

Suggestions for Preparing for the Model Constitutional Convention

In June, undergraduate students from across Wisconsin will participate in a model constitutional convention at the University of Wisconsin, Parkside. Since this has apparently never been done before, below is some advice on preparing. It is not the only way to prepare, but hopefully provides students with the momentum need to start student on their way.

During the convention students will use the ordinary rules of parliamentary procedure to develop, propose, debate, and vote upon language to amend the constitution. You have only two and half days to accomplish this. Therefore, a successful delegation will have draft amendments well ahead of time and formed alliance with delegates from other schools. A D2L website on which you can interact with members from other delegations is available to you. Some of your time will be spent in session, that is, in a legally recognized format in which delegates can make motions which shall be considered by the convention and when approved by the convention become the convention's action. However, much of your work will occur out of session. For instance, when working together to draft amendments, the members of the committees might adjourn until such and such a time to work in groups, then reconvening at a specific time to consider motions to report back to the convention.

To pass an amendment, you will need to form a coalition of delegates sufficient to garner a majority vote of the convention. Near the beginning of the convention, the chair will accept motions to establish committees with the task of drafting and reporting back to the convention on specific amendments. Therefore, if you wish to pass your amendment, it is vital that you arrive prepared to establish and maybe lead a committee dedicated to amending on a specific topic. For instance, you might make a motion to establish a committee dedicated to drafting an amendment which would allow states to secede from the union. If that committee is to be established, you must secure a majority vote from the convention, and that proposed amendment will be competing with motions from other delegates. It is likely that many committees will be formed, but not enough to consider all the amendments delegates would wish to consider. If the convention has 50 delegates and each committee has 10 members and each committee is working at the same time (which, given the short time frame, is likely), the convention shall be able to consider 5 amendment (not necessarily approving them).

Further, remember that your amendments shall be communicated to Wisconsin's Members of Congress and shall be accompanied by letters urging those members to

submit your proposed language for the consideration of the Congress – your work is important and significant and cannot be hastily accomplished.

The following questions may help direction your preparation:

1. What is the problem to be remedied by an amendment to the Constitution? Does this problem require an amendment to the constitution, or could it be remedied by ordinary legislation?
2. Why has that problem developed? Has the problem developed because of changes in technology, demographics, the environment, or some other thing? Is the amendment designed to overturn a Supreme Court case? What future problems might the Constitution face? Does your amendment anticipate those problems?
3. Who would benefit from the amendment and who would perceive the amendment as harming their interests? Who is benefited by the status quo?
4. What are the political norms – such equality or republicanism – which motivate your amendment? In presenting your amendment to the public, will you be able to articulate those norms persuasively?
5. What additional language to the constitution will remedy the problem identified? In developing this language, you might consider which institutions will interpret or implement that language. Will those institutions interpret your language in the way that you would like, or might they interpret it differently, or even contrary to how you want it to be interpreted?

For instance, will the amending language enable or require Congressional implementation? What sort of lawsuits will bring the amendment before the Supreme Court? How will the Supreme Court interpret that language when and if it takes jurisdiction? How will it impact state governments? Amending language might even alter the way the United States interacts with other nations; how will the leadership of other countries interpret the amendment?

5. Can you develop a coalition of delegates which will form a majority for in favor of the proposed amendment?
6. Examining the history of the success or failure of previous attempts at amending the Constitution will give you a sense of what has worked in the past and what might or might not work now.

As you prepare your amendments, please take note of what seems to work for you and why. While this is the first time you have participated in a model constitutional convention, it is also the first time we have organized one, so we want to understand what you found useful so we can build off of your experience.

I look forward to meeting you in June.

Sincerely,

Professor Ross Astoria