

Background Guide

SPECIALIZED: CONSTITUTIONAL CONVENTION



JACKRABBITMUN I

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LETTER FROM THE SPEAKER

Dear Members,

Welcome to the Constitutional Convention! Myself and the rest of the Dais are beyond excited to introduce a distinctly different form of committee to Jackrabbit MUN. This committee asks you to step away from many of the Model UN traditions that you've been trained around, and step up for a new challenge. Conventional parliamentary procedure, resolution groups, and role-playing have no place in this room, leaving you armed solely with your ideas.

The objective of this committee is to create a constitution for the State of California, present-day. We will be adopting a form of debate similar to that of the House of Commons, and we will debate language proposals written by you, the Members. Anything outside of federal jurisdiction is fair game, so be creative!

Lastly, this committee is meant to be a true marketplace of ideas. Because there are no portfolios of power, nor predetermined status or political clout to fall back on, we begin on even playing ground, and you build up your credibility with the way you argue. The back-and-forth style of debate can encourage a cutthroat environment, but the cardinal rule of Con Con is this: we attack ideas, not people. Come with an open mind, expect to speak both prepared and on the fly, and experience argument as sport.

Sincerely,

Sophia Hooper

Presiding Speaker of the Constitutional Convention

Co-Secretary-General, Jackrabbit MUN I

P.S. This isn't your usual committee, so we expect there to be a some confusion. Email concon.jackrabbit@gmail.com with any questions, concerns, or clarifications.



BACKGROUND

A constitution is, in essence, a legal document that controls how political power may be wielded in a government. The earliest example of a “code of justice” was issued by a Sumerian king circa 2300 BC. Though the document has not itself been discovered, it is known that it designated some rights to Sumerians, including tax relief for widows and orphans, as well as protection from usury. After this point, many governments of civilizations with written language employed a form of codified law, but Aristotle was the first to make a distinction between ordinary law and constitutional law, defined as “the arrangement of the offices in a state.” Hindustan boasts the Manusmriti (technically not a constitution, but a key Hindu theoretical work), parts of the Muslim world upheld Sharia law, and the Western world ambled toward the Magna Carta, the charter of rights agreed to by King John of England in 1215. Many historians pinpoint this as a watershed moment in Western politics, the first movement of England toward democracy, which is true, but constitutional government is not always synonymous with democracy, though that is most commonly the case in modern times.

The Magna Carta had strong influences on dozens of subsequent historical documents, such as the Instrument of Government, the constitution used by Oliver Cromwell to justify his increasing power, and on the American Bill of Rights. The most notable accomplishment of the Magna Carta was its establishment of *habeas corpus*, requiring due process of law, even (or especially) by a ruler.

So, what’s in a constitution? That’ll be up to you, essentially. There are many theoretical approaches to writing one, from Aristotle’s classification of True and Perverted forms of government to more modern and familiar theories, such as classical liberalism and progressivism.

Classical liberalism is defined by the belief that the government exists to protect social and economic liberties, and the power of the government should be limited in order to secure the freedom of the individual. Major contributors to this idea include Adam Smith, John Locke, and Thomas Malthus. Progressivism, on the other hand, is the belief that society can be improved by continuous reform, implemented with the help of the government. Its roots can be traced to the Age of Enlightenment, where the growth of empirical knowledge was linked by contemporary thinkers to the growth in “civility” across Europe, and was believed to be a universal phenomenon.



Right- and left-wing political thought in modern-day America falls roughly along classical liberal and progressive approaches to government, but conservatives have also been known to leverage the power of government to further social causes, such as limiting abortion, while liberals sometimes use the “freedom of the individual” argument to justify the validity of non-traditional gender identities and sexual orientations. Regardless of what you believe the limits to government are or should be, a modern, Western constitution exists to frame the use of power in a government, to enshrine the values of the society it governs, and to protect the rights of its people.

There exist a number of common phrases and arguments in the Constitutional Convention, and the final goal of this background section is to discuss them. The first is the complaint that a proposal is either “too vague” or “too specific.” Sometimes, this will be valid. A well-written proposal should be specific in the sense that it will clarify, define, or demand an action or principle that will inform further legislation or function of the government--in other words, it has a clear place in Californian civics. On the other hand, there is a difference between constitutional and statutory law. Con law stands above and informs statutory law, and statutory law addresses particular situations as deemed necessary by the legislative body. Constitutional law must still be vague enough so that the laws passed under it can evolve as society does. Finally, there is the argument of enforcement, which you often need not worry too much about. Of course, some proposals will be simply unrealistic or unethical, but the lion’s share of proposals will have many details that will, quite simply, be decided by future legislation. This, too, is an overused phrase, but in many cases it is valid.

As you begin to prepare for the conference, here are some final things worth considering:

- ❖ What is the role of a government, and how can a constitution help the government fulfill that role?
- ❖ What limits does the US Constitution place on this state-level Constitutional Convention?
- ❖ What rights are worth enumerating in a constitution? Are there any additional ones that do not currently exist?
- ❖ How have the current American and Californian constitutions served this state well? How have they failed it?



