managed through an online portal established at ASU and required students to submit (1) a statement of intent, (2) an academic transcript, (3) a list of relevant courses taken, and (4) a list of references. The application also encouraged each student to identify their preferences regarding which state they wished to represent.

The MCC received hundreds of applications. Students were evaluated based on their academic preparation for a convention experience. In addition, we carefully reviewed their personal statements for evidence of civic engagement and a willingness to participate in dialogue and to pursue compromise. This process produced 110 student delegates from more than seventy universities nationwide, each of whom was assigned to one of the fifty states, with ten alternates assigned to represent the territories.⁵⁰

V. DELIBERATIONS AT THE CONVENTION

As noted above, the MCC unfolded over three days. On the first full day (Friday), the delegates met in their committees to decide which amendments to bring to the floor. According to the MCC rules, each committee was authorized to bring up to two amendments of the committee's choosing to the plenary session. In advance of the MCC, delegates were introduced to the Amendments Project Database (compiled by Jill Lepore at Harvard),⁵¹ which includes all amendments proposed throughout U.S. history in a searchable database. Students were encouraged to consult this database in their efforts to draft their own amendments, which were posted to a Google Drive prior to the MCC. In addition, each committee was "seeded" with one of the amendments produced through the

50. Several of the alternates were ultimately assigned to a state when a few state delegates could not attend the Convention for family and other reasons.

51. THE AMENDMENTS PROJECT, <https://amendmentsproject.org/> [<https://perma.cc/6KXQ-G6UQ>].

NCC's Constitution Drafting Project.⁵² Committees also met in advance of the MCC to discuss parliamentary procedure and to deliberate with their mentors over their proposals.

On Saturday and Sunday, the students met in plenary session to debate proposed amendments from each committee. Strictly governed by time limitations and presided over by Convention officers and the parliamentarian, the debates evaluated twenty amendments voted out of the ten committees. Votes were taken via the serpentine method of raising paddles indicating the delegates' states, and four amendments were adopted after having met the three-fourths supermajority threshold.

Throughout the weekend, the delegates also received advice and information from four distinguished scholars: Dean Erwin Chemerinsky, Jeffrey Rosen, Professor Jill Lepore, and Professor Richard Albert. Each addressed particular elements associated with constitutional reform. Dean Chemerinsky highlighted some existing flaws in the current constitutional design; Jeffrey Rosen inspired the students with descriptions of the Framers' objectives at the 1787 Convention and the NCC's Constitution Drafting Project; Professor Jill Lepore challenged the students with questions and analysis of the history of proposed amendments since 1789; and Professor Richard Albert gave a rousing speech comparing the U.S. Constitution to other national constitutions and explaining why the opportunity for constitutional reform is so critical to a healthy democracy.

On the final day of deliberations and after lively and informed debate, cheers went up when the delegates passed their first amendment—an equal rights amendment protecting citizens from discrimination on the basis of gender or sexual orientation. Three additional amendments were passed protecting tribal sovereignty, limiting eminent domain, and eliminating partisan gerrymandering. Those amendments are

52. The proposed amendments include the following: (1) Amendment Twenty-Eight, addressing the qualifications for the presidency, to include residency for fourteen years; (2) Amendment Twenty-Nine, providing for a legislative veto of agency actions, thus overruling *INS v. Chadha*, 462 U.S. 919 (1983); (3) Amendment Thirty, clarifying and amending the impeachment process for executive and judicial officials; (4) Amendment Thirty-One, providing for staggered terms for Supreme Court Justices while maintaining life tenure through senior status, as well as a transition plan; and (5) Amendment Thirty-Two, modifying the constitutional amendment process in Article V. See CONST. DRAFTING PROJECT, NAT'L CONST. CTR., THE PROPOSED AMENDMENTS 3–7 (2022), https://constitutioncenter.org/media/files/The_Proposed_Amendments_AMENDMENTS.pdf [<https://perma.cc/BQ8C-FS4S>].

set forth in Appendix C. A celebratory banquet highlighted individual students' achievements with awards for persuasive oration, leadership, and compromise skills. The most effective committee also received a group award.

