



**MR. WRIGHT:** I'm Randy Wright. Along with Justin Blunt, Sara Oats, teachers of Liberty Middle School, and Patrick Henry High School in Ashland, Virginia, we have the honor of teaching these fine Hanover County, Virginia students. Now, with great pleasure, I have the honor of introducing our host for the day, Professor Larry J. Sabato.

Larry is the founder and director of the University of Virginia's Center for Politics and the author of *A More Perfect Constitution*, among other titles. Through his Center for Politics and National Youth Leadership Initiative, Larry has inspired tens of thousands of teachers and students all across the United States to host mock constitutional conventions in their schools this fall. It is Larry's inspiration that has brought us together today for this momentous discussion of our premier founding document, the Constitution of the United States of America.

*(Applause.)*

**MR. SABATO:** Thank you, Randy, and thanks to the students of Liberty Middle School for that excellent presentation, which we appreciate very much. You did a great job. On behalf of the University of Virginia Center for Politics, I welcome you here to the Mellon Auditorium on Constitution Avenue for our National Constitutional Convention.

In the 220 years since the Constitution was written, the United States has undergone a great transformation. The 13 original states on the Atlantic seaboard have grown into 50 from sea to shining sea. Advances in transportation and communications have created an interconnected nation that shares information in the blink of an eye.

Yet, despite the new realities of the modern United States, our government runs under the direction of a document written in quill pen. To be certain, the Constitution remains brilliant in its overall design. The Founders devised a political system that separated the powers of government, placed mutual checks on the powers each branch held, and ensured vital civil and human rights. However, as the Founders themselves said at the time, the document was not perfect when it was written. And it can be argued that it is even more true after the massive changes that have occurred in America and around the world over the past 20 years that it is no longer perfect.

But let me be clear. Changing the Constitution is serious business. And it's a process we dare not engage without a great deal of discussion and debate. This National Constitutional Convention is designed to start that discussion and debate. Where it goes from here depends upon the citizens of the United States.



As I argue in my new book and as some of the other panelists argue in their books, the text of our Constitution was never intended by the Founders to be sacred and untouchable. The Founders wanted us to regularly review and revise the Constitution based on the experiences of our own times. Thomas Jefferson insisted, “No society can make a perpetual Constitution”. The earth belongs always to the living generation. Jefferson imagined that major constitutional reform would occur every generation, every 19 years in his time.

The Father of the Constitution, James Madison, agreed with Jefferson, saying that constitutional revisions would be, quote, “A salutary curb on the living generation from imposing unjust or unnecessary burdens on their successors.”

One of the surprises that I've gotten since my book *A More Perfect Constitution* was published was a letter, unsolicited, from the current president of the James Madison family descendants, which is a large organization. But this particular individual lives out in California, is the closest -- he claims, closest living relative to James Madison.

And when I got the letter, I opened it with trepidation because I assumed that he was going to say, “How dare you; leave -- leave the work of Mr. Madison alone.” And, in fact, I was shocked because he completely and totally endorsed the idea of a new constitutional convention. And he insisted that his long-lost relative would have strongly endorsed such a convention, that he would not have believed that it had been 220 years since we've had one. So I was delighted to receive that letter and will be publicizing it widely.

George Washington agreed with both Jefferson and Madison. He was straightforward when he wrote in 1797, “The warmest friends the Constitution has do not contend that it is free from imperfections. I do not think we are more inspired, have more wisdom, or possess more virtue than those who will come after us.”

I'm under no illusions that constitutional change will be easy. The entire document has only been amended 17 times. Certainly you count the Bill of Rights as part of the original document. Take a look around the perimeter of this room where we have some marvelous exhibits. Throughout this beautiful hall, we've invited and are joined by organizations representing each of the current 27 amendments to the Constitution.

If anyone is tempted to believe that the Constitution was perfect in its original design, let's think about our friends from the National Slavery Museum who are with us representing the Fourteenth Amendment. During the day, I hope that those of you who are here will have a chance to visit the exhibitors.



That brings us to the larger issue of why we're here today. Any effort to change the Constitution must begin with a discussion of what's right, what's wrong, and what may be missing altogether from the Constitution.