LANGUAGE CREATION

The nature of this committee demands that we do position papers (a.k.a. language submission) a little bit differently. The constitution will be made up of individual proposals, akin to the operative clauses in a resolution. Some of them will necessitate only a sentence (like the First Amendment), while some will be significantly longer. In efforts to encourage a variety of ideas and cover most aspects of a functioning government, we are requiring that each Member write at least four proposals, preferably in a variety of the Areas of Constitutional Concern (also referred to as Buckets). Unfortunately, because of time constraints, we will not be able to debate every proposal, so you will email the Dais a ranking of which you'd most like to speak on, and we will make every effort to ensure that your favorite proposals appear on the docket before the final ratification vote.

Proposals will be submitted on a Google Classroom made specifically for this committee. Once submitted, the Dais will add them to a Master List of proposals for each Bucket, so that you may check to see that you aren't writing the exact same proposal as someone else, or to get an idea of where you can fill in the gaps. Proposals that oppose each other are welcome, and will be debated head-to-head. One last tip: because amendments cannot be made once a proposal is on the Floor, be sure that the language of your proposal can be interpreted in the way you want it. This is a common way that good ideas get killed (ex: *The voting age shall be 18* means that only 18-year-olds may vote, not that you may start voting at age 18).

AREAS OF CONSTITUTIONAL CONCERN (subject to expand)

1. Government Structure
2. Taxation and Government Spending
3. Elections and Voting
4. Infrastructure
5. Business and Labor Relations
6. Land Use and Conservation
7. Education
8. Rights and Freedoms
9. Grab Bag (Miscellaneous)



SAMPLE PROPOSAL (I'm using a federal proposal so that no ideas are taken off the table)

POLY ZZ: Multi-Member Districts

Any districts that elect representatives to the federal governing body shall be multi-member districts.

Currently, local districts elect one representative to represent them in the House of Representatives. This system has been in place since the Republican and Democratic parties became the two dominant forces in American politics, but it has not always been the default. Multi-member districts represent larger groups of people, but they also send two or more people to the legislative chamber. This would change the political arena by providing a space for nuanced voices. Currently, gerrymandering predetermines the vast majority of party control before candidates even appear on the ballot, meaning that your competition is not the opposing party, it's your fellow Democrats or Republicans, so the loudest, most left- or right-wing voices turn out the votes, not the moderate ones that more accurately represent most Americans. Additionally, the current system means that it's a pipe dream that a third party candidate *could* get a majority of the vote because they aren't under the thumb of the DNC or RNC, and voters don't want to throw their vote away. But it's totally feasible that a Green Party candidate would be someone's second or third choice, and with mor seats at the table, third party issues and moderate opinions can also have a voice without negating the importance of maintaining the mainstream. Studies have proven that MMDs increase the number of minorities and women in office, ensuring that the governing bodies look more like the governed. If we really believe in fair representation, we need to think beyond single-winner districts.

STEPS TO SUBMISSION

1. Once you come up with a proposal idea, check the appropriate Master List to ensure it has not already been written about.
2. Write your proposal, and a minimum of one paragraph introducing it. Each proposal should be, at minimum, 1/2 a page, not including Works Cited. This should not be the only research you do on your proposal, as you will be challenged on details in committee.



3. Submit your proposal to the appropriate Bucket, each of which will be an Assignment on Google Classroom. Title it with your school and ID letter, as well as a brief name.
4. Once you have written all 4 of your proposals, email your ranking as a numbered list to concon.jackrabbit@gmail.com (1 being the proposal you would most like to speak on)

ACCESSING GOOGLE CLASSROOM: Use code **lrx25m** to join the class.

DEADLINES: Your required 4 proposals must be submitted by 11:59 on May 15, 2019. If you see a gap that needs filling, or simply have more ideas, you may submit more proposals up to and during the conference day on May 25, 2019. Please note that it will be difficult for the Dais to update your ranking (if you have a new most preferred proposal) while we are in session on conference day, but you may contact us with an update at any time before then.

FILTERS: The astounding leeway of this body is both a blessing and a curse. Your creativity is the force that makes Con Con unique, but it can sometimes have its downsides. The Dais will be filtering out proposals that are deemed violent, silly to the point of lacking substance, or flatly unconstitutional*. If you can argue that your proposal still has merit despite it seeming to fall under one of these three categories, we will be open to keeping it on the docket.

*Unless there is a proposal to secede from the Union, which we are neither condemning nor endorsing.

A NOTE ON COLLABORATION: Because we will be in the unique position of being in contact before conference day, there is an opportunity to find co-authors and sponsors. If you see a proposal you like, or one that needs a little help in regards to its scope or language, you may ask another Member to be a co-author or sponsor on his or her proposal. If they consent, you may re-submit that language (or whatever language you end up deciding on) with your own, distinct argument and the tag *COSPONSOR* in the title.

A NOTE ON CONTINUITY: This room is more of an intellectual exercise than a fantasy committee, so we are operating under the assumption that the California government remains intact, and proposals that maintain current systems of government or parts of the constitution are allowed. Any laws currently on the books that would conflict with the newly-ratified constitution would be dealt with by the Supreme Court of California, at a later date.