VI. REACTIONS TO THE MCC

Students' reflections on the MCC highlight the impact it had on their understanding and enthusiasm for constitutional design, political engagement, and collective action. Students reported that the experience helped them cultivate critical thinking, legal research, persuasive advocacy, and collaborative problem-solving skills. Students reported increased confidence in their reasoning abilities, a deeper understanding of constitutional principles, a sense of hope and accomplishment through productive consensus building, and that the experience opened them up to career possibilities within public service and excited them about the law. One student noted that:

As a student interested in constitutional reform and the state of our country in general, th[e] Model Constitutional Convention was an invaluable experience. Besides putting me in contact with constitutional luminaries, enlightening mentors and bright peers, the convention was a wonderful opportunity to imagine and discuss what our ideal constitution would look like.⁵³

Another observed:

The Model Constitutional Convention was an eye opening experience to both the challenges and potential progress an Article V convention could bring to the United States. I am honored to have been selected to participate in the inaugural Model Constitutional Convention and I hope it will serve as an inspiration not just for future conventions like it, but also for real constitutional change.⁵⁴

53. *Takeaways from the First Student-Led Model US Constitutional Convention*, ARIZ. STATE UNIV: CTR. FOR CONST. DESIGN, <https://constitutionaldesign.asu.edu/takeaways-from-the-first-student-led-model-us-constitutional-convention/> [<https://perma.cc/M69H-386Q>].

54. *Id.*

Other testimonials demonstrated that the MCC was an inspiring experience for students, and one in which lasting friendships have been made.⁵⁵

The MCC caught the attention of the public through a series of television segments and blog posts. *Arizona Horizon* (PBS) featured the MCC with an interview that aired several days before the MCC convened.⁵⁶ The local NPR station in Phoenix also hosted an interview exploring the nature and impact of the MCC.⁵⁷ In addition, participants published multiple reviews on the *JURIST* site,⁵⁸ as well as in *The Leaflet*⁵⁹ (a blogpost of the International Forum on the Future of Constitutionalism) and on the *Fulcrum* website.⁶⁰

VII. THE FUTURE OF THE MCC

The organizers of the MCC are now considering how to perpetuate this simulation in future years and provide resources for educators interested in teaching students about constitutional change.⁶¹ The first MCC demonstrated that future simulated conventions have the potential to produce a

55. For a video explaining the MCC, see Sandra Day O'Connor College of Law, *ASU Law Hosts Inaugural Student-Led Model Constitutional Convention*, YOUTUBE (July 1, 2024), <https://www.youtube.com/watch?v=oSFPOrEtQGc> [<https://perma.cc/V3UL-T6UB>].

56. AZPBS Now, *ASU Law Hosts Model Constitutional Convention | Arizona Horizon*, YOUTUBE (May 23, 2024), <https://www.youtube.com/watch?v=NLHWbS1TWkI> [<https://perma.cc/FH7G-Q9LK>].

57. *At ASU's Constitutional Convention, Delegates Build Consensus on Big Issues*, KJZZ (June 20, 2024, 12:57 PM), <https://www.kjzz.org/news/2024-06-20/at-asus-constitutional-convention-delegates-build-consensus-on-big-issues> [<https://perma.cc/VU3W-2FYS>].

58. Stefanie Lindquist, *Takeaways from the First Student-Led Model US Constitutional Convention*, JURIST (June 12, 2024, 11:36 AM), <https://www.jurist.org/commentary/2024/06/takeaways-from-first-student-led-model-us-constitutional-convention/> [<https://perma.cc/3NA6-U5WS>]; JP Leskovich, *Arizona Dispatch: US University Students Convene for a Model Constitutional Convention at a Critical Juncture in a Divided Country*, JURIST (May 25, 2024, 2:00 PM), <https://www.jurist.org/news/2024/05/arizona-dispatch-us-university-students-convene-for-a-model-constitutional-convention-at-a-critical-juncture-in-a-divided-country/> [<https://perma.cc/E8FY-BRGP>].

59. Richard Albert, *From the Director's Desk*, THE LEAFLET (June 10, 2024), <https://view.flodesk.com/emails/664ee17054c3f9691fb1d103> [<https://perma.cc/S8AS-8KSD>].

60. Rick LaRue, *What 106 Students Just Taught Us About a Constitutional Convention*, FULCRUM (June 10, 2024), <https://thefulcrum.us/civic-engagement-education/asu-model-constitutional-convention> [<https://perma.cc/YDH7-9YYL>].

61. As of the date of publication, the organizers have secured funding to host a second Model Constitutional Convention at WashU Law in May 2026.

high level of engagement and learning. It allowed enthusiastic students from diverse backgrounds to show us their preferences regarding the core principles and values that should be embodied in the Constitution. Thus, while students certainly benefited from the Convention, the nation stands to benefit even more if their example can be replicated.