How do we keep what is great while fixing what is not? By what sort of mechanism would all this constitutional change be achieved, perhaps a generation from now? Our present Constitution outlines two ways to change it. But one of those methods, a constitutional convention, has never been used in the history of the U.S.

The idea certainly sounds radical. And if so, the Founders were radicals. It was outlined by them in Article V of the Constitution. It's been right in front of us for the last 220 years. And as you read the writings of the Founders, you understand that it was their preferred method. Yes, they didn't trust Congress, even in their own day. They'd already had an experience with a Congress or two.

As I said, we're just here today to begin a conversation. I hope the issues that are raised today will grow into a national dialog that will ultimately result a generation or more down the road in a more perfect Constitution.

Throughout the day we'll be joined by an all-star lineup of respected statesmen and women, constitutional scholars, respected journalists, and political experts to help set in motion this national conversation.

I want to begin our day by introducing our first keynote speaker, Geraldine Ferraro. Geraldine Ferraro's nomination as Vice President inspired the nation in 1984, regardless of your party identification. And she remains an inspiration today. And we are just delighted to have her with us this morning.

She was elected to Congress from New York's 9<sup>th</sup> Congressional District in Queens in 1978, and she served three terms in the House of Representatives. In 1984 she earned a place in history as the first woman to be nominated for Vice President of the United States on a major party ticket. Obviously, that election did not turn out quite the way that Geri Ferraro planned; but, nonetheless, her candidacy forever changed the American political and social landscape, though it's amazing it's taken this long for another prominent woman to come to the fore.

After leaving elective office, Geri Ferraro has stayed active in politics and kept busy with a wide variety of projects, including for a while hosting Crossfire on CNN, serving as United States Ambassador to the UN Human Rights Commission, serving as a board member of the National Democratic Institute of International Affairs, and a member of the Council on Foreign Relations.



Geraldine Ferraro has served as a political analyst for FOX News and as a columnist for the New York Times Syndicate. She's a senior managing director and chair of the public affairs practice of the Global Consulting Group.

In recent years, Geri has taken up a new cause, advocating for research funding for Multiple Myeloma, the second-most common form of blood cancer after non-Hodgkin's lymphoma. Geri was diagnosed with the disease in 1998 and is still courageously fighting it and beating it today. Her courage extends well beyond the realm of politics, and her legacy continues to encourage women and men, young and old. And we're delighted to have her here today.

Ladies and gentlemen, the Honorable Geraldine Ferraro.

*(Applause.)*

**MS. FERRARO:** Good morning. Thank you, Professor Sabato for that very kind introduction. I am delighted to be here this morning and to have another opportunity to speak so many -- to so many distinguished guests and friends and also to some of the University of Virginia family. For those of you who may have been at UVA when I spoke in September of 2006 at the campus on the topic of women and politics, you know that that is something that I'm really very comfortable discussing. Today's discussion of the potential for a new constitutional convention and proposed reform for the Constitution, however, is a topic that has put me in a little bit of a panic.

For one thing, unlike Justice Alito, who will be addressing you early -- in the early afternoon, I am not an expert on the Constitution. So maybe that's the reason I'm not sitting on the Supreme Court. But I have studied it. And I've had a little experience trying to amend it. But even -- I must tell you that even more intimidating, if that's possible, when you're preceding a Supreme Court Justice and you're a lawyer -- and, by the way, I am a partner at Blank Rome, which is a law firm, national law firm -- is speaking on this same program as my former colleague Senator Bob Dole.

For those in the audience who are a little bit older, you will recall that we both ran for Vice President -- Bob in 1976 and I in 1984. Bob had the misfortune of debating Fritz Mondale, the then Vice President and several years later my running mate, who was -- in our campaign had the misfortune of debating Ronald Reagan.

I, as we all know, debated the current President's father, whom I really like and whom I felt very, very bad whipping. So you're going to go back and check the videos to see if I'm telling the truth; right?



