WHAT IS THE 28TH AMENDMENT PROJECT?

From late February through early June 2020, Brooklyn Public Library launched the 28th Amendment Project and invited the public to collectively provide input for a draft of a 28th Amendment to the U.S. Constitution. This “crowd-sourcing” project asked Brooklynites of all ages and backgrounds to discuss, debate and ultimately, provide a list of issues that they thought the 28th amendment should cover.

Originally conceived of as an art project to capture cultural dialog around political and civic issues, this initiative quickly crystalized into something more urgent—the COVID-19 pandemic and the eruption of anti-racism protests following the death of George Floyd, Breonna Taylor and other African Americans, triggered an urgent and overdue reckoning with the inequalities of American society and jurisprudence, causes of which can be read in the Constitution of the United States.

The attendees of the 32 town hall meetings we hosted expressed their frustrations about these problems and suggested that there were gaps in the language of the Constitution that left them vulnerable and, in some cases, invisible. BPL used verbatim notes from these town halls as the sole source of two versions of the 28th Amendment draft: a short, legally actionable amendment and a longer, narrative version of the amendment. Visit bklynlibrary.org/28th-amendment to read both versions.
THE STRUCTURE OF THE TOWN HALL MEETINGS

- BPL convened over 30 online town hall-style forums for library patrons, middle and high school students, senior groups in public housing, and restorative justice programs. We worked with advisors from the ACLU to help us shape the goals of the project and possible discussion topics.

- We engaged three impartial moderators to guide each of the discussions, all of whom had previous experience in moderating: A BPL staff member, a poet and air force veteran, and an independent curator and community activist.

- Town hall meetings began with a short explanatory video about the Constitution. The video covered topics such as reasons the Constitution needs amending; examples of notable amendments that address issues that the Constitution initially got wrong, and issues that the founding fathers could not have foreseen but should be addressed in the Constitution through amendments.

- The discussions were divided into three 15–20-minute segments, focused on three, open-ended questions as prompts.

HERE ARE THE QUESTIONS BPL ASKED DURING EVERY TOWN HALL MEETING:

1. What protections, ideas, or language would you like to see included in the Constitution?

2. In this present moment of the coronavirus pandemic, when so much has been so swiftly and fundamentally changed, what new protections would you like to see included in the Constitution?

3. Whoever wins the upcoming presidential election will face a United States that is charged, challenged, and changed in ways it has not been before. What new Constitutional amendment would you want that president to heed?

CAPTURING IDEAS FOR OUR PROPOSED 28TH AMENDMENT

Capturing attendees’ ideas and language for the amendment was essential to the project, since it formed the basis for the proposed amendment. In order to encourage thoughtful and honest—even difficult—conversations, we did not record the meetings; instead, we hired local law students as note-takers. They captured expressed thoughts, areas of concern and, at times, direct quotes.

The notes revealed that while each community voiced a variety of concerns, most fell into ten categories:

- Political and Presidential Reform
- The Institution of Equal Rights
- Social Welfare and Fiscal Responsibility
- Labor Reform
- Universal Healthcare
- Legal and Criminal Justice System Reform
- Regulatory Reform
- Education Reform
- Immigration Reform
- Global Citizenship & Earth Stewardship
FRAMERS

BPL identified four thought leaders to serve as framers for the 28th Amendment: a political strategist, a journalist, an author and environmentalist, and a constitutional lawyer. They met three times to discuss the town hall meeting notes to draft the amendment, and considered the essential asset of existing amendments with the most power: they are all quite short and easily understood, but ripe with interpretive possibilities. They have value in their vagueness, as well as value in the supporting documents, court opinions, etc. which expound on the text itself.

To create a short amendment with legally actionable language, the framers looked for “magic bullets”: two broadly encompassing proposals that—if enacted—would allow for the possibility of other proposals. They settled on reforming the electoral college and adopting the UN’s universal declaration of human rights:

Section 1. The Electoral College shall be abolished and the President selected by popular vote; Senate membership shall be reallocated to reflect more accurately the distribution of the national population, with a minimum of one seat per state; Election Day shall be a national holiday; elections shall be publicly financed. All citizens of the United States, including those living in its territories and the District of Columbia, shall have the same electoral rights and representation as residents of a State; all citizens of voting age shall have the unencumbered right to vote in federal, state, and local elections. Congress shall have the power and obligation to enforce these provisions by appropriate legislation.

Section 2. In recognition of the inherent dignity of all persons, Congress shall have the power and obligation to enact appropriate legislation to secure all rights guaranteed in the Universal Declaration of Human Rights, including the right to education, healthcare, housing, employment, food security, and a clean and healthy environment.

PUBLIC UNVEILING

On October 17, 2020, BPL released our 28th Amendment to the U.S. Constitution on behalf of the people of Brooklyn. Participants from the town hall meetings were invited to attend a public reading of the document on the steps of Central Library. We published the text on newsprint broadsheets that we made available at the event and distributed them to our branch libraries. We also created a website with the text and an archive of all the town hall meeting notes.

On September 17, 2021, Constitution Day, BPL will present the amendment to elected officials.

What We Learned:

- Attendees were excited to participate in these discussions and took our invitation to speak freely and fearlessly.
- Moderators were essential in guiding the conversation, encouraging attendees to expound on their ideas and respond to each other’s comments.
- The notes were essential to the narrative and language of the amendment.
- Many of the attendees wanted the new amendment to remedy issues that were already covered by the Constitution. This could reflect a vague understanding of the powers of the government, most likely because civics education is largely absent from the K–12 curricula.
- Attendees expressed an increased interest in actively engaging as citizens. They realized that they could advocate for themselves and their ideas with their elected officials.
- We were able to use the town hall meeting format to guide internal discussions of racism within our own institution. The notes gathered from these sessions were compiled into a handbook on anti-racism practices.
**RESOURCES**

**Introductory Video**
Our introductory video featuring lawyers and constitutional scholars offered an overview of the Constitution, specifically its importance to democracy, its structure, important amendments of the past and the process for updating it. The video not only served as an educational tool, but it also served as a jumping off point for the discussions.

**Social Media Assets to Help Amplify the Project**
To help amplify the project, BPL worked with animators to create short Instagram videos, which served to serve as a call to action to potential.

To access these resources, visit [bklynlibrary.org/28th-amendment](http://bklynlibrary.org/28th-amendment) and click on the Resources tab.

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**GUIDELINES FOR MODERATING TOWN HALLS**

Beyond the basics of asking participants to remain respectful, these invitations to participate were by far the most inspiring and productive:

- There are no right or wrong responses.
- We want to hear your most radical and far-reaching ideas.
- Think only in terms of the protections and aspirations that you believe America needs, that we all need, to make the Constitution more relevant and responsive to our lives. The final Amendment will be a multilayered document reflecting this incredible mix of proposals and ideas.
- Please speak bravely and listen generously.