The 2024 MCC offered several lessons that will inform how to structure the Convention in future years. First, we learned that students could have benefitted from more rigorous preparation in advance of the MCC, specifically on topics such as constitutional amendment drafting. For example, it would be useful to ensure that students are fully prepared to (1) distinguish between a statute and a constitutional amendment, (2) craft language that enhances the clarity of their proposals, and (3) consider potential interpretations of their proposals by the courts. Relying on Harvard's Amendments Project database, in future iterations of the Convention, we would seek to use past actual attempts at amending the Constitution as an educational tool to help students as they prepare to propose their own amendments. Other topics we would emphasize in a preparatory course include engaging in civil discourse, effective oral advocacy, and *Robert's Rules of Order*. A historical perspective on the amendment process would also set a strong foundation for students, ensuring a shared understanding of what this project and experiment are designed to accomplish.

Second, we would seek to engage the media and political participants more actively in the MCC, including inviting state legislators to the MCC as mentors, speakers, and observers. Our goal with this enhancement in strategy would be to use the MCC to bridge the academic and the political divide. If the MCC is designed to unveil what engaged citizens can do when offered the opportunity to debate amendments to the Constitution, bringing elected officials into the project would give students a more realistic grounding in what it means to represent their assigned state and constituents, what the political considerations of any given amendment might be, and how they should strategically approach the Convention—just as any state legislator would. We would also, perhaps, give state legislators ideas and perspectives that they can take back to their jurisdictions.

Third, while we sent students a questionnaire following the MCC and gathered tremendous feedback, in future iterations, we will also ask students questions in advance of their

participation, so we can assess the educational impact of the MCC in a more scientific manner.

Finally, support for the MCC initiative has grown, and we have already assembled a wide coalition of institutions (law schools, universities, and the NCC) to support the next MCC. Ultimately, the vision is to form a centralized, national nonprofit that can serve as a hub for all MCCs, whether hosted across institutions or held within a single classroom, school, or institution. Such a nonprofit center could offer resources, trainings, and expertise for any educational institution seeking to host a model convention. We would model this nonprofit after the Model UN movement,⁶² the values of which are numerous: we would amplify our impact by serving as a central repository of resources, and we would continue to refine and perfect the structure as more MCCs take place. Over time, discussion about amending the Constitution would become far less hypothetical, as a growing body of students around the country have the experience of serving as a delegate in a model convention. When delegates at our pilot MCC passed their first amendment, the energy and excitement in the room were both visible and palpable, and many students in their testimonials told us how encouraged they were that change can be achieved. Instilling and spreading that sense of possibility is one of the driving forces of this effort, and it is our belief that a centralized hub would amplify the message that change is possible, for this generation and future generations to come.

62. See NAT'L MODEL UNITED NATIONS, <https://www.nmun.org/> [<https://perma.cc/64BX-R3YD>].

Appendix A

The Model Constitutional Convention: Simulation Design		
Goals	Educational Purpose	<ol style="list-style-type: none"> 1. Provide student participants with a simulation of real-world negotiation over constitutional design and amendments (U.S. Constitution Article V). 2. Through media coverage, educate the public and policymakers about the process of amending the Constitution, about constitutional amendments preferred by students, and about amendments that have the potential to achieve consensus in Congress.
	Content v. Process	<p>The convention simulation involves both content and process.</p> <ol style="list-style-type: none"> 1. Content: the substantive provisions of proposed amendments to the Constitution. 2. Process: the voting and other procedural steps (including <i>Robert's Rules of Order</i>) necessary to propose and ratify constitutional amendments pursuant to Article V.
	Research and Preparation	Students enroll in an online introductory course

		<p>on the amendment process, delivered via Canvas, including links and descriptions of various constitutional amendments that have been proposed in recent years or that were part of the NCC's amendment project, as well as preparatory readings in political theory, the 1787 Convention, Federalist and Anti-Federalist writings, and constitutional law for students to prepare them for the discussion of amendments.</p>
Structure	Real or Fictional Case	<p>The convention simulation includes both real and fictional elements.</p> <ol style="list-style-type: none"> 1. Real: students are introduced to constitutional amendments that have actually been proposed in Congress in past decades, and the MCC's structure is based (loosely) on the actual procedures for a Convention of the States under Article V, as well as on procedures modeled after those used in the 1787 Convention in Philadelphia. 2. Fictional: Congress has never authorized a