Unfortunately for both Bob and me, going down in your history books as Vice President was not to happen and had nothing to do with our debate skills. But today is not about reminiscing and pining for the good old days. And, no, I'm not talking about the constitutional convention of 1787. Instead, we're here to discuss some ideas that Larry has put forward in his wonderful book, *A More Perfect Constitution*.

When I was first approached to participate in this event, my immediate thought was that this would be an easy speech to write because I could disagree with just about every proposal Professor Sabato has made in his book. And dismissing the suggestions out of hand would have been how I might have approached the subject if this was a debate on FOX News. But we're not on FOX. Instead, we're here to have an open and honest discussion on the pros and cons of reforming the Constitution to adapt to the needs of the 21st Century and beyond.

I must tell you that I was struck by the sincerity and the intellectual honesty in which the professor proposed some very widespread and fundamental changes to our Constitution.

Let's be frank. Our system is broken. Just look at the fact that this country, with the greatest health care in the entire world, doesn't make it available to 47 million of its citizens; that our national debt is out of control, and much of it is in the hands of our Chinese trading partners; that our Supreme Court in 2000 virtually gave itself the right to elect our president.

You have to say to yourself, "this is unacceptable." So how do we change things? calling a constitutional convention and getting it all done at once?

By proceeding to amend the Constitution one issue at a time? Or by changing the system legislatively? Wouldn't that be a quicker way to right a wrong? And couldn't that change come simply by changing the majority in Congress or the majority on the Supreme Court?

Another famous New York politician, Governor Al Smith, once wrote that, and I quote, "All the ills of democracy can be cured by more democracy." So in talking about the need to drastically reform the Constitution to account for things that the original Framers didn't really anticipate, whether it be the extraordinary number of lobbyists inside the beltway and their influence on policy makers or explosive population growth or the threat of terrorism or knee-jerk reactions to curtail civil liberties or the widespread disenfranchisement of voters through partisan efforts to require state-issued photo ID at polling places, and even what might seem like less-controversial subjects such as encouraging fiscal responsibility through a balanced budget amendment or creating a plan for continuity of government in the event of a major terrorist attack in Congress -- on Congress or creating a universal



national service, it is important for us to acknowledge that something needs to be done. The question is: “Just what?”

And though each of these proposals presented would deserve strong consideration through meaningful debate, should they be enshrined in the Constitution? I'm not so sure.

I do, however, think that it's important to discuss some ideas and others that Professor Sabato suggests in his book. Some were initially proposed by the Framers of the Constitution, such as James Madison's proposal that House members serve three-year terms. And in more recent years, both term limits and a balanced budget amendment had been supported by both Republicans and Democrats.

Some of them are painfully simple and elicit immediate popular support, while others are terribly complex and evince a healthy sense of skepticism. Each, however, will be guaranteed to have vocal supporters and opponents. And that's fine. That's how our government works. And despite what the polls may say that people think of our federal government, it works very well.

I think we can all agree that the duty of our Constitution is it endows each of us with inalienable rights. And chief among those rights is the ability to participate in the system of government as well as the right to agitate that system when it is no longer representing the interests of the people it purports to represent.

Indeed, that's how our country was founded in the very first place. We all have a vital stake and an essential role to play in ensuring that the law of the land reflects the values of this country -- not just 200 years ago, but today and tomorrow and the day after tomorrow. We are all -- or at least have the opportunity to be -- agents of change, whether that change is incremental or robust and immediate.

Larry mentioned I'm a member of the board of the National Democratic Institute. The Democratic Institute is an arm of the National Endowment for Democracy. It was actually created by Ronald Reagan in 1982 when he said that if the Communists -- Russia can -- if the USSR can export communism, we can export democracy. And so the NED was created. And we do export democracy.

What I have seen first-hand is how our Constitution is held up to the gold standard by fledgling democracies around the world. Throughout Africa, Asia, Eastern Europe, and, yes, even the Middle East, the American Constitution is a guiding force for freedom and equality and, most important, for the promotion of fundamental human rights.



Sometimes we forget that not every country defines democracy the way we do. But every country, when they look at our Constitution, knows that it is idealistic, pragmatic, fair, and, best of all, it works. It's funny to think that our Constitution, which is heralded -- heralded and copied in so many forms around the world, was created by a group of far-sighted men wearing heavy wool clothing in a hot muggy room in Philadelphia more than 220 years ago.