RULES OF PROCEDURE

1. The Presiding Officer will call the convention to order.
2. The Presiding officer will call for the next item for discussion off the master docket: “It is now in order for debate on Proposal #1.”
 - a. There are no amendments to proposals once they are placed on the docket.
3. The Presiding Officer will call for the presenting member by name: “Does Member Porejemplo wish to present proposal #1?”
4. That member will stand, and state their intention to either present the item or yield their time to a specific Member, or any interested Member.
 - a. “Thank you, Madame Speaker, I do.” OR
 - b. “I wish to yield my time to Member Otro/to any interested Member.”
5. The Presiding Officer will ask the Presenting Member to come forward and inform them of their allotted speaking time (two minutes, unless changed by a motion).
 - a. “Please approach the debate box. You have two minutes.”
6. The Presenting Member will take their position at one of the designated podiums and speak. If there is remaining time, the Member may **yield to Members** or **yield to the Chair**. After speaking, the Member will remain at their position for the duration of the debate.
7. If the Speaking Member yielded their time to Members, the Presiding Officer will look to see if there are any members standing. The Presiding Officer will then begin calling members by name, and will do so until time runs out. Once recognized by the Presiding Officer, Members simply begin stating their point or asking their question.
 - a. As a general rule: first to stand→ first to speak. You may stand before the speaker has yielded his or her time.
 - b. A Member’s time may not be extended.
 - c. “Commendations for well-thought-out speeches or proposals,” or any similar formulaic, non-substantive comments, are banned.
 - d. There is no consideration for a two-part question. Instead, Members should make the rhetorical points they wish to make as part of their main statement or question.



8. The Presiding Speaker will then call for a Member in opposition of the Proposed Language. A Member interested in speaking in opposition of the Proposed Language alerts the Presiding Officer to their interest by standing and holding their placard so the Presiding Officer may read it: “Member Diceno, please approach the debate box. You have two minutes.”
9. The Member speaking in opposition will stand opposite the Presenting Member.
 - a. This member may also yield their time to Members or to the Chair. After allotted time has expired, the Member will remain on their side of the debate box for the duration of the debate.
10. If the Member speaking in opposition yields to the chair, the Presiding Officer will ask the proposition side if they would like to make any comments. This will be limited to 30 seconds.
11. If time was yielded to Members, repeat **Item 7.**
12. After time expires, **Items 5-11** will repeat, for a total of two speakers for and two against each proposal.
 - a. At this time, motions to extend debate by two speakers (one for, one against) are in order for particularly contentious proposals.
13. Once debate has ended, the Presiding Officer will thank the Members, who will shake hands and return to their seats. He or she will then call for a voice vote on the Proposed Language. A simple majority vote is needed to pass a proposal.
14. If any member feels the vote was too close for the Presiding Officer to fairly acknowledge a winning side, any Member may call for a standing vote by calling for Division. If the Presiding Officer recognizes the motion, he or she may call for a second voice vote, or a standing vote.
 - a. “Division has been called and not recognized. It is in the opinion of this presiding officer that this language does/does not pass.”
 - b. “Division has been called and recognized. It is now in order for...
 - i. A second voice vote on the Proposal.” Commence second voice vote.
 - ii. A standing vote. All those (in favor/opposed/abstaining), please signify by standing at this time.” Commence standing vote.
15. If passed, the clerk will place the language on the Draft Constitution.



16. All Proposed Language that still exists on the Active Docket at the end of the conference will be offered for consideration on a consent calendar. The Convention will take one vote on all remaining Proposed Language.
17. At the end of the day, the Final Draft Constitution will be offered for a final ratification vote, which requires a simple majority to pass.

NOTES ON THE FLOW OF DEBATE

1. It's far more fun to yield to members, and this will nearly always be encouraged by the presiding officers.
2. Proposals will generally go up on their own, but if two proposals are diametrically opposed or conflict in some other way, they will be debated head-to-head. Additionally, the docket will be made available in advance of debate, and the order of proposals will be determined by the Dais.
3. Speeches and proposals will be assessed holistically. Speaking often is encouraged, but a large number of non-substantive comments or speeches is not looked upon as favorably as a smaller number of substantive comments or speeches. Lastly, accruing proposal passes is not a guaranteed ticket to winning Best Delegate, and first-time sponsors will be given priority on the docket.

GLOSSARY

DEBATE BOX: The area in the center of the room where Members arguing for the Proposition and Opposition will sit and stand.

MEMBER: A participating delegate

OPPOSITION: the delegates speaking against a proposal

PRESIDING SPEAKER: The main presiding officer of the constitutional convention, a.k.a. the chair

PRESIDING SPEAKERS PRO-TEM: The other officers on the Dais.

PROPOSAL: The Language a Member would like to see on the Final Draft Constitution.

PROPOSITION: the delegates speaking in favor of passing a proposal

SPONSOR: The author of a proposal and usually, but not necessarily, the presenting speaker.

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