



# Keep the Promise: America250



Release Date: Constitution Day,  
September 17, 2020

## Preface

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*Imagine ordinary citizens having a voice and representation in government.*

*Imagine a government that listens and solves problems.*

*Imagine elections without excessive spending and fundraising.*

*Imagine state and local elections free of dominating out-of-state money.*

*Imagine politicians serving the needs of their constituents, not donors.*

*Imagine a dynamic economy, good jobs and a level playing field for small businesses.*

This is America fulfilling its promise of government by and for the people.

Welcome to American Promise. A nation-wide, cross-partisan network of Americans working to ratify an amendment to the U.S. Constitution by July 4, 2026 to end unlimited, concentrated and unaccountable money in our political system, and secure equal rights, effective representation, and more functional government for generations to come.

Please join us.





## Introduction

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The convergence in 2020 of the Covid-19 pandemic and the interrelated crises of economy, racial justice, political violence, climate disasters, and a collapse of trust has laid bare the danger and high stakes we Americans now face. Our constitutional democracy and commitment to the American promise of human liberty, equal citizenship, and effective self-government are in urgent need of repair and renewal.

Almost everywhere, Americans have a pervasive sense that we are not being heard, and that we have no power or control over the forces impacting our lives, families and communities.<sup>1</sup> Nearly every American now says “*government is run by a few big interests looking out for themselves, not for the benefit of the people.*”<sup>2</sup> Yet, through our anger and our sadness comes clarity of purpose. Americans are stepping up to ask what needs to be done—no matter how hard—to preserve and improve this country that we love.

We have an answer. An amendment to the U.S. Constitution that will:

- Put power in the hands of all Americans with regulation and limits on concentrated money in elections and ballot measures;
- Combat systemic corruption;
- Protect the equal rights of Americans to a voice, a vote, and real representation in our political system; and
- Make representative self-government more effective, and
- Revive the sovereignty<sup>3</sup> of the American people.

Big reform and renewal happen in America in historic moments of crisis and destabilization as we now are experiencing. But it does *not* happen without Constitutional change, nor without Americans willing to lead and drive that change.

Today, September 17, 2020, is Constitution Day in the United States. On this date in 1787, the delegates to the Constitutional Convention in signed the charter for a new republic, the United

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<sup>1</sup> “When asked to cite the factor that weighs most heavily in their indictment, participants in a study by the Democratic Citizens Commission of the Academy of Arts and Science (see Note 7, below) listening sessions achieved a clear consensus: big money in politics. Seventy-six percent of Americans believe the government is run by “a few big interests looking out for themselves,” and 77 percent say there should be limits on the amount of money individuals and organizations can spend on campaigns.” *Our Common Purpose: Reinventing American Democracy for the 21st Century* (Cambridge, Mass.: American Academy of Arts and Sciences, 2020).

(<https://www.amacad.org/ourcommonpurpose/report>)

<sup>2</sup> University of Maryland School of Public Policy, Voice of the People Project, November 2016 ([http://vop.org/wp-content/uploads/2016/11/Dissatisfaction\\_Report.pdf](http://vop.org/wp-content/uploads/2016/11/Dissatisfaction_Report.pdf)); and, 2020 Pew Charitable Trusts, interview with the Pew Center’s President, Michael Dimock. [https://www.pewtrusts.org/-/media/assets/2020/01/atf-transcript\\_episode-72\\_final.pdf](https://www.pewtrusts.org/-/media/assets/2020/01/atf-transcript_episode-72_final.pdf).

<sup>3</sup> **Definition of sovereignty**

**1a:** supreme power especially over a [body politic](#)

<https://www.merriam-webster.com/dictionary/sovereignty>.

States of America. But they did so while acknowledging that the document was not perfect and would need amending.<sup>4</sup> And while the opening proclaims the Constitution to be for “We the People,” it is that constitutional amendment process that makes it true. Article V of the constitution, the power to amend, assured the survival of the American experiment because it has allowed us to adapt and reinvent America to meet the just demands of *all* the people for liberty, and to adjust to unanticipated challenges of each new age without resort to revolution.<sup>5</sup>

We are releasing this report, *Keep the Promise: America250*, on this Constitution Day of crisis and doubt, to show that we too, as the generations that came before us, are committed to forming “a more perfect union”.

We know Constitutional amendments are not easy. But imagine the United States of America without amendments:

- No Bill of Rights
- No ban on slavery and no equal voting rights regardless of race
- No due process or equal protection of the laws
- No right to vote for women
- Poll taxes and no progressive income tax
- Unelected Senators
- No right to vote for 18, 19, and 20-year-olds
- No term limits for president



We are not the first generation of Americans to do this, nor will we be the last. Constitutional amendments arise in times of disruption in America and reflect movements and concepts developed for decades before that. They were ratified when the historic moment arrived only because those committed to them were ready.

By working together, we will reverse a vicious circle of division and decline and renew America’s core principles and civic national purpose for generations to come. No matter where you live or who you vote for, we invite you to join American Promise to win permanent, powerful reform for generations to come. See part (3) to find out how you can help and then sign up at <https://americanpromise.net>

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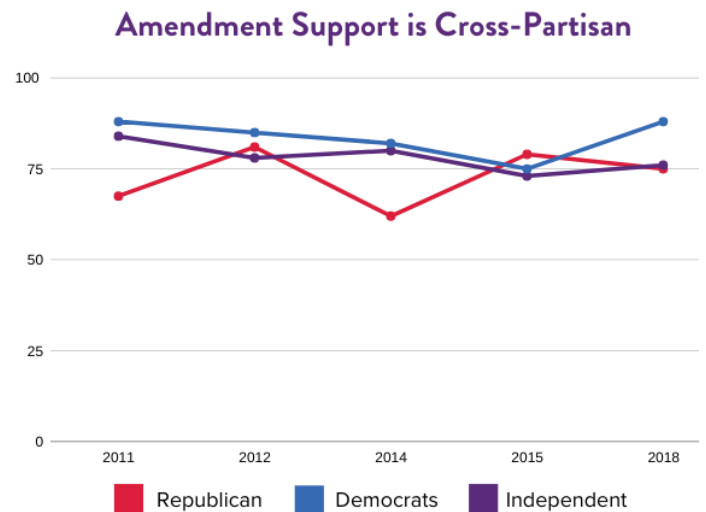
<sup>4</sup> Kyvig, David E. *Explicit and Authentic Acts: Amending the Constitution, 1776-1995*. Lawrence: University Press of Kansas, 1996. p 84.