I think it's interesting to point out that the proceedings were conducted with very heavy security and were completely closed to the media or public scrutiny. In doing so, they created the foundation for arguably the most accomplished nation in recorded history.

At the constitutional convention of 1787, our Founding Fathers came forth to fix a government that had been loosely created by the Articles of Confederation. Wary of creating a strong Executive, everyone agreed at that time that the Congress did not have enough power while at the same time expressing concern of giving too much power to a reconstituted federal government, prompting James Madison to say that, and I quote, "If men were angels, no government would be necessary."

Not all the delegates were pleased with the results. Some left before the ceremony. And three of those remaining refused to sign, Edmund Randolph and George Mason of Virginia, and Elbridge Gary of Massachusetts.

George Mason demanded a Bill of Rights if he was to support the Constitution. The Bill of Rights was finally added and is considered the final compromise of the convention. Out of the 55 delegates in attendance, only 39 did sign it. And it's safe to say that probably no one was completely satisfied, but such is the nature of a compromise.

Their views were ably summed up by Benjamin Franklin, who said, and I quote, "There are several parts of the Constitution which I do not at present approve, but I'm not so sure I shall never approve them. I doubt, too, whether any other convention we can obtain may be able to make a better Constitution. It therefore astonishes me to find the system approaching so near to perfection as it does, and I think it will astonish our enemies," end quote.

Let's fast-forward a few hundred years. Despite the enduring values enshrined in the Constitution, it seems that the public at large is feeling more and more disenfranchised. For example, the approval ratings of Congress have hovered in the 30 percentile for several years, and that's on a good day. I suspect that this has much to do with the distasteful tone Washington brought about by an attitude of, "You're either with or against us."



But it is a real problem that we must correct. Divide between red states and blue states is highly problematic on a number of levels, most especially because the proliferation calls for amending the Constitution to deal with social issues like flag burning, gay marriage, and so on.

I don't mean to suggest that each of the several thousand amendments proposed over the last 200 years have all been frivolous. Some were unwise, and some were just poorly timed. But the fact remains that very few amendments have been passed.

I think we can all agree that the Framers were correct in making it difficult to amend the Constitution to avoid being pressured by legislators seeking to pander to their constituents. I think we have only to look at how well Prohibition worked to see my point.

The Eighteenth Amendment was passed in 1919. Fourteen years later the Twenty-first Amendment was passed to repeal it. What a waste of time and money, and amending the Constitution cost both. The process is meant to be difficult so that our Constitution is not somehow cheapened by mandating frivolous items.

Having been a member of Congress, I know how relatively simple it is to amend a piece of legislation and also how easily the original intent of the author can be diluted beyond the point of any recognition. That can be a problem with the legislative process, but it's easily correctable.

Imagine, however, that that problematical legislation became part of the Constitution. Yes, it's correctable. But, remember, repealing Prohibition took 14 years.

There are two avenues for amending the Constitution. The first is that Congress passes a constitutional amendment with a two-thirds affirmative vote in both Houses. And that's the way it's been done. And then the amendment must be ratified by three-quarters of the state legislatures. This is, so far, the only method that our country has used to amend the Constitution.

This second method to amend the Constitution allows for two-thirds of the state legislatures to submit applications to the Congress and call for a convention to revise the Constitution. Now, going back to the first constitutional convention, the delegates are some of the same men -- and they were all men -- who participated in conceptualizing our founding documents, such as the Articles of Confederation, the Declaration of Independence, the Constitution, the Bill of Rights. They remain icons even today -- Washington, Franklin, Madison, Jefferson, Mason.



Bear in mind that when our only experience with a national constitutional convention took place, the delegates who have -- the old hands at the process were sitting around a table. And even then they ultimately chose to ignore the reason for calling the convention, which is merely to improve the Articles of Confederation.

And, in addition, they violated the procedure they were to follow to make the changes. Keep that in mind when I'm talking about the current call for a constitutional convention.