		<p>convention called by two-thirds of the state legislatures, as contemplated in one Section of Article V; the simulation is fictional to the extent it is NOT based on an actual convention held in the past.</p>
	<p>Level of Complexity</p>	<p>The convention simulation is fairly complex in that it includes deliberations among students in committees followed by debate in the Committee of the Whole, all in accordance with <i>Robert's Rules of Order</i>. By providing faculty and graduate student mentors assigned to each committee and by employing a parliamentarian, the decisionmaking process is streamlined to ensure that the MCC does not devolve into disordered interactions. By modeling the simulation on the procedure for the Convention of the States, the simulation removes one major institution from the equation: Congress. Thus, while the simulation will be fairly complex, the design we have proposed will cabin the process to enable the students to achieve meaningful</p>

		results.
	Participants	Senior undergraduate students and law students are well-situated in terms of their educational journeys to participate in the MCC, and assigning students to the individual states will enable students to role-play in accordance with their states' characteristics and citizen preferences. Participants also have access to an online course and materials to ensure that they are well-prepared for the simulation.
	Decisionmaking Process	<i>Robert's Rules of Order</i> structure the Convention's decisionmaking process, and the committee structure encourages students in smaller groups to brainstorm new amendments that might be acceptable to the Committee of the Whole. The Convention's decisionmaking process therefore follows a carefully planned schema for the group to produce potential amendments and ratify them through the vote of thirty-eight states as required by the Constitution. And the process introduces students to decisionmaking in accordance with <i>Robert's Rules</i> , which are used to govern many different

		decisionmaking processes in our democracy and within organizations.
	Actions/ Negotiation Environment	By organizing and assigning students to ten committees of ten students each, the MCC creates a small group context in which students can negotiate over proposed amendments, followed by the experience of debate on the floor by the entire group of state delegates. This structure provides students with the opportunity to learn in both small and large groups, to form coalitions to support or oppose specific amendments, to propose amendments to the proposals themselves, and to advocate on behalf of amendments they prefer, all within a carefully defined set of rules (<i>Robert's Rules</i> and the procedures noted in Max Farrand's <i>The Records of the Federal Convention of 1787</i>) that will ensure the deliberations remain orderly.
	Nature of Outcomes	The simulation produces specifically defined outcomes: proposed and ratified amendments to the U.S. Constitution, with the Committee on Style editing and refining those amendments at the MCC's conclusion and with the

		elected secretaries producing a report for public consumption and distribution.
	Constraints on Participants	The student participants are constrained in terms of time, but otherwise, they are free to propose new amendments as they see fit (one new amendment per committee).
Limitations	Time	The MCC unfolds over a three-day period, enabling sufficient time for students to get to know each other, meet and deliberate in committees, and debate in the Committee of the Whole.

Appendix B Rules of the Convention

Preface

The Model Constitutional Convention is modeled after a form of convention described in Article V of the U.S. Constitution. It is necessary to abbreviate some of the processes that would be involved in forming a convention to accommodate the time constraints of holding this model convention in three days.

In an actual convention, it may take days or weeks to elect a presiding officer, adopt rules of the convention and even begin the committee work of actual drafting or debating a proposal for a constitutional amendment. In order to facilitate our time constraints, we will be electing a President, Vice President, and a Secretary; adopting the convention standing rules and program; and requiring proposed constitutional amendments in advance of the convention rather than from the floor, as well as limiting the number of proposals that a state may submit.

While it requires two-thirds of the state legislatures to agree to hold a convention, there is no guarantee that the delegates sent to the convention would in fact be legislators. The rules contained in *Mason's Manual of Legislative Procedure* are designed for legislatures (normally bicameral) and do not readily lend themselves to convention procedure. Considering this fact, the sponsors have chosen to operate under the latest edition of *Robert's Rules of Order Newly Revised* (12th Ed.) (RONR) with the exception that electronic voting in advance of the convention will be allowed. This decision is based on the applicability of RONR to conventions and the educational value of exposure to the more common parliamentary authority.

Rules

Rule 1. Parliamentary Authority

The rules contained in the current edition of *Robert's Rules of Order Newly Revised* (12th Ed.) shall govern the Convention in all cases to which they are applicable and in which they are not inconsistent with these rules.