<sup>5</sup> “A superlative benefit of constitutional democracy, as articulated in both the Declaration of Independence and the Constitution, is that it is adaptable to new circumstances and unanticipated challenges.”, American Academy of Arts and Sciences, *Our Common Purpose*, p 2. <https://www.amacad.org/ourcommonpurpose/report>

This report provides Americans with three key pieces of information needed to take on the challenge of working together to pass and ratify an effective amendment to the Constitution by July 4, 2026:

- (1) Why do we need this constitutional amendment and what will it accomplish?
- (2) How do we make sure the language of the amendment is sound and effective?
- (3) How do we pass and ratify the amendment, and what can all Americans do to help?

But first, allow us to introduce you to American Promise. We are the nation's leading cross-partisan social and political reform organization focused on renewing the Constitutional and social foundation necessary for successful republican democracy. We are Americans from all walks of life—every race, state, class, and political affiliation—coming together to strengthen our republic and democratic process against powerful forces of political inequality, division, and dysfunction. We have Republicans, Democrats, and Independents on our boards, our staff, and among our thousands of members in every state. That support is broad, deep, and persistent across all conditions and divisions in this country.



STANLEY TOLINE/REX

"I am encouraged to see the progress of this proposed Constitutional amendment. We need effective and reasonable regulation of money in our political system to protect the integrity of elections and secure the equal right of all Americans to free speech, representation, and participation in self-government"

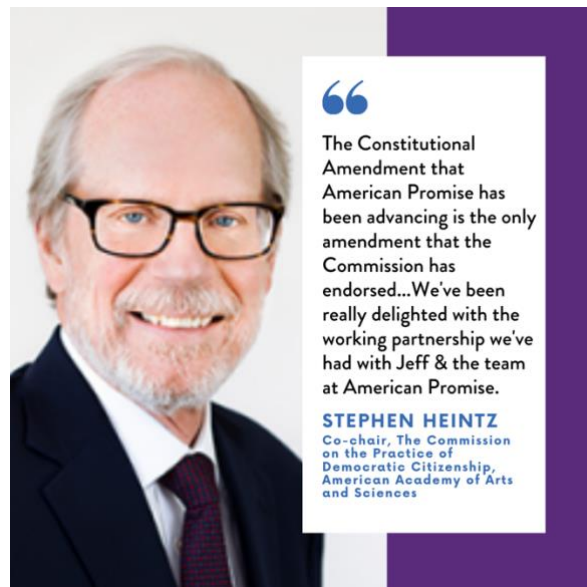
**OLYMPIA SNOWE**  
FORMER SENATOR, (R-MAINE)  
LEWISTON, ME

We are the *only* amendment reform movement endorsed in the 2020 report *Our Common Purpose: Reinventing American Democracy for the 21<sup>st</sup> Century* by the national, nonpartisan [Commission on the Practice of Democratic Citizenship](#). The Commission [specifically recognized](#) American Promise's leadership in "coordinating efforts to have an amendment passed by 2026."<sup>6</sup>

<sup>6</sup> The 240-year-old American Academy of Arts & Sciences convened the cross-partisan Commission on the Practice of Democratic Citizenship in 2018 (<https://www.amacad.org/ourcommonpurpose/about>) The Commission

More than two hundred years ago, in the midst of the American Revolution, some of the nation's founding leaders conceived the [American Academy of Arts and Sciences](#) in order to serve the new republic and its people with the knowledge and information necessary to govern ourselves. The American Academy continues to serve that function today. A few years ago, the American Academy recognized the warning signs of our growing national crisis. They formed a non-partisan, cross-disciplined [Commission on the Practice of Democratic Citizenship](#) to engage Americans around the nation, experts and leaders, and make urgent recommendations to restore the health of our constitutional democracy, before it's too late.<sup>7</sup>

The Commission spent two years reviewing scholarly research, analyzing data, and most importantly, traveling the country to conduct nearly 50 listening sessions with a cross-section of Americans. They found “strained institutions, fragmented civil society, economic inequality, unequal representation, a changed media ecosystem, [and] coarsening civic culture.”<sup>8</sup> But they also found hope in the citizens already at work on these issues. The Commission sorted through many ideas and groups working on reform to find out what works and what does not; what is most urgently needed and what is possible.



The Commission's report, *Our Common Purpose: Reinventing American Democracy for the 21st Century* released in June 2020, sounds an “all hands on deck” alarm. The Commission has [identified six broad strategies and 31 specific and achievable actions](#) necessary to reinvent our constitutional democracy for our times. To assure progress on these recommendations, the Commission selected the most promising organizations to champion and coordinate implementation of the recommendations (while inviting more champions to join the effort). American Promise and our constitutional amendment are among the specific recommendations. The times and opportunities challenge all Americans to do better, and the *Our Common Purpose* report urges implementation of the recommended actions by July 4, 2026. We agree, and we accept this challenge.



Jeff Clements  
President  
[jeffc@americanpromise.net](mailto:jeffc@americanpromise.net)



Leah Field  
Managing Director  
[leahf@americanpromise.net](mailto:leahf@americanpromise.net)



Dr. Jessica Hare  
Empowerment Director  
[jessicah@americanpromise.net](mailto:jessicah@americanpromise.net)

Special thanks to American Promise Legal Counsel Brian Boyle and Julie Brogan for their contributions to this report.

engaged in a two-year fact-finding and analysis process, including 50 listening tour stops around the nation. The Commission's final report, *Our Common Purpose: Reinventing American Democracy for the 21st Century*, was released in July 2020 (<https://www.amacad.org/ourcommonpurpose/report>).

<sup>7</sup> Id. p 2.

<sup>8</sup> Id. p 20



## (Part 1)

# Why do we need this constitutional amendment and what will it accomplish?

***“An urgent threat to our democratic way of life...”***

*- The American Academy of Arts & Sciences, Commission on the Practice of Democratic Citizenship (2020)*

The urgency of our national challenge is well-documented and undeniable. “The challenging conditions of the twenty-first century pose *an urgent threat to the future of our democratic way of life* and thus require a “fourth founding,” a founding rooted not only in the language of our Constitution and laws but also in our expanded national creed of liberty and justice for all.”<sup>9</sup>

The 2020 Report of the Commission on the Practice of Democratic Citizenship describes what is at stake, and shows an America in dire condition:

- Public approval of Congress has collapsed.
- Fewer than one-third of Millennials consider it essential to live in a democracy.
- Wealth inequality exceeds that seen on the eve of the Great Depression.
- Social mobility has stagnated.
- Inequities track lines of race, gender, and ethnicity, revealing deep structural unfairness in our society.
- A surge in white nationalism, anti-Semitism, and anti-immigrant vitriol has flooded our politics with sentiments corrosive to the ethic of a democratic society, while people of color continue to confront barriers to opportunity and participation.
- Americans have lost trust in institutions while an online culture of gleeful, nihilistic cynicism thrives.
- Partisan rancor is high, while voter turnout is low.
- When asked what unites Americans across our differences, the increasingly common answer is nothing.

