

## 37TH AMENDMENT (RC.10)

### *Constitution and Reconstitution; Responsive Reform and Purposive Principles*

#### SECTION 1

##### *We the People; In Order to Form a More Perfect Union*

CLAUSE 1. To acknowledge our humility as imperfect beings creating an imperfect artifact, we embrace further iteration by entrusting the future, with the future, in achieving and actualizing the values and ideals articulated and elaborated in this Constitution, as amended and reconstituted.<sup>148</sup>

CLAUSE 2. Section V of the Constitution, governing the Amendment Process, shall be revised<sup>149</sup> to begin: “The Congress, whenever two-thirds of two of the tricameral Chambers shall deem it necessary, shall propose Amendments to this Constitution...” in order to reinvigorate the strength of this Constitution by affording the necessary liberty to the People to adapt to the needs of subsequent eras with unknown challenges and unforeseeable complexity.<sup>150</sup>

CLAUSE 3. As required to carry out related duties, all public officials, judges, agencies, branches, and citizens<sup>151</sup> shall strive to understand each Clause of this Constitution in light of the spirit of its Section,<sup>152</sup> each Section in light of the spirit of its Amendment,<sup>153</sup> and each Amendment in light of the spirit of this Constitution<sup>154</sup> as a diaphanous whole.<sup>155</sup>

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<sup>148</sup> In the words of Thomas Jefferson: "I am not an advocate for frequent changes in laws and Constitutions. But laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy as civil society to remain ever under the regimen of their barbarous ancestors."

<sup>149</sup> Antonin Scalia, the intellectual anchor of originalism, textualism, and conservatism on the Supreme Court for three decades, suggested this revision was worthy of a Constitutional Amendment: "I think the only provision I would amend is the amendment provision. I figured out one-time what percentage of the population could prevent an amendment to the Constitution and if you take a bare majority in the smallest states by population, I think something less than 2% of the people can prevent a constitutional amendment. It ought to be hard, but it shouldn't be that hard."

<sup>150</sup> As James Madison proposed: "That there be prefixed to the Constitution a declaration... That the people have an indubitable, unalienable, and indefeasible right to reform or change their Government, whenever it be found adverse or inadequate to the purposes of its institution."

<sup>151</sup> Any person or entity that is a party to, and bound by, this social contract.

<sup>152</sup> We seek the spirit of the Constitution in order to establish a shared understanding based on explicit shared values expressed through clear purpose statements at the outset of each Section in this Reconstitution.

<sup>153</sup> Explicitly emphasized through the subtitles of each Amendment and its associated Sections.

<sup>154</sup> Explicitly articulated and clarified in the Preamble of the Constitution, and the Interamble herein.

<sup>155</sup> When we apply diaphaneity to Constitutional interpretation, we are trying to see through the words on the page to the deeper meaning that lies beneath.