Harvard University Extension School

A Constitutional Convention (LSTU-E 109A) - Professor Allan A. Ryan

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(Constitutional Convention Paper)[2] **– January, 20, 2017**

I. The problem you identify that needs fixing. What is it? What part of the Constitution creates it (or fails to fix it)? Why is it a problem that needs fixing?

There is no way to deny that the Constitution of the United States is a respectable document, which is surviving more than two hundred years, and was amended only twenty-seven times. Similarly I can say that the United States of America - despite several problems – is still the most evolved nation of the World, and, certainly, the Constitution played an important role in this scenario, giving legal certainty (court surety) to American people.

But, like all human creation, there are some problems which originate from the constitutional text and they are scattered into the *Magna Carta.* These problems must be seen in

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[2] Paper mainly based on the following doctrines: ALEXY, Robert. A Theory of Legal Argumentation: The Theory of Rational Discourse as Theory of Legal Justification, Clarendon, 1989 (translated by Neil MacCormick); ALSTON, Philip and GOODMAN, Ryan. *International Human Rights – the successor to international human rights in context,* Oxford, 2013; BOBBIO, Norberto. *Equality and freedom.* Trad. Carlos Nelson Coutinho. Rio de Janeiro: Ediouro, 2002; *The era of rights.* Trad. Carlos Nelson Coutinho. Rio de Janeiro: Campus, 2004; BOWEN, Catherine Drinker. *Miracle At Philadelphia: The Story of the Constitutional Convention* (Little, Brown 1966); DWORKIN, Ronald. *Taking rights seriously.* Trad. Nelson Boeira. São Paulo: Martins Fontes, 2002; *Law's empire.* Oxford: Hart Publishing, 1998; *A Matter of Principle.* Trad.: Luís Carlos Borges. São Paulo: Martins Fontes, 2001; EDWARDS, Alice. In Human Rights, Refugees, and The Right 'To Enjoy' Asylum. Published by Oxford University Press. www.ijrl.oupjournals.org; GUASTINI, Riccardo. *From Sources to Standards,* Trad. Edson Bini. São Paulo: Quartier Latin, 2005; GERAIGE NETO, Zaiden. *The principle of non-obviation of Judiciary jurisdiction.* Revista dos Tribunais, São Paulo: 2003; *Rescissory Action The slow pace of written law, compared to fast transformations within contemporary societies.* Revista dos Tribunais, São Paulo: 2009; *Final Paper in Law and Philosophy,* Harvard Extension School, Jan/2016; LARSON, Edward J.; WINSHIP, Michael P. (2005). *The Constitutional Convention: A Narrative History from the Notes of James Madison.* New York: The Modern Library; MINHOTO, Antonio Celso Baeta. *The Judicial Activism And The Tense And Fragile Balance Of Social Inclusion And Free Enterprise: the role of the judicial branch on construction of public policies and its intervention in the economical domain.* Available in: < http://www.abdconst.com.br/revista11/ativismoAntonio.pdf>. Access in: apr. 25th, 2016; MONTESQUIEU. *The Spirit of Laws;* RYAN, Allan A., *A Constitutional Convention,* Harvard Extension School, 2017.

the light of the historical context of the time of the promulgation of the Constitution (1787), therefore, they reflected the interests and the culture then in force at the time.

Indeed, I think that nowadays interpreting the Constitution literally is a huge mistake. The interpreter (mainly the judges) needs to adjust the norm to actuality and the content of the rule must be analyzed case by case.

I had the opportunity to discuss this issue in another paper when I studied *Law and Philosophy* also at Harvard Extension School.

In those paper I said that among the legal and philosophical methods adopted to prepare a court decision, the syllogism (premises and conclusion) and the subsumption of the *facto* to the norm (incidence hypothesis) are two tools of the most used, just that, therefore, is in the system a rule or decision (paradigm) that may apply to that particular case on trial.

However, although still valid, these methods are often not sufficient for the solution of so-called hard cases, whereas the evolution of law brought to discussing new realities, always linked to social dynamics, considering the slow pace of Written Law compared to the rapid transformations of contemporary societies.

The problem is that not always the classic process can predict expressly an immediate solution to certain phenomena observed in the procedural *iter*, and falling to the empirical world, making it even more tormenting a particular situation and the solution hoped to-find in Judiciary.