Instead of requiring approval of all the state legislatures, which was required at the time they walked into that convention, the signers of the Constitution called for ratification by elected state conventions in only nine of 13 states.

Now, if we're discussing a new national convention, we're not talking about involving not just the original 13 states -- though we -- New Yorkers would be perfectly happy with that -- but 37 more. And, of course, the selection of candidates, delegates, would be highly problematic where "inclusion" would be the word of the day. And who would be included? Current members of Congress? Locally- and state-elected politicians? How about the general public? And who in the general public?

Would there be quotas according to political party? Race? Gender? How about age or regions of the country? Would big states have a bigger say than small states? What about representatives of various interest groups? Who else would be invited to participate in such an historic occasion? Constitutional lawyers? Academics? Would they be there merely to advise or to participate?

Remember that there was no media or public scrutiny of the constitutional convention of 1787. Think about today. Does anyone think that opening up the proceedings of such a monumental event to the 24-hour news networks, the bloggers, and the media at large is really going to make this process more transparent and run smoothly? And how long would it take?

Finally, there is no doubt in my mind that every delegate will have his or her own agenda or they wouldn't be there. If the men who attended the constitutional -- the first constitutional convention couldn't stick to the reason for which it was called, what makes us think that we could trust these new delegates to not follow their precedent?

Now, I don't mean to suggest that the delegates to such a new constitutional convention, once the process was put in place to choose them, would be unable to do the job and perhaps even do it well. But just how many of the delegates to this new convention would come close to measuring up to the giants of yore?



My biggest concern is the ease in which someone -- with which someone, anyone, can amend or dilute the process. We're talking about the Constitution. Remember that participatory democracy is a double-edged sword, as Former Prime Minister Clement Atlee reminds us when he wrote: "Democracy means government by discussion, but it is only effective if you can get people to stop talking."

It's obvious that unlike Madison's descendents, I'm not a fan of the idea of a second constitutional convention. In fact, I go further. I'm afraid of one. I'm a politician and a pragmatist. While there may be some virtue in shifting the locus of power away from the beltway to the states, as a former member of the House with great respect for the institution, I'm not quite sure that's the best way to deal with national issues.

It is also quite clear to me that once the convention is called, there would be no limit on the number of amendments that could be introduced, debated, and possibly passed, some reflecting the needs of the times, some passed to accommodate others and manage a consensus, some pushed through by the special interests who've made the convention their opportunity.

I've had experience negotiating documents with the Democratic Party as chair of the platform in 1984 before I got the nomination and then at the United Nations Commission on Human Rights as our Ambassador. Both were interesting and extremely exhausting experiences. But the documents that came out of those negotiating sessions lasted at most a year, had no enforcement capabilities, and had very little impact on people's lives. It's simply not what we're discussing here.

So getting past the logistical discussion, let's talk about some other of Dr. Sabato's suggestions which might be brought before the convention, if, indeed, one was convened. It's clear to me that much of what he proposes satisfies the broad middle that currently exists in this country. Many are neither radical nor reactionary, which, of course, he has chosen not to address. However, the constitutional convention would not be obligated to follow his lead.

Those he suggested could be best characterized as structural in nature with intent to improve upon but not replace any of the founding principles of American government and politics.

So let's look at some of those proposals a bit more closely. Lengthening House terms to three years from two, now, I think that's a good idea. A two-year term was the result of a compromise and was originally proposed so that members could get back to their constituents at least every two years. Remember, traveling



in those days by horse and buggy home to New York from Philadelphia took Hamilton two days. Today California is five hours away from DC, and members zoom home almost every weekend.

Remember that we also have the Internet and cable television and the computer to inform and misinform the Electorate on a regular basis. But expanding the House to approximately a thousand members would be catastrophic. I have never seen such partisan bickering as has permeated the House since 1994. When Nancy Pelosi was campaigning last October, she said if she became Speaker she would attempt to return civility to the House.

I bumped into Norm Ornstein at an event in New York. And I sat down, and we were chatting a little while. He's with the American Enterprise Institute. As you all know, he's a scholar of the Congress and has written an excellent book called *The Broken Branch* regarding the institution. And I asked Norm if returning civility was possible. And he said