The relationship of these conditions to our system of money-dominated elections is clear. Our distorted, inequitable campaign finance system is a primary cause of gridlock in our manifold unresolved national issues. The rolling and interrelated health, economic, environmental, political and social crises of 2020 confirm that we are in a dangerous moment of dysfunction and challenge, as well as gross, intolerable inequality. “The degree and manner of political and election spending endangers democracy, republican self-government, and the equal rights of all Americans.”<sup>10</sup>

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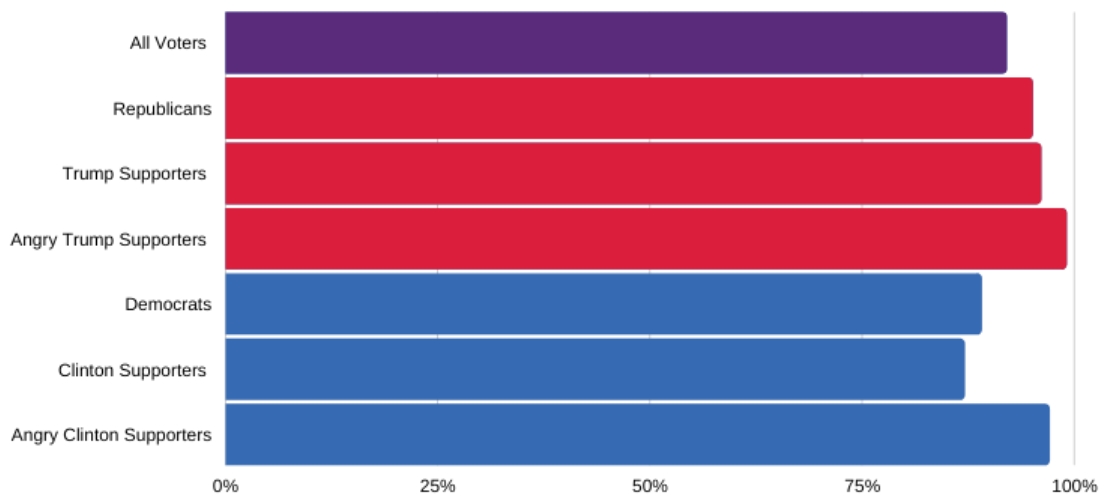
<sup>9</sup> American Academy of Arts & Sciences: *Our Common Purpose*, Report of the Commission on the Practice of Democratic Citizenship, June 2020, (<https://www.amacad.org/ourcommonpurpose>)

<sup>10</sup> Massachusetts Citizens Commission on a Constitutional Amendment for Government of the People (2020) <https://www.mass.gov/doc/citizens-commission-2019-report/download>

Most of the money spent in American elections comes from less than half of one percent of the people.<sup>11</sup> Over 99% of Americans cannot or choose not to make political contributions over \$200. Indeed, for millions of citizens—even before the pandemic-economic crisis of 2020—contributing over \$200 would be impossible.<sup>12</sup>

Americans who disagree with each other on most issues in these divisive times, agree that *“government is run by a few big interests looking out for themselves, not for the benefit of the people.”*<sup>13</sup>

### Would you say the government is pretty much run by a few big interests looking out for themselves or that it is run for the benefit of all people?



And they are right.

Economic elites currently dominate the electoral process:

- Over 90% of the independent expenditures in recent elections came from *only 300 donors*.<sup>14</sup>

<sup>11</sup> See <https://www.opensecrets.org/overview/donordemographics.php?cycle=2018&filter=A>

<sup>12</sup> According to the Federal Reserve, 40% of Americans could not meet a \$400 emergency expense without hardship or borrowing. <https://www.federalreserve.gov/newsevents/pressreleases/other20180522a.htm>

<sup>13</sup> University of Maryland School of Public Policy, Voice of the People Project, November 2016 ([http://vop.org/wp-content/uploads/2016/11/Dissatisfaction\\_Report.pdf](http://vop.org/wp-content/uploads/2016/11/Dissatisfaction_Report.pdf)); See also, 2020 Pew Charitable Trusts, interview with the Pew Center's President, Michael Dimock. [https://www.pewtrusts.org/-/media/assets/2020/01/atf-transcript\\_episode-72\\_final.pdf](https://www.pewtrusts.org/-/media/assets/2020/01/atf-transcript_episode-72_final.pdf)

<sup>14</sup> See J.T. Stepleton, *Independent Spending Overview, 2015 and 2016*, FOLLOWTHEMONEY.ORG (Feb. 14, 2018), <https://www.followthemoney.org/research/institute-reports/independent-spending-overview-2015-and-2016> [https://perma.cc/8JDG-HVN8].



- In the 2018 cycle, 1,562 individuals gave 96% of the SuperPAC money.<sup>15</sup>
- Nearly half (47%) of SuperPAC contributions since the *Citizens United* decision in 2010 have come from just 25 individuals. **30% has come from six people.**<sup>16</sup>
- The money is concentrated in a few urban areas, and among extremely wealthy white men.<sup>17</sup>

This did not “just happen.” While there are many contributing causes, these are systemic failures—environmental, economic, political, health, social—arising from root, systemic causes. Three decades of mistaken Supreme Court decision-making have come to pull Constitutional doctrine apart from core principles of equal rights, anti-corruption and human liberty.

Today, we see the Supreme Court stripping Americans of our sovereign prerogative to limit the power of money in elections to protect our equal rights as citizens in this republic. Cases like *Citizens United* show the same kind of destructive ideology of exclusion and inequality that cannot be sustained.