Also I have discussed this issue in other previous paper, having mainly based me in the thought of Ronald Dworkin, Robert Alexy and Riccardo Guastini[3]. And although much of the doctrine believe that Dworkin and Alexy do not follow the same philosophical line, I believe, although not based on different premises, the two professors can indeed be analyzed with a

[3] GERAIGE NETO, Zaiden. *Rescission Action – the slow pace of the written Law compared to the rapid changes of contemporary societies.* RT ed., 2009, pp. 156/160; DWORKIN, Ronald. *Law's empire.* Oxford: Hart Publishing, 1998, pp. 02-3; DWORKIN, Ronald. *A Matter of Principle.* Trad.: Luís Carlos Borges. São Paulo: Martins Fontes, 2001, pp. 14-6; ALEXY, Robert.*Theory of Legal Reasoning.* São Paulo: Landy, 2001, pp. 17/18 e.53; GUASTINI, Riccardo. *From sources to standards.* Trad. Edson Bini. São Paulo: Quartier Latin, 2005, pp. 183/184.

complementary approach, always under the so-called neoconstitutionalism, because they use the hermeneutics as an essential way for the interpretation of legal science.

So, legal provision must be as clear as possible, otherwise a lot of judicial errors will occur. When the legal system can't offer a solution immediately foreseen or when the provision is not so clear, and thereafter appear the *problems of penumbra,* which are called *legal gaps* or *vagueness.*

Initially, thinking over this issue, I was inclined to discuss about the Emoluments Clause inasmuch as this obscure provision has now become headline new[4], but finally I decided to write about an issue that is more important for the entire World, which should be engaged into the text of the Constitution of the United States (and not only provided for/by ordinary law), by drafting a new amendment, over *the issue of the refugees.*

Of course I don't ignore the existence of *The Refugee Act of 1980*[5]*,* but it seems it is not enough to avoid huge and confusing discussions. In fact, this problem is affecting the entire World and also the United States, even by internal conflicts[6].

Indeed, State of Alabama is suing U.S Government over plans for Syrian Refugee Settlement.

Trying to justify this attitude, Alabama Governor, Robert Bentley, said: "It is my duty as the governor of the state to secure and protect the people of Alabama....I am not able to

[4] Text cited by the professor Allan A. Ryan. *A Constitutional Convention (LSTU-E 109A)*, Harvard Extension School, Jan-2017 – Apud http://www.nytimes.com/2016/11/21/us/politics/donald-trump-conflict-of-interest.html (Links to an external site).

[5] PUBLIC LAW 96-212—MAR. 17, 1980 - Public Law 96-212 - 96th Congress - An Act - Mar. 17, amend the Immigration and Nationality Act to revise the procedures for the [S. 643] admission of refugees, to amend the Migration and Refugee Assistance Act of 1962 to establish a more uniform basis for the provision of assistance to refugees, and for other purposes. Be it enacted by the Senate and House of Representatives of the Refugee Act of United States of America in Congress assembled. "Refugee Act of 1980".

[6] I had written a paper about this issue (GERAIGE NETO, Zaiden. *Short Assignment: States as Enforcers: U.S. Civil Litigation (27 April). A real case: Alabama Sues U.S. Government Over Plans For Syrian Refugee Settlement*), in the course *International Human Rights,* at Harvard Extension School, Feb./may, 2106, professor Diana Buttu. So, the present paper is based on those other one.

do that if we don't know who is coming from foreign nations and we know nothing about them and we don't even know where they go when they leave the state."[7].

On the other hand, President Obama affirmed the following: "These are the same folks, oftentimes, who suggest that they're so tough that just talking to Putin or staring down ISIL or using some additional rhetoric somehow's going to solve the problems out there. But apparently they're scared of widows and orphans coming into the United States of America as part of our tradition of compassion." The case is still being processed and there are several legal arguments on both sides[8].

So, answering for the question of the first topic of this paper, I may say that the problem I identified is not an "existing problem" (despite it is a problem) but a "non-existent problem", inasmuch as I think should "exist" a provision addressing about the issue of the refugees. Thus, the problem is a lack of constitutional forecasting.