Rule 2. Administration

The administrator of this event shall be the Arizona State University Sandra Day O'Connor College of Law. The

administrator shall perform the function of the committee on rules and the program committee.

Rule 3. Credentials

Each state shall be entitled to two delegates. Attendance at all sessions is a requirement for funding. The administrators shall appoint a credentials committee of five to report the credentials to the Convention. No other business is in order until approval of the credentials report.

Rule 4. Officers

- A) The delegates to the Convention shall elect a President, Vice President, and Secretary of the Convention by a plurality vote in advance of the Convention using Poll Everywhere Software. The voting will be open for a minimum of six hours. Each Candidate shall be allowed to submit a five-minute video introduction for distribution to the delegates. The President and Vice President should be chosen solely on their ability to preside.
- B) The administrator shall appoint one student to preside over the election of the permanent President, Vice President, and Secretary, which will simply be an announcement of the election results from the pre-Convention election. Once the President has been declared elected, they will assume their duties immediately.
- C) The parliamentarian shall be engaged by the administrator.

Rule 5. Quorum

A majority of the registered delegates must be present on the floor for the Convention to conduct any business, with the exception of the motions to *Raise a Question of Privilege*, *Recess*, and *Adjourn Sine Die*.

Rule 6. Order of Business

The order of business shall be as follows:

- 1) Adoption of the Credentials Report (in advance of the Convention)
- 2) Adoption of the Rules and Program (in advance of the Convention)

- 3) Election of President, Vice President, and Secretary (in advance of the Convention)
- 4) Call to order
- 5) Invocation
- 6) Pledge of Allegiance
- 7) Roll Call of States
- 8) Review of Committee Assignments and Procedures
- 9) Committee Meetings
- 10) Plenary Hearing of Initial Reports
- 11) Plenary Explanation of the Rules of Debate
- 12) Consideration and Adoption of NCC Proposals
- 13) Consideration and Adoption of other Proposals
- 14) Adjournment

Rule 7. Limitations of Proposals

Any amendment to an existing Article or by adding a new Article will be deemed a proposal, including the NCC proposals. Each state shall be limited to one proposal for a constitutional amendment, either to amend an existing Article or to add a new Article. Proposals to amend an existing Article must be germane to that Article. All proposals must be submitted to committee chairs by Monday, May 20, 2024, to be considered by the Convention.

Each state delegation must agree which member will present its additional proposal to their respective committee. If the two representatives do not agree on which proposals to submit, that state will not be permitted to submit a proposal. Territorial delegates may also submit a proposal to any committee but must agree in advance as to the proposal and as to which committee(s) it will submit the proposal.

Proposals that contain provisions that are not germane to one another will be ruled out of order by the committee chair, the convention chair, or both. Proposals that amend more than one Article of the Constitution will also be ruled out of order unless they are necessary conforming amendments.

If the wording of one proposal conflicts with the wording of a proposal already adopted, it shall not make the proposal out of order. The wording of the proposal adopted at the latest temporal point shall prevail if there exists a conflict between two or more proposals.

Rule 8. Limitations of Motions

The only permissible motions are original proposals, postpone indefinitely, primary and secondary amendments to proposals, limit or extend debate, previous question, point of order, appeal, suspend the rules, division of the question, division of the assembly, parliamentary inquiry, motions concerning voting, request for information, reconsider, adopt in lieu of as described in Rule 11 question of privilege, recess and adjourn sine die. These rules including this rule may not be suspended without a three-quarters vote.

Rule 9. Limitations of Debate

Debate in Plenary Session shall be limited to two debates of no more than two minutes per speaker per debatable motion. Debate on any proposal shall not extend beyond one hour in total duration.

Rule 10. Committee Procedure

A. Committee Officers.

Each committee will elect a chairman and a scribe. The chairman will preside at the committee meeting, and the scribe will produce a memo of the action of the meeting. The President of the Convention will assign similarly themed amendments to the same committee to the extent possible.

B. Committee Proposals.

Each committee will be assigned one NCC proposal to perfect. Each committee will first consider the NCC proposal and then consider any proposals from the states represented within the committee.

Each committee may advance up to two proposals to the floor: The proposal receiving the highest majority vote of state delegates from the committee shall be forwarded by the committee. Ties will be resolved by drawing lots. If none of the proposals receive a majority vote or higher, that committee will not report any proposals. Any proposal in a committee that does not receive a majority vote or is not the highest majority will be considered defeated by the Convention.