In case after case, a divided Court has distorted the First Amendment freedom of speech clause into a tool for allocating political power based on wealth, as in cases like *Citizens United*. The Court has distorted and undermined hard-won 14<sup>th</sup> and 15<sup>th</sup> Amendment equality guarantees for voting rights, as in *Shelby v. Holder*. Now, the Court has made clear that it is not willing to correct course, despite the manifest damage its new doctrine of constitutional inequality is causing. Only a constitutional amendment and the mobilization of Americans to win it can realign Constitutional doctrine with principles necessary for effective constitutional democracy and self-government.

When the Supreme Court gets it catastrophically wrong, as it has done before, the Amendment process is the correction; it is the rudder that Americans reach for to bring us back on course. The judicial branch as the only unelected branch of the federal government, and with lifetime appointments, has long caused consternation as the least democratic of the highest levels of government. It may appear to some to be a more powerful branch because neither Congress nor the states can overrule the Supreme Court. Yet the high court’s power is not absolute. Its influence is ultimately balanced by the power of the people to amend the Constitution in Article V.

<sup>15</sup> Open Secrets, <https://www.opensecrets.org/news/reports/a-decade-under-citizens-united>

<sup>16</sup> <https://www.citizen.org/article/oligarch-overload/?eType=EmailBlastContent&eld=33ce6cd2-22f1-49a4-bc83-d7f0ae5a1d41>

<sup>17</sup> Public Citizen, <https://www.citizen.org/article/oligarch-overload/?eType=EmailBlastContent&eld=33ce6cd2-22f1-49a4-bc83-d7f0ae5a1d41>; Demos, [http://www.demos.org/sites/default/files/publications/Whose%20Voice%20Whose%20Choice\\_2.pdf](http://www.demos.org/sites/default/files/publications/Whose%20Voice%20Whose%20Choice_2.pdf); Vox, <https://www.vox.com/policy-and-politics/2016/12/9/13875096/us-political-donors>

Eight of our previous constitutional amendments nullified Supreme Court decisions that had locked in unjust, outdated and unworkable ideologies of exclusion and inequality. Every one of these amendments overcame the high bar of passing two thirds of Congress and ratification in three quarters of the States.

Systemic Challenge	Context	Amendment Opportunity	Supreme Court Error Corrected
Founding Period 1791-1795	Equality demand (Revolution, Shay's Rebellion) Economic challenges, riots & social unrest	1st- 11 <sup>th</sup> Bill of Rights	<i>Chisholm v. Georgia</i>
Civil War Amendments 1865-1870	Equality demand (abolition), Rapid immigration, economic & technological change; riots, social unrest/war	13 <sup>th</sup> , 14 <sup>th</sup> , 15 <sup>th</sup> (Ban slavery, equal protection, & citizens, civil/voting rights)	<i>Dred Scott v. Sanford</i>
Progressive Era 1913-1920	Equality demand (women, labor rights, gross economic inequality— Gilded Age); Rapid immigration, economic & technological change; riots, social unrest, war; deadly pandemic	16 <sup>th</sup> , 17 <sup>th</sup> , 18 <sup>th</sup> , 19 <sup>th</sup> (elect Senators, progressive income tax, prohibition, women's vote)	<i>Minor v. Happersett</i> <i>Lochner v. NY</i> <i>Pollock v. Farmers Loan &amp; Trust</i>
Civil Rights 1963-1971	Equality demand (civil rights, women's movement, youth) Rapid immigration, economic & technological change; riots, social unrest, war	23 <sup>rd</sup> , 24 <sup>th</sup> , 25 <sup>th</sup> , 26 <sup>th</sup> (And ERA 2 states short of ratification)	<i>Breedlove v. Suttles</i> <i>Butler v. Thompson</i> <i>Oregon v. Mitchell-</i>
Our time	Equality demand (BLM, populism v. 'elites,' gross economic & political inequality); Rapid immigration, economic & technological change; riots, social unrest	<i>American Promise Amendment</i> Note: several other constitutional demands in play as well	<i>Buckley</i> <i>Citizens United</i> <i>Arizona PAC</i> <i>McCutcheon</i>

Our cross-partisan approach and rigorous vetting can meet the challenge of passing the amendment in Congress. Progress to a vote-ready amendment text is on schedule. So, we *will* pass and ratify the 28<sup>th</sup> Amendment to the US Constitution by July 4, 2026.

When we do, we will accomplish so much:

- Strong Constitutional foundation for fundamental reform
- Less corruption
- More equality, unity, and social cohesion
- Better incentives for candidates, elected officials and voters
- Better and more representation for all
- Better and more diverse candidates
- More free speech, more ideas, more debate, more liberty for all
- More solutions and ability to address deep, systemic problems
- More citizen engagement and commitment
- More state and local experimentation, freedom, and diversity



## (Part 2)

# How do we get the words of the amendment right?

The concepts and constitutional principles for an American Promise amendment are well-developed. Similar constitutional amendments have been proposed by Democrats and Republicans in Congress since the post-Watergate reforms were struck down by the Supreme Court in 1976.<sup>18</sup> In Congress today, several specific amendment proposals have gained significant support, particularly among Democrats.<sup>19</sup>

But we need more than good concepts and action from Democrats to succeed. Several of the proposals to date are sound, but cross-partisan consensus-building and deep vetting are required to win. American Promise is doing that, and progress to the vote-ready amendment text is on schedule.

Final language requires careful vetting and consensus. That's why American Promise has not yet endorsed only one piece of specific, final language. Instead, over the past two years, we have engaged Americans from across the political spectrum and from every region of the country, as well as elected officials, political experts, law professors, judges and lawyers, and leaders across many sectors. We convened dozens of town halls and community meetings in every region of the country. We received comments, suggestions and criticism through our interactive "Writing the 28<sup>th</sup> Amendment" website. Constitutional amendments throughout our history prove that every American is a "founder" and a "framer" of our Republic, and in our digital age, every American can contribute to getting this right.

We share ideas, we listen, we learn, and we build consensus.

In 2018, American Promise members with 1,000 volunteers, 140,000 signatures, and millions of voters used the state ballot initiative to create the first-in-the-nation [Massachusetts Citizens Commission on a Constitutional Amendment for Government of the People](#). Republicans, Democrats, and Independents alike endorsed the idea, and with 72% of the voters in favor, the Citizens Commission was underway. The Commission's charge included, among other things, recommendations on amendment text.