But, it can be fixed by drafting a new amendment (topic II). Thereafter, I will discuss the arguments in favor and against my proposal, as indicated in the topic III.

II. The amendment you are drafting. Imagine you are a delegate to a constitutional convention. Draft the actual text of the amendment you are proposing, and identify what if any text of the present Constitution would be amended.

Ab initio, it is important to explain that there are three groups of amendments: *Clarifying, Remedial, and Substantive*[9]. As the names suggest the main function of the first one is to return the meaning of the legal provision to the embryonic (initial) understanding; in its turn, the

7 http://www.npr.org/sections/thetwo-way/2016/01/07/462274762/alabama-sues-u-s-government-over-plans-for-syrian-refugee-settlement.

8 http://www.npr.org/sections/thetwo-way/2016/01/07/462274762/alabama-sues-u-s-government-over-plans-for-syrian-refugee-settlement.

9 http://www.constitution.org/reform/us/con_amend.htm.

Substantive Amendment has the main purpose to ratify and to add (to highlight) some powers, to make it clear that the government should be or not be authorized.

But the amendment I am going to draft (to propose) is a Remedial one inasmuch as it is intended to "correct" an omission; it is not a *Substantive* amendment, for despite of the existence of the *Refugee Act of 1980,* it is necessary to make clear that *this act* is an ordinary law, which is hierarchically inferior to the Constitution of the United States of America. So, I could draft a *Substantive* amendment if the *Refugee Act of 1980* were included in the constitutional text.

I think this amendment should combine the text of Article 14 of the International Declaration of Human Rights (IDHR) with the peculiarities and security needs of the United States of America.

In fact, at the level of international law, there is a general rule recognized by States in the form of Article 14 of the UDHR (Universal Declaration of Human Rights), which provides the following sentence:

"1. Everyone has the right to seek and to enjoy in other countries asylum from persecution. 2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.".

On the other hand, with regard to the judicial process mentioned (Alabama *vs* US Government), the US Government stated that "refugees are initially screened by the U.N. High Commission for Refugees. Then — if they are headed to the U.S. — NPR's Brian Naylor says they must be vetted by the National Counterterrorism Center, the FBI's Terrorist Screening Center, and the Departments of State, Defense and Homeland Security. And there's another layer of screening by U.S. officials to determine whether they are indeed refugees."[10].

Therefore, by combining both understandings the amendment should have the following text:

[10] http://www.npr.org/sections/thetwo-way/2016/01/07/462274762/alabama-sues-u-s-government-over-plans-for-syrian-refugee-settlement.

AMENDMENT XXVIII (2017)

The right to seek asylum

In theory, everyone has the right to seek (and enjoy) asylum in the United States of America, but refugees must be screened (tracked) by all security agencies, for as long as the US Government deems necessary, furthermore, applying, where applicable, provision of the article 14 of the International Declaration of Human Rights.

III. The discussion of the problem and your solution. How would your amendment fix, or at least improve, the problem you've identified? What are the arguments in favor of your proposal? What are the arguments that could be made against it? What is your response to those opposing arguments?

First of all, it is necessary to say that we (most of the people who live in American Continent) are somehow refugees, because our parents, or grandparents, or great-grandparents came from other parts, running away from the war, mainly the First Great War (1914-1918) or the Second Great War (1939-1945). In my case, for example, my ancestors came from Lebanon and from Germany.

They were suffering and starving in Germany and in Lebanon and left their relatives there, running away from the war, bringing in their luggage only their hope and their dreams. Here in America (Brazil in my case) they built a new life, they worked a lot and now their great-grandchildren are very proud of them and carry in their blood the DNA of the brave.

Then, from a historical perspective, it does not take much thought to understand that we have a moral obligation to the current refugees. Indeed, we are all responsible for these

human beings! And the responsibility of some countries is even greater than others, because somehow they also have liability in the merits of the war itself, in the historic quest for more power and wealth, even at the cost of thousands of lives (in the case of Syria, for example).

In my point of view this is the case of USA, Russia, France and England. We realize that we are talking about the same countries directly involved in the two Great World Wars, with the exception of Germany and Japan. For some this may be a coincidence, but not for me. By the way, this is another question, complex and can be discussed at another time.