C. Limitation of Debate in Committee.

The limitation of debate within the committee shall be limited to two debates of no more than two minutes per speaker per debatable motion.

The total time for debate on the NCC proposal shall be limited to thirty minutes. At the end of thirty minutes, any pending motions shall be put to a vote without further debate in succession until the question is decided.

The time remaining shall be divided equally among the remaining proposals or a maximum of fifteen minutes, whichever is less, after which any pending motions shall be put to a vote.

D. Previous Question in Committee.

A member of the committee may call for the previous question provided at least one pro and one con debate have been heard on the motion.

E. Report of the Committee.

At the beginning of the first Plenary Session of the Convention, the chairman of the committee will report one of the potential two proposals to the Convention. If the committee is to forward a second proposal, this must be presented by another member of the committee. Each presentation shall not exceed five minutes in length. At the conclusion of the presentation, the member moves to adopt their proposal or adopt their proposal in lieu of the other committee's proposal if it has already been presented. The proposals shall automatically be postponed until the Saturday session.

Rule 11. Adopt in Lieu Of

It shall be allowable to adopt one proposal or amendment in lieu of one or more other proposals or amendments by a majority vote. If a motion to adopt one proposal or amendment in lieu of another proposal or amendment is lost, the original proposal or amendment is defeated but the remaining motions may still be offered.

Rule 12. Suspension of the Rules

Contrary to *Robert's Rules of Order Newly Revised*, these rules (including this rule) may not be suspended except by a three-quarters vote.

Rule 13. Points of Order and Appeal

All points of order will be decided by the President subject to an appeal except all appeals shall be non-debatable beyond the President and the appellant.

Rule 14. Plenary Session

The plenary session shall first take up the NCC proposals in an order determined by the President. It shall not be in order to move to alter the order of consideration.

If a proposal is taken up to adopt one proposal in lieu of another, it shall be in order to amend the proposal but not in lieu of proposals. If a motion to adopt one proposal in lieu of another is defeated, the other proposal shall be immediately stated as pending by the presiding officer. This proposal is then open to amendment but not substitution back to the first proposal.

After completion of the NCC proposals, the chair will announce the next proposal as pending, and all the above actions shall be in order at that time.

Rule 15. Amendments

No more than one primary and one secondary amendment to a proposal may be pending at one time. There is no limit to the number of times a proposal may be amended.

Amendments must be germane to the pending proposal to be in order.

The President may waive the settled rule for amendment (the rule that prohibits wording from being amended once it has been amended) if, in the opinion of the President, the replacement wording is likely to pass or improves the proposal.

Rule 16. Minutes

Minutes of all motions and necessary procedural actions will be kept. The minutes will not reflect the names of the makers of motions or seconding of motions other than that they were seconded. The minutes will not attempt to capture any substance, direction, or accounting of debate.

Rule 17. Display of Motions

All proposals or motions and amendments of motions or proposals will be displayed, and the displayed version will be the official version of all motions adopted.

Rule 18. Decorum

Decorum and Diplomacy must be maintained at all times in debate and on the delegate floor. As a reminder the rules of decorum are:

1. Confine all remarks to the merits of the pending question. A delegate may not debate a proposal while an amendment is pending.
2. Avoid the use of members' names. A delegate should be referred to as "the delegate from Virginia."
3. Refrain from disturbing the assembly. Side talk, clapping, cheering, and other forms of outward expression are prohibited.
4. Refrain from attacking a delegate's motives. Debate is confined to the merits of the question, not the personality of the proponent.
5. Refrain from reading from papers' quotations without permission.
6. A delegate may not speak against their own motion.
7. Address all remarks to the President.
8. Refrain from speaking adversely on a prior action not pending.
9. Be seated during an interruption by the President.
10. The President may not debate a proposal without yielding the gavel to the Vice President or another member who has not spoken.

Rule 19. Voting

All votes will be taken by voice vote and verified according to methods in the parliamentary authority, except for the final vote on any proposal, which shall be taken by rising serpentine count. A delegate who is unable to rise or raise their hand may indicate their vote in another fashion. It shall require seventy-six votes to adopt any final proposal for amendment to the Constitution. The President may vote on any vote in which their vote will alter the outcome of the vote.

Appendix C Adopted Proposals

Proposal Name: An Amendment Affirming the Sovereignty of Tribal Nations New Amendment.