American Promise President Jeff Clements and American Promise Board Member Cheryl Crawford served on the nonpartisan Commission, along with two law professors, a teacher, a few lawyers, several businesspeople, a state representative, a former member of Congress, a municipal leader, a graduate student, and a member of the US Army Reserve who has served two tours of active duty. After two years of hearings, expert testimony, and deliberation, the Massachusetts Citizens Commission has recommended a new proposal for amendment language to help break the logjam in Congress. Here is what it says:

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<sup>18</sup> See Jeffrey D. Clements, [But It Will Happen: A Constitutional Amendment to Achieve Political Equality in Election Spending & Representation](#), 13 Harvard Law & Policy Review 373 (2019)

<sup>19</sup> See Amendment proposals, *United for the People* (American Promise is a member of the group of organizations behind this), <http://united4thepeople.org/amendments/>

**Section 1. We the People have compelling sovereign interests in representative self-government, federalism, the integrity of the electoral process, and the political equality of natural persons.**

**Section 2. Nothing in this Constitution shall be construed to forbid Congress or the States, within their respective jurisdictions, from reasonably regulating and limiting contributions and expenditures in campaigns, elections, or ballot measures.**

**Section 3. Congress and the States shall have the power to implement and enforce this article by appropriate legislation, and may distinguish between natural persons and juridical persons, including by prohibiting juridical persons from raising and spending money in campaigns, elections, or ballot measures.**

We think there is a lot of merit to this proposed language, and [we would like to know what you think](#).

As a whole, this amendment language strengthens and affirms the centrality of “We the People” by including this in an operative provision of the Constitution. It explicitly identifies the compelling interests relevant to election spending and equal political participation.

**Section 1. We the People have compelling sovereign interests in representative self-government, federalism, the integrity of the electoral process, and the political equality of natural persons.**

- *Section 1* grounds the amendment in the American theory of representative government deriving from the people and sets out sovereign interests that are relevant to ensure that We the People have meaningful power over our government. These sovereign interests, much like the First Amendment itself, are meant to strengthen the connection between We the People and our structures of government.
- *Section 1* also affirms that under a First Amendment analysis, the “compelling sovereign interests” to be weighed in the balance include not only *quid pro quo* corruption or the appearance thereof, but *also* interests of representative self-government, federalism, electoral integrity, and political equality. It does not pre-define the answers to that weighing process in every possible scenario for generations to come, but instead, it sets a much better constitutional framework for the People, Congress, States and courts to address the innumerable and complex issues inherent in something as fundamental as how economic power may be used in local, state and national elections.

**Section 2. Nothing in this Constitution shall be construed to forbid Congress or the States, within their respective jurisdictions, from reasonably regulating and limiting contributions and expenditures in campaigns, elections, or ballot measures.**

*Section 2* creates boundaries: “reasonably” and “in” elections, campaigns, and ballot initiatives. As a whole, Section 2 is intended to make clear that in enacting campaign finance regulations, the People, the States, Congress, and the courts will all continue to bring the full Constitution to bear on such questions, but will now have a much better framework for doing so. The compelling sovereign interests listed in Section 1 will be among the interests that may justify reasonable campaign finance regulations. This

expands on the Supreme Court's current view that only *quid pro quo* corruption is considered a justificatory compelling interest.

**Section 3. Congress and the States shall have the power to implement and enforce this article by appropriate legislation, and may distinguish between natural persons and juridical persons, including by prohibiting juridical persons from raising and spending money in campaigns, elections, or ballot measures.**

- *Section 3*, as the Constitution intends, is grounded in the interests of humankind. It corrects the mistake of *Citizens United*, which eliminated the ability of Congress and the States to make distinctions between economic or other entities when considering election spending rules. But rather than reference “corporations”, Section 3 uses “juridical persons”, a more precise (if not lyrical) legal term. This will enable the people, Congress and the States (and ultimately the courts) to consider appropriate distinctions between the innumerable (and, with respect to the future, *unknowable*) kinds of non-human entities that may be utilized in the economic or other spheres of life, but which may be problematic when used to influence election outcomes.

Neither this nor any of the dozen variations of this amendment that have been introduced in Congress is “final.” We have some time to get it right, and to get the necessary cross-partisan support behind it. But we do not have much time, as the distrust, breakdown in social cohesion, and loss of faith in democracy and our government grow rapidly.

[So please weigh in and suggest improvements.](#) But the time for action to pass and ratify an effective constitutional amendment to put power back in the hands of the American people is now. The next section has more on how we do that—together.



## (Part 3)

# How do we win the amendment and what can all Americans do to help?

First, know that this is a journey. We seek to pass and ratify this constitutional amendment by July 4, 2026—the nation’s 250<sup>th</sup> year. This is not a ‘petition campaign’ or even an election cycle of action. We treat everyone who signs up at American Promise with the respect each American deserves: as a citizen who needs information, who isn’t afraid to work with those of different views, races, genders, or accents for the good of our country. So the first step is to [sign up with American Promise](#).

Now, here is more information to get you up to speed.

*Americans know how to get out of this ‘hopeless’ crisis: we come back to our core principles of liberty, equality and justice for all. That is what constitutional amendment campaigns have always done and that is what this one is doing.*

American Promise’s proven model, cross-partisan citizen engagement, strong communications, and experienced, diverse [leadership](#) and thousands of members have inspired and built a cross-partisan movement of millions of Americans who—in the words of *and in the words of* [progressives like Congressman Jamie Raskin](#)—are turning the “impossible” into the “inevitable.”

- Hundreds of thousands of American Promise supporters in 50 states are taking action to educate, engage, and connect their community to the American Promise mission;
- Our thought leadership, unique citizen-action and strategy roadmap has brought the supporters in Congress to 220 in the House (passage requires 290) and 47 in the Senate (passage requires 67);
- We train, support, and connect a national network of local, state and ‘affinity’ chapters of empowered American Promise volunteers, who do effective advocacy and leadership in communities around the country and in Statehouses and Congress;
- We’ve won state ballot campaigns and legislative victories in states reflecting every demographic of America, bringing the states formally calling for the American Promise Amendment to *twenty* (more than 141 million Americans live in states and communities that have taken action);
- Our education and communications strategies have built durable cross-partisan support to 75% of Americans, with super-majorities of Republicans, Democrats and Independents supporting our constitutional amendment;
- We demonstrated that the necessary cross-partisan strategy works. For several years before our launch, Democrats and progressive Americans made a powerful case for this constitutional amendment: equality; unlocking the key to winning climate, health care, economic justice solutions for all. Now we bring the coherent strategy to connect that compelling case to a compelling case made for the amendment by increasing numbers of Republicans and conservative Americans: free enterprise, not crony capitalism; federalism and the States, not domination by urban wealthy elites; budget discipline, not massive deficits driven by corrupt politics.