In the local scenario there are two legal provisions addressing about this issue: Article 14 of the International Declaration of Human Rights and *The Refugee Act of 1980*.

So, regardless these arguments above (moral obligation) there is a legal system which provides several rules concerning about the issue of refugees. At the level of international law – as I said - there is a general rule recognized by States in the form of Article 14 of the UDHR (Universal Declaration of Human Rights), which provides the following sentence:

"1. Everyone has the right to seek and to enjoy in other countries asylum from persecution. 2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.".

As well written by ALICE EDWARDS[11], "The origins of the 'right to seek and to enjoy asylum from persecution in other countries' can be traced back to the 'right of sanctuary' in ancient Greece, imperial Rome and early Christian civilization. Its modern equivalent was recognized by States in the form of Article 14 of the UDHR".

And despite the UDHR is a non-binding instrument, Article 14 is implicit within the 1951 Convention and its 1967 Protocol and is 'an important emerging norm of customary international law" (the Declaration of States Parties to the 1951 Convention and/or its 1967

[11] EDWARDS, Alice. In Human Rights, Refugees, and The Right 'To Enjoy' Asylum. Published by Oxford University Press. www.ijrl.oupjournals.org.

Protocol relating to the Status of Refugees, Geneva, 13 Dec. 2001, recognizes 'the importance of other human rights and regional refugee protection instruments).

But even in the local scenario no one could deny the validity of the Refugee Act of 1980, which confirms and regulates the procedures for the admission of refugees, corroborating the right of asylum.

Besides that there is another point that gives reason to the US Government against the pretensions of the State of Alabama: the legal competence to address the issue of refugees! In the US Constitution, the amendments and the laws governing the matter, there is no power assigned to States, as Alabama. Only the US Government can address these issues! So, the attitude of the Alabama Governor seems more a political act than a real preoccupation with the population of the State.

In any case I am convinced that if there was an express provision in the Constitution (as the Amendment XXVIII elaborated in the topic II above), regulating this question, probably the debates about this issue would be less fierce.

Consequently, *the Refugee Act of 1980* probably needs some repairs and clarifications, because it may be outdated, so, nothing better than a clear provision in the Constitution itself.

I know that my proposal should face huge political difficulties, notably because the Congress is composed of a majority that supports the ideas of President-elect Mr. Donald Trump, who does not hide from anyone being against any clear policy on immigrants, mainly the refugees.

But if politicians carefully analyze the amendment I proposed, they will verify that this text will make things much clearer by regulating the issue. This will be good even to avoid terrorist attacks, since the database will be much more up-to-date, and, on the other hand, the United States will not create another malaise (disharmony) with the United Nations.

There is a huge difference between a provision of an ordinary law (*The Refugee Act of 1980*) and a provision provided by the constitutional text[12]. It is widely known that the Constitution was described by the 19th-century British statesman and Prime Minister William Gladstone as "the most wonderful work ever struck off at a given time by the brain and purpose of man."[13]

In fact, although the American legal system is based on common law, the Constitution of the United States is a written codification. About this issue, as written by CARL SCHMITT[14], "Of course, the formal component of the written constitution cannot reside in the fact that someone sets some provisions or agreements down on paper, promulgates them or has them promulgated, hence meaning there is a written document. The character of the formal component is due to the fact that certain properties, whether of the person or office promulgating it or of its content, justify speaking of a constitution in a formal sense. Considered historically, the content and meaning of the written constitution can be very multifaceted and diverse".

As I have stated in my PhD thesis[15], written laws are moving at a much slower pace than the transformations of modern societies, and the Constitution of the United States does not escape this rule.

Laws are often instituted because of these social transformations and needs verified in that particular historical context.

So I believe that there are several arguments in favor of my proposal, which can be divided into moral, ethical and legal premises.

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[12] About the value of the norms and their hierarchy - https://en.wikipedia.org/wiki/Pure_Theory_of_Law: "On page one, paragraph one of Pure Theory of Law, Kelsen introduces his theory as being a theory of positive law. This theory of positive law is then presented by Kelsen as forming a hierarchy of laws which start from a Basic Norm (or, Grundnorm) where all other norms are related to each other by either being inferior norms, when the one is compared to the other, or superior norms. The interaction of these norms is then further subject to representation as a static theory of law (Kelsen's chapter 4) or as a dynamic theory of law (Kelsen's chapter 5)".