The following amendment, offered by the Delegates from the State of Oklahoma, is introduced as a new Article of the Constitution, and does not supersede any provision of the existing Constitution.

§ 1. The inherent sovereignty of Tribal Nations within the United States shall remain inviolable, except as otherwise provided in this Constitution. Congress shall have the power to require Tribal Nations to afford individuals within their jurisdiction certain fundamental rights, but may not interfere with the Tribal Nation's right to determine its own citizenship.

§ 2. Congress may provide for disapproval of a compact between a Tribal Nation and a State through an ordinary act of legislation, but such disapproval must be given within one hundred and eighty days of the final approval of the compact by both the State and the Tribal Nation.

§ 3. Criminal Jurisdiction:

a. No State may exercise criminal jurisdiction over crimes committed by Indians within the Indian Country of a Tribal Nation, except as pursuant to a compact between the State and the Tribal Nation.

b. A State shall possess criminal jurisdiction over all crimes committed by non-Indians within the Indian Country of a Tribal Nation located within the borders of the State.

c. Congress may enact laws providing for the United States and the Tribal Nations to have criminal jurisdiction over crimes committed by non-Indians within Indian Country under circumstances Congress shall deem appropriate, provided that such jurisdiction shall be concurrent with that of the State. Where such individuals are alleged to have committed a crime against an Indian, the United States shall have criminal jurisdiction, but this jurisdiction shall not be exclusive.

§ 4. The inherent sovereignty of a Tribal Nation shall include the power of such Nation to regulate the conduct of all private actors within the Indian Country of the Nation. Where a Tribal Nation so regulates, such regulations shall supersede conflicting State laws within the Indian Country of the Tribal Nation. No such regulation carrying

criminal penalties may be enforced against a non-Indian except in accordance with Section 3(c) of this Article, in which case the Tribal law shall run concurrently with the State law.

§ 5. No State may levy taxes upon any of the following:

- a. transactions between Indians within Indian Country;
- b. the income of Indians residing within the Indian Country of the Tribal Nation with which they are enrolled, where that income was derived from sources within such Indian Country;
- c. the property of Indians residing within the Indian Country of the Tribal Nation with which they are enrolled; and
- d. business entities wholly owned by a Tribal Nation; but activities of such entities outside of the Indian Country of the Tribal Nation shall be subject to taxation.

§ 6. Nothing in this Article shall prevent a State from offering generally available public services, including but not limited to schools, emergency services, and public utilities within any Indian Country located within the borders of the State.

§ 7. Tribal Nations shall be considered States for purposes of Article IV, Section 1 of this Constitution.

§ 8. Congress shall have the power to establish statutes allowing Tribal Nations to send delegates to the House of Representatives.

§ 9. Congress shall have the power and responsibility to legislate and appropriate funds for the benefit of Tribal Nations.

§ 10. Congress shall have the power to enforce, by appropriate legislation, the provisions of this Article, but the provisions of this Article shall nonetheless become operative even in the absence of Congressional legislation.

Proposal Name: The Equal Rights Amendment

Addition to Section 1 of the Fourteenth Amendment.

All persons born or naturalized in the United States shall have equal rights in the United States and every place subject to its jurisdiction. Equality of rights under the law shall not be denied or abridged by the United States or any State on account of sex, gender identity, or sexual orientation.

Proposal Name: Eminent Domain Amendment
(*Update to Amendment V*)

An Amendment to supersede Amendment V of the present Constitution.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for private use regardless of purpose or expected public benefit, or taken for public use without just compensation.

Proposal Name: Congressional Districts
New Amendment.

§ 1. The right of citizens of the United States to equal representation in the election of their Representatives shall not be denied or abridged by the United States or by any State.

§ 2. In the drawing of congressional districts, no State shall enact, enforce, or maintain any redistricting plan or process that has the intent or effect of unduly favoring or disfavoring any political party or group based on race, color, religion, sex, sexual orientation, gender identity, national origin, ethnicity, language, socioeconomic status, age, familial status, disability, or other protected characteristic. All districts shall be established in a manner that ensures equal and fair representation for all citizens. A redistricting plan or process found in violation of this Amendment shall be null and void.

§ 3. The Congress shall have the power to enforce this Amendment by appropriate legislation.

§ 4. This Amendment shall take effect immediately upon ratification and apply to the next redistricting cycle and all redistricting plans and processes thereafter.