- This year, *thirteen* presidential candidates and hundreds of other candidates representing both major parties have signed our pledge that they will act to pass and ratify the constitutional amendment “to guard against corruption and protect liberty, federalism, and the equal rights of free speech by limiting the undue influence of money in elections and government.” We expect more than 1,000 candidates on the American Promise pledge by the election.

American Promise’s strategy follows from two imperatives: secure the votes (2/3 of Congress) to pass our constitutional amendment by 2024 and win ratification in 38 state legislatures (3/4 of the States) by July 4, 2026.<sup>20</sup>

Phase 1 of our 10-Year roadmap to ratification of the American Promise amendment is complete, on schedule. We now are preparing to launch the second phase of our plan after the 2020 election. The objective of phase 2 is to pass the amendment out of Congress by the beginning of 2024 and launch the 3-year ratification drive through the states.

Our strategy in phase 2 is to replicate, deepen, and leverage our state-based campaigns, networks, chapters, communications, candidate pledges and citizen-lobbying/action to make cross-partisan support for the amendment a political necessity. By connecting these state-based programs and results to our cross-partisan team in Washington, we will move from 220 House supporters to the 290 House votes needed to win, and from 47 Senate supporters to 67 Senate votes needed to win.

Our theory of success and the components of our strategy derive from systems/network approaches and the big lessons of past Constitutional amendments. We have learned from those who succeeded, and those who did not.

In November 1915, the campaign for equal voting rights for women was declared dead. In a single day, they had lost in Pennsylvania, New York, Massachusetts and New Jersey. Yet, the 19<sup>th</sup> Amendment passed Congress less than four years later and was ratified by the 38<sup>th</sup> state with a tie-breaking vote in Tennessee the following year.<sup>21</sup>

Successful strategies for constitutional amendments have certain characteristics:

- Successful amendment fights are a clear, urgent and near-binary battle of ideas/rights (abolition v. slavery; equal rights regardless of race or economic class; women have a right to vote or they don’t; Americans can limit political spending to protect our own equal rights or we can’t);

<sup>20</sup> Article V of the Constitution sets out the process: An amendment is proposed by a vote of 2/3 of Congress (or by a Convention called by Congress after application of 2/3 of the States. We have never had such a Convention, and all 27 amendments have been proposed by Congress). Once proposed, the amendment must be ratified by ¾ of the States in the manner established by Congress (generally, a simple majority vote in the state legislature).

<sup>21</sup> See Francis Hackett, *Where Women Disagree*, The New Republic (December 2015); Elaine Weiss, *Women would abolish child labor (and other anti-suffrage excuses)* New York Times (August 2020) <https://www.nytimes.com/2020/08/26/opinion/suffrage-19th-amendment.html>

- Successful amendment campaigns are widespread, ubiquitous and distributed, connecting grassroots and ‘elites’, nationally networked but state-based and ‘open-source’ for people and organization(s);
- Successful amendments have a political strategy, count votes and keep score, use elections to build support, and take hits and losses but do not give up;
- Successful amendment campaigns are relentless and match long-term efforts with historic (and fleeting) opportunities to win.

We’ve also learned from unsuccessful amendment campaigns, including the Equal Rights Amendment (ERA), which has fallen just short of ratification in the states.<sup>22</sup> In developing our strategies, we have spoken with leaders in the ERA, and leaders in the winning campaign for the 26<sup>th</sup> Amendment (votes for 18, 19 and 20 year-olds). We have also studied the state-based/movement-based Constitutional strategy for equal rights for gay and lesbian Americans that fought for wins in the legislatures, ballots, and courts. This too has informed our strategy.

In all the complexity and detail of our work, three main characteristics of our strategy are key:

- (1) cross-partisan/transcend party;**
- (2) effective empowerment for meaningful action; and**
- (3) state-based network leverage for political progress.**

### **(1) Cross-partisan/transcend party**

First, constitutional amendments depend on sustained, deep support, and the campaign for them must transcend a political party. Before American Promise launched in 2016, to the extent any



*Republican Congressman and amendment leader John Katko, with American Promise States Manager Azor Cole & Empowerment Coordinator Rosie Smith.*

strategy on the amendment existed, it depended on Democrats beating Republicans or convincing them to adopt Democratic arguments (almost all Democratic elected officials support the amendment). Democrats and progressive Americans make a strong case for this constitutional amendment: equality; voting rights; and the amendment as the key to winning climate, health care, and economic justice solutions. But a strong progressive case standing alone is not sufficient to win a constitutional amendment.

Across the country, Republican support for our constitutional amendment nearly matches Democratic and Independent support (see polls, above). But in our political system, a strategy requiring one party to be convinced of the other

<sup>22</sup> See Gloria Steinem, Eleanor Smeal (2020) <https://www.latimes.com/entertainment-arts/tv/story/2020-07-30/steinem-and-smeal-why-mrs-america-is-bad-for-american-women>



party's wisdom and talking points will not work when 2/3 of Congress and a national political consensus to ratify the amendment is needed.

Instead, American Promise developed, expanded, and networked increasingly strong voices and *conservative* arguments for the amendment from Republicans and center-right Americans, which we call 'the 4 Fs':

- **Free enterprise**, not crony capitalism;
- **Federalism and the States**, not domination by urban wealthy elites;
- **Fiscal discipline**, not massive deficits and debt-driven by pay-to-play;
- **Failure of the Republicans** to sustain the early money advantage over Democrats, who now play the big money game just as well.

We built the trusted platform and support organization where conservatives and Republicans could make *their own* case for the amendment, side by side and in strategic partnership with progressives and Democrats making *their own* case.

Different cases, same end goal, and in working together, a new sense of common, national purpose.

## (2) Real empowerment for action

Second, in a time when political inequality and systemic corruption breed powerlessness, cynicism, and rage, effective strategy requires genuine empowerment.

The reason American Promise can make our constitutional amendment a political winner across partisan lines is because we deploy and align an exceptional and mutually reinforcing set of programs in education, civic connection, chapter and network development, and



Nina Turner, former Ohio State Senator and AP Advisory Board member and Jeff Clements, President of American Promise at 2018 National Citizen Leadership Conference.