[13] http://legalbeagle.com/10007011-significance-us-constitution.html.

[14] SCHMITT, Carl. *Constitutional Theory,* Duke University Press and Durham and London, 2008, p. 68.

[15] GERAIGE NETO, Zaiden. *Rescissory Action - The slow pace of written law, compared to fast transformations within contemporary societies.* Revista dos Tribunais, São Paulo: 2009.

On the other hand, of course there are some arguments that can be used against my proposal.

Initially, somebody could say that the nowadays legal provisions are enough to regulate the issue of the refugees, as the article 14 of the International Declaration of Human Rights and the *Refugee Act of 1980;* furthermore, some people could even say that trying to draft an Amendment like this one is a huge waste of time inasmuch as it would be impossible to approve it in the Congress, notably under Trump's government.

Indeed, Trump's positioning not only against refugees, but against immigrants in general is known to all and has generated discussions throughout the country, and this month it is one of the stories of the local press[16], which highlights divergence between the president-elect and the mayor of Somerville, Joe Curtatone, as follows:

"Throughout his campaign, Trump has placed sanctuary cities - which for decades protect undocumented immigrants from deportation - at the top of his list of successes, exorcising their mayors by what he describes as a safe haven for criminals...So far, Curtatone is playing the part of the Rebel Alliance to Trump's Empire, and appears ready to go toe to toe with the new president…"We aren't a rich community…We'll tighten our belt if we have to. We aren't going to blink"".

Finally, a third argument contrary to my proposal could be Article 5 of the Constitution, which provides:

"The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislature of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either

[16] WEIDENFELD, Lisa. Boston Magazine *(News & Culture)*, January 2017, pp. 17/18. In the body of the text of this journalistic matter there is also the following transcription: "…In addition, Curtatone just might have the U.S. Constitution on his side. Mary Holper, who heads up the Immigration Clinic at Boston College Law School, explains that police powers are reserved for the state and local levels. "It's not a federal government issue", she says, meaning that because police officers aren't immigration officers, Trump will have a hard time dictating procedure to the Somerville PD. Plus, the whole practice of holding someone for who knows how long just because Immigration and Customs Enforcement might one day want to pick them up runs into all sports of Fourth Amendment issues…".

Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; {Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article, and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.}".

But, naturally, I have my answers to these opposing arguments and they are based on the premises that I have established since the beginning of this paper.

Even if the current legislation were sufficient, the texts are archaic and deserve urgent modifications. In this way – there is a question - why not promote the updating of this important issue at the constitutional level? If the current legislation is sufficient, why do so many people and even governments differ on what is foreseen in the legal system?

I believe that these two questions are enough to demonstrate that the current legislation is not enough to solve the problems in this area, giving rise to the elaboration of a Constitutional Amendment.

On the other hand, the second and third arguments - especially the third - would really be huge obstacles to be overcome.

Indeed, in an article called *The U.S. Constitution is impossible Amend*, Eric Posner[17] states the following sentence:

"…The problem starts with Article 5 of the Constitution. It provides that an amendment can be proposed either by a two-thirds majority in both the House and the Senate or by a convention, called into being by Congress, after a request from two-thirds of the states. That's version A and version B of step one. If an amendment makes it through either one, then comes step two: ratification by three-quarters of the states. In other words, an amendment requires a supermajority twice—the pig must pass through two pythons. By contrast, ordinary

[17] POSNER, Eric. *The U.S. Constitution is impossible to Amend.* http://www.slate.com/articles, *May/2014.*

legislation requires the approval of a simple majority in each house. The founders made the amendment process difficult because they wanted to lock in the political deals that made ratification of the Constitution possible. Moreover, they recognized that, for a government to function well, the ground rules should be stable. But they also understood that the people will need to change those ground rules as new challenges and problems surface with the passage of time. They didn't mean for the dead hand of the past to block necessary progress…".

Considering this fact, it might be interesting to ***draft (elaborate) an Amendment to change the process of amendment (Article 5),*** but, of course, such change would also require the same quorum provided for in Article 5, and it was just another citation by Posner in the same text, referring to "Justice Antonin Scalia who gave the broader and better answer—amend the process of amendment, to make it easier. According to the Legal Times, "[Scalia] once calculated what percentage of the population could prevent an amendment to the Constitution and found it was less than 2 percent. 'It ought to be hard, but not that hard,' Scalia said.".

