



The Sedona Amendments (last revised 4/4/18 BCH)



1. Background

Over six years, a total of approximately 450 generous residents of Sedona, Arizona, fairly balanced across the political spectrum¹

- Came together respectfully
• Agreed on what they said would make the biggest difference in upgrading and strengthening the American democratic process
• Drafted proposals likely to be approved as legislation or constitutional amendment

2. Approval by Vast Majority of American From Across the Political Spectrum

Of the three most common ways to reform public policy (1) legislation (2) amendment to a state constitution, and (3) amendment to the U.S. Constitution, amending the U.S. Constitution is typically considered to require the most work (approval of 75% of the state legislatures—38 states today) and is often considered the most difficult to change or repeal—and there are exceptions.²

So, we choose to identify proposals most likely to be approved at that level, the U.S. Constitution, and we asked the participants to draft proposals that would be approved by at least 75% of the participants from across the political spectrum.

3. Drafting

Since amendments to the U.S. Constitutional are typically considered the most difficult, we also asked our participants to use that style od drafting that is typically very different from that used to draft legislation.

Amendments to the U.S. Constitution are typically, shorter, simpler, and more heartfelt. Legislation is typically more comprehensive and directly covers more of the "what if's?"

Many of the most powerful amendments to the U.S. Constitution are twenty words or less and are often accompanied by a document similar to FAQs known as The Intention of the Drafters to address common questions and concerns and guide those needing to interpret the amendment in the future. Over time, it may be preferable to move some text from The Intentions of the Drafters to the amendment itself.



4. The Three Sedona Amendments

Each of the following proposed amendments was drafted and approved by over 75% of the participants from across the political spectrum in less than thirty minutes.

Sedona Amendment No. 1 Getting the Money Out of Politics

The people shall have the right to a political process free from the influence of private wealth.³



Sedona Amendment No. 2 The Right to Honesty in Politics

The people shall have the right to complete honesty in all matters of public policy.⁴

Sedona Amendment No. 3 Ethics in Government

The people shall have the right to a government that honors the highest standards of ethical conduct.⁵

¹ **Political balance** – Workshop participation closely resembled to the national average of Americans: 24% typically lean left politically, 35% middle, and 37% right. Gallup Jan 2016 <http://www.gallup.com/poll/188129/conservatives-hang-ideology-lead-thread.aspx> Gallup Jan 2018 26% left, 35% middle, 35% right <http://news.gallup.com/poll/225074/conservative-lead-ideology-down-single-digits.aspx> Gallup

² **Amending the U.S. Constitution**

There are exceptions to the perception of the work required to amend the U.S. Constitution. The 26th Amendment in 1971 giving 18-20-year-olds the right to vote took 100 days from proposal to ratification. The 18th Amendment prohibiting the sale of alcohol was approved by more than 75% of the state legislatures in 1919 and then repealed by the same fourteen years later with the 21st^d Amendment in 1933.

³ **Sedona Amendment No. 1: The Intention of the Drafters**

In approving the amendment *“The people shall have the right to a political process free from the influence of private wealth”*, it is **The Intention of the Drafters** that

- It shall be unlawful for anyone to use private resources to attempt to influence an election or public policymaker
- All elections of public officials shall be financed equally, fairly, and solely by the public treasury subject to ethical rules and timelines determined by the people
- This amendment prevails over any inconsistent prior statutes, rulings, or interpretations, including Citizen’s United
- Prohibiting the use of private resources to influence an election of public policymakers does NOT infringe upon a person’s right to freedom of speech under the First Amendment
- Every authority holding an election shall provide an easily searchable and equally available place for anyone to exercise the First Amendment right to communicate in writing their voting preference

Factual Support

- **Polling** - Trust and confidence in the American political process is at or near an all-time low. Of the Americans polled: 86% believe elected officials are mostly influenced by their campaign contributors; 85% believe campaign financing requires fundamental changes or a complete rebuild; 84% believe money has too much influence in political campaigns <http://ThePeoplesConvention.org/polling/>
- **Private Contributors** - In the federal 2012 elections, 4/10ths of 1% of Americans provided almost TWO-THIRDS of ALL campaign financing—and elected policymakers know who they are
- **Cost to Replace Private Financing** - The average cost of replacing all private financing and removing the influence of money on all federal public elections based on 2016 spending is \$8.10 per person per year <http://thepeoplesconvention.org/campaignfinance/>
- **First Amendment** – It is lawful, and not uncommon, for the American people to amend the constitution to repeal a decision by the Supreme Court <http://thepeoplesconvention.org/2018-booklet/> p37

⁴ **Sedona Amendment No. 2: The Intention of the Drafters**

In approving the amendment *“The people shall have the right to complete honesty in all matters of public policy”*, it is **The Intention of the Drafters** that

- It shall be unlawful to mislead or deceive another on a matter of public policy
- The intention to mislead or deceive is not required to be in violation
- This applies to every official or organized communication by anyone including, but not be limited to elected officials, other public servants, the media, and government contractors, agents, and representatives
- This shall NOT include unofficial or unorganized, spontaneous communications between family, friends, and acquaintances i.e. “coffee talk”
- “Complete honesty” as defined her includes, but is not limited to, complete, honest, accurate and intelligible information
- “Intelligible information” is defined here is that which is completely and accurately understood by a person with the equivalent of an American eighth grade education and unintelligible laws or regulations shall be unconstitutional
- Communications on public policy longer than two pages (one thousand words) shall be preceded by a completely honest summary of no more than two pages (one thousand words)

Factual Support

- **Polling** – America now ranks 21st in the world in terms of actually being democratic <http://thepeoplesconvention.org/democracy-index-the-economist-intelligence-unit/> and of the Americans polled 91% believe they were subjected to false or misleading election information; 65% believe Members of Congress don't tell the truth; 55% have little trust in the mass media reporting the news fully, fairly, accurately <http://ThePeoplesConvention.org/polling/>
- **Constitutionality** – There are hundreds of constitutional laws and regulations in the United States prohibiting fraud and deception
- **Deception by the Government** – It is a felony for you to mislead or deceiving the federal government under 26 USC 1001. However, it is currently perfectly legal for your government to lie and deceive you.

⁵ Sedona Amendment No. 3: The Intention of the Drafters

In approving the amendment *"The people shall have the right to a government that honors the highest standards of ethical conduct"*, it is **The Intention of the Drafters** that

- As holders of the public trust, every government employee, contractor, and agent, serves as a trustee for the people and shall honor the highest standards of fiduciary ethical conduct
- The fiduciary standards of conduct include but are not limited to (1) Always putting the interests of the constituents ahead of those of the trustee or a political party (2) Equally, fairly, loyally, and honestly representing the interests of each constituent without preference (3) Avoiding any actual or appearance of conflict of interest or self-dealing
- Violations of this section shall result in permanent loss of government employment, contracting and representation, if any

Factual Support

- Of the American polled: 81% believe Members of Congress accept bribes from lobbyists; 65% don't believe Members of Congress tell the truth; 66% believe Members of Congress are disloyal to their constituents by favoring special interests; 66% believe Members of Congress should be restricted from lobbying after leaving office <http://ThePeoplesConvention.org/polling/>
- Many of the nation's founders expected public servants to serve as trustees of the public trust and therefore subject to fiduciary ethical duties similar to any other trustee. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1978999