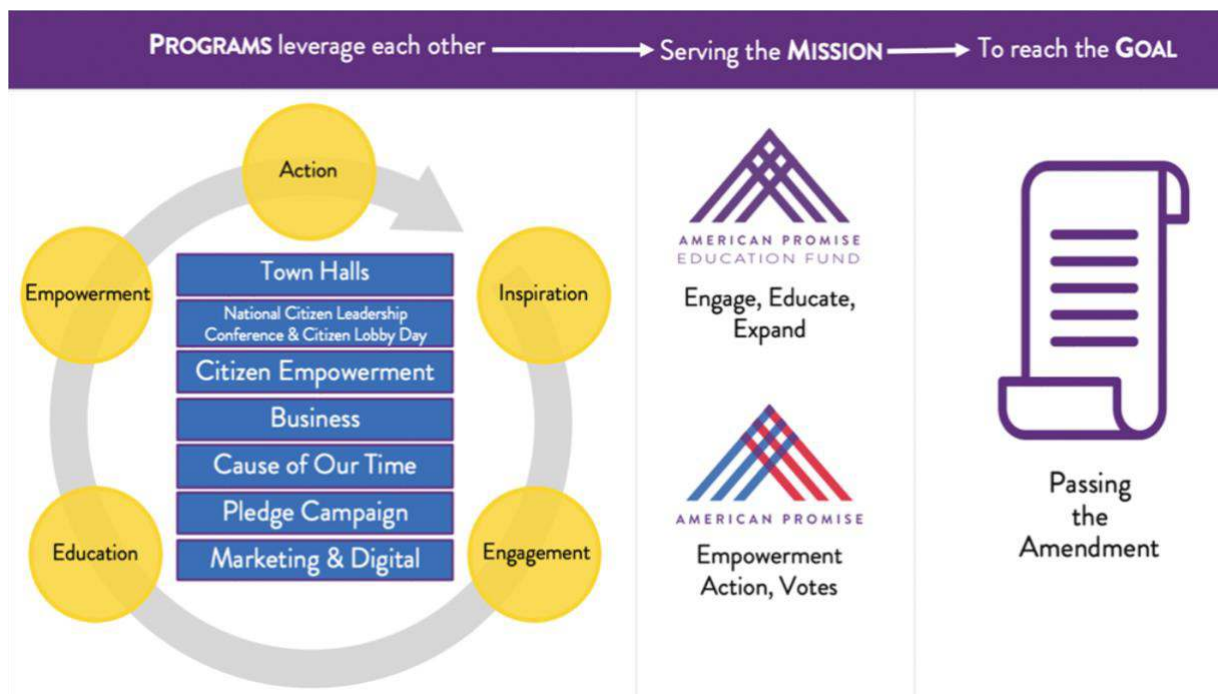
campaign/political tactics. All our programs have genuine empowerment at their core—so each person's action, no matter how small, has big impact.

Before American Promise, in communities and states across the nation, the overwhelming majority of Americans who support our cause had nowhere to go outside of the partisan boxes. Now they have a platform, a choice of programs, direction, and a deep structure of support

to translate their frustration, despair, and their hopes for better days into effective action for permanent reform and civic renewal.

Our programs create positive feedback loops for citizen action and network replication. They also create a rare sense of valued community that provides both solace in challenging times and

the kind of sustained networks needed for a multi-year campaign. Here are more details on some of our key programs.



*American Promise executes our core programs and operates as an effective, integrated campaign by using both our 501(c)(3) capacity (American Promise Education Fund) and our 501(c)(4) capacity (American Promise, Inc.)<sup>23</sup>*

**Citizen Empowerment/Chapters.** The core of our work focuses on inspiring, empowering, and organizing Americans to connect, learn and take effective action together, where we live. We bring a deep structure of support, including state chapters, monthly national training calls, focused cross-partisan relationship-building, and a civic curriculum to deliver on our commitment that any American, anywhere in the country, can help be a part of the winning the Amendment.



<sup>23</sup> We also create and use campaign-specific vehicles such as ballot committees.

[https://ballotpedia.org/Massachusetts Question 2, Advisory Commission for Amendments to the U.S. Constitution Regarding Corporate Personhood and Political Spending Initiative \(2018\)](https://ballotpedia.org/Massachusetts_Question_2,_Advisory_Commission_for_Amendments_to_the_U.S._Constitution_Regarding_Corporate_Personhood_and_Political_Spending_Initiative_(2018))



"We must change the warped incentives in our political system, and limitless campaign finances are an important part of the problem."

Neal Simon

Author "Contract to Unite America"  
and Former Investment Firm CEO

National Business Network Member

**Leveraged Network Programs.** In addition to our chapter, state and member networks, we accelerate progress by both creating and partnering with interest networks—our [National Business Network](#); civic networks such as Rotary; [health care workers](#); [veterans](#); [farmers](#); [younger Americans/nextgen](#); political, reform and citizen advocacy networks, among others. We're lead members of the [Bridge Alliance](#) (more than 80 cross-partisan civic reform organizations), the [Declaration for American Democracy](#) (more than 160 reform, civil rights, environmental and economic justice organizations), the [National Association of Nonpartisan Reformers](#), [Fix the System](#) coalition, and numerous collaborations.

**National Citizen Leadership Conferences and convenings.** We are the founder and manager of the [American Promise National Citizen Leadership Conference](#) which brings together citizen leaders and [dozens of reform organizations](#) from all 50 states, provides peer-to-peer networking and trainings for effective advocacy, and concludes with a highly organized and effective citizen lobby day in Congress. Our speakers have included Doris Kearns Goodwin, Bill Moyers, Nina Turner, FEC Commissioner Ellen Weintraub, Debra Winger, Richard Painter, and Republican and Democratic members of Congress. Our speakers also included young men and women from Parkland, FL high school who became politically engaged after the mass shooting there, as well as student leaders from cross-partisan youth organizations such as BridgeUSA, along with leaders from every major organization working on our constitutional amendment and related reform. We shared successes, lessons, strategies, new skills and built lasting partnership. To date, we have successfully executed three annual National Citizen Leadership Conferences, were lead sponsors of Represent US's [Unrig Summit](#), and have convened hundreds of state, local and regional gatherings and town halls.