Finally, for the last two opposing arguments (political barriers and Article 5 of the Constitution), what I can say is that although really difficult to face, if we do not try to face them we will never know if our proposal will be well accepted. Furthermore, it will only be possible to bring effectiveness to my proposal or any other if we do not feel defeated before the battle.

We need to believe in changes that embrace not only the legal text, but mainly the culture and behavior of people.

Perhaps in due time a well-debated public enlightenment campaign, with deep and scientific arguments and data, can bring light to the population, which in turn can exert pressure on the political class.

Some might say that there is only one other way, as POSNER said in the body of the journalistic material already mentioned in this work, by the following sentence:

"Because Article 5 is a dead letter, people must find different ways to change the Constitution. Mainly, they entreat the Supreme Court to do so. But because the Supreme Court cannot itself amend the Constitution, these entreaties take the form of begging the court to "interpret" the Constitution in a new way. That's why people hire lawyers to formulate their proposals as already reflected in the Constitution rather than argue that the Constitution got the position wrong and so should be changed. In recent years, the court has changed the rules on gay marriage, gun rights, and campaign finance. Since the Supreme Court rarely overturns its precedents without public support, indirectly "We the People" can still, in a sense, change the Constitution. But the emphasis is on "indirectly." If the sitting justices are not ideologically receptive to needed changes in constitutional rules, working change through the court means electing presidents and senators who will nominate and confirm justices with the desired ideological views, and also mobilizing popular opinion against targeted laws so that challenges to them can reach the court. This is a broken system. Is there a solution? Sure, as Scalia said, all we need to do is change the rules in Article 5. The only problem is that this would require—an amendment."[18].

I see no problem in seeking judicial protection for a fairer and more current interpretation of the Constitution, notably because this is an inalienable right of every citizen, but I also see no problem in trying to do both, that is, to discuss the legal (constitutional) issues in the Supreme Court and to propose new amendments.

In fact, we cannot forget that there are some interesting people in the *legal world* who also think it is possible to draft new amendments. One of them was mentioned by Posner in the same article, as follows:

"In his new book, *Six Amendments: How and Why We Must Change the Constitution,* John Paul Stevens advocates amending the Constitution to promote democracy and rights. Stevens, who served in the Supreme Court from 1975 to 2010, knows a lot about the founding

[18] POSNER, Eric. *The U.S. Constitution is impossible to Amend.* http://www.slate.com/articles, *May/2014.*

document of the nation and thinks he needs a greater retooling…". After this opening Posner begins to criticize the position of Stevens, saying the same arguments already mentioned in text about the article 5 of the Constitution of the United States (*The U.S. Constitution is impossible to amend).*

I understand to be timely inasmuch as now I transcribe the amendments proposed by Judge Stevens:

1) The "Anti-Commandeering Rule" (Amend the Supremacy Clause of Article VI) This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges and other public officials in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding;

2) Political Gerrymandering – Districts represented by members of Congress, or by members of any state legislative body, shall be compact and composed of contiguous territory. The state shall have the burden of justifying any departures from this requirement by reference to neutral criteria such as natural, political, or historical boundaries or demographic changes. The interest in enhancing or preserving the political power of the party in control of the state government is not such a neutral criterion;

3) Campaign Finance – Neither the First Amendment nor any other provision of this Constitution shall be construed to prohibit the Congress or any state from imposing reasonable limits on the amount of money that candidates for public office, or their supporters, may spend in election campaigns;

4) Sovereign Immunity – Neither the Tenth Amendment, the Eleventh Amendment, nor any other provision of this Constitution, shall be construed to provide any state, state agency, or state officer with an immunity from liability for violating any act of Congress, or any provision of this Constitution;

5) Death Penalty – (Amend the 8th Amendment) Excessive Bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments such as the death penalty inflicted;

6) The Second Amendment – (Amend the 2nd Amendment) A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms when serving in the Militia shall not be infringed.

Finally, reiterating the proposition of the amendment I had elaborated, I hope I have done my job correctly. Now the problem is with the Congress!

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