

A senior think-tank ponders the Constitution for our times

Lawrence Brown

Columnist

Schools don't teach civics much these days, so years ago, when I was given an eighth-grade American history course to teach, I decided to fold my entire course around the idea that American history can be understood as a series of pivotal policy decisions made over time. My eighth-grade classes would stress public speaking, with debates connecting pivotal historical arguments with the arguments we're having in the present day. We spent the last month as a constitutional convention.

The challenge was for each class to draft a new Constitution for the 21st century, take personal responsibility for different constitutional issues and then present articles from the podium. They had a month of guided nightly research and ended by defending their proposed articles to the rest of the group.

The results were stunning. So after my retirement from daily classroom work, I began teaching at the Academy for Lifelong Learning at the college. 'Lifelong' learning means that students from 50 years on up are signing up for all kinds of courses to continue their own development with teachers of the same age group. (Check their spring catalogue of courses at capecodall.org.) So after a number of years of teaching history and theology, I wondered why I couldn't offer an adaptation of the Constitution project I used to do in school.

In a class that met 12 times, once a week, there was no way to provide for the depth of research I had my eighth graders do. On the other hand, I had students with lifetimes of experience already.

The original United States Constitution required tremendous compromise and collaboration. Thomas Jefferson insisted that if his generation had the right to draft a democratic Constitution in the first place, future generations must have the same right.

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What we were going to do, as with the kids, was a thought experiment. If we were to attempt to draft a Constitution from scratch, based on 21st century realities, what would be the key things we would want to cover?

After some debate, an overwhelmingly liberal class wanted to keep the Second Amendment intact. But they also insisted that just as the public had a right to bear arms, the public also had a right to live in a safe environment.

The protections of free speech, freedom of association and assembly were continued intact. In that same context, our adult students also stipulated that there shall be no political coercion in matters of faith. Their text also called for a separation of church and state, language that Jefferson popularized but did not get into the original Constitution.

In a different discussion, the group sought a balance between defending national sovereignty and also actively engaging in international efforts to advance democracy, prevent the spread of nuclear weapons, and counter threats of terrorism.

A different set of discussions called for state and national elections to be run by bipartisan committees, ending all forms of gerrymandering or the controlling of the electoral process by the dominant party in each state.

Since we require immigrants to the United States to pass a basic civics test, the group argued that the same test should be passed by all citizens before they can vote.

Also, the group called for a global network of immigration offices where people could apply, a network sufficiently staffed that no legal applicant should have to wait longer than a single year for an answer.

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Our last sessions were going to concern whether there should be constitutional language justifying federal regulation of food and product safety, a defense of our natural environment, and whether there should be constitutional mandates to protect citizens from poverty and exploitation. Currently, none of these activities are mentioned by the drafters of our original Constitution.

Here, the clock ran out on us. The class cycle ended. But we'd run into two more obstructions. It's one thing to create an aspirational document like the United Nations Universal Declaration of Human Rights. We wrote it recoiling from the horrors of World War II. But it does not have any system of legal enforcement. Nations signed — or didn't — to signal their support of the human rights specified by the document.

What we realized was that we might have had time to create an aspirational document in the 12 weeks we had. But we *didn't* realize that we didn't have time to also come up with the kind of constitutional language on which the nitty gritty of law can be based.

Lawrence Brown is a columnist for the Cape Cod Times. Email him at columnresponse@gmail.com. (Write to this email address and I will reply with a complete text of what we did and how we did it.)

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