*Wambui Gatheru, American Promise Outreach Manager at the 2019 National Citizen Leadership Conference.*



**Writing the 28th Amendment Program.** American Promise has brought together Constitutional scholars, lawyers, judges, members of Congress, with organizations and citizen leaders to ensure understanding and consensus on effective Amendment language. We have hosted dozens of town halls, including Boston, MA; St. Louis, MO, Columbus, OH; Washington D.C.; Richmond, VA; and Los Angeles, Oklahoma and Texas—including a debate at the [National Constitution Center \(“America’s Town Hall”\) in Philadelphia](#). To date over 2,500 people have attended our town halls, with many thousands more tuning in on livestream, weighing in on our interactive polls, open microphones, social media platforms, and letters to the editor and other commentary. Our work has built consensus support for powerful, effective and viable Constitutional amendment language in [Congress](#), [the States](#), and in [cities and towns](#) across the nation.

**Candidate Pledge Program.** Following our testing in 2018 with 250 candidates pledged, we expanded our program to earn public commitments of candidates across the political spectrum to support the American Promise Amendment. In 2020, 13 of the presidential candidates—including Bernie Sanders, Kamala Harris, Elizabeth Warren, Steve Bullock and Bill Weld (in the Republican primary)—signed on. Democratic nominee Vice-President Joe Biden is a supporter of the amendment and like others, pushed the issue in debates. [Hundreds of other candidates](#) across the nation have signed on and we are seeking to have more than 1000 commitments in hand by election day.



It does not represent justice in America when dark money is fueling elections and when the few who have the greatest amount of wealth, behind a veil without even presenting ... their names manipulate and fuel the election process. That does not represent justice in America. We've got to take that money out of politics.

**Kamala Harris**  
US Senator CA

28th AMENDMENT ADVOCATE

### (3) State-based, network leverage to win the needed votes

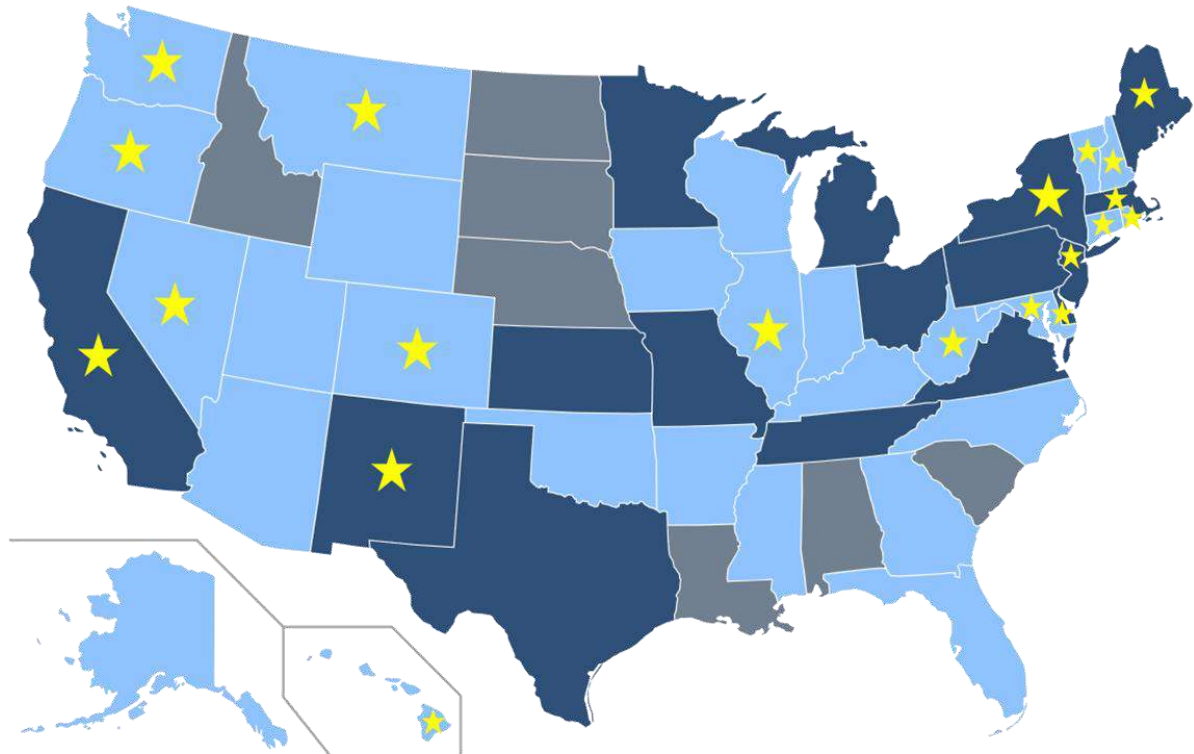
Finally, state legislators and federal members of Congress don't change their minds or decide how to vote simply because they hear a good policy argument. They need the right political environment where they live and where they (and their opponents) run for office. To create the conditions needed to compel a 2/3 vote in Congress while preparing for ratification, the American Promise strategy is state-based and state-focused. Both the progressive case and the conservative case must be made in local communities, at the state level, by and among people who live, work, and vote there.





All of our empowerment programs and national networks are deployed at the state level, in coordination and alignment with locally-driven state campaigns that we develop based on our strategic considerations for securing votes in Congress and holding the state ready for ratification. We use consistent strategy and national tools, but we customize campaigns and sustained state operations that match each state's characteristics.

American Promise measures and manages our work in the states based on our 'ready to ratify' criteria. Among other factors, we evaluate grassroots support and citizen action; media and



influencers; business and labor readiness to advocate; civic, advocacy, non-profit and other sector awareness and support; political and cross-partisan support and scenarios, and the ability of American Promise and/or partner organizations to assess, measure and leverage in elections and campaigns the ready-to-ratify conditions in the state on an on-going and sustained basis.



-  = Called on Congress to pass a 28th Amendment
-  = Active American Promise Association Chapter
-  = Active citizen leaders working to pass an amendment
-  = Get your state moving!

In response to the growing crisis of American governance and social cohesion, many existing and new organizations and reforms are responding. *Only American Promise*, however, has built the necessary cross-partisan/non-partisan systems-level capacity for effective and permanent civic and *constitutional* renewal and reform.

But we don't do this alone. To maximize our combined effectiveness and resource efficiency, we network, coordinate and cooperate both formally and informally with most of these organizations and many more. Our strategy depends on deep collaborations, learning from one another, and the expansion of an 'ecosystem' reform movement.

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Every American should have a voice, representation, and justified faith in our government of the people. Now it is time for all Americans to rise to the defense of our republic, and pass and ratify this constitutional amendment to renew our constitutional democracy for generations to come. That is how we can honor Constitution Day this year and for years to come.

Together, we can do this. Join us at <https://americanpromise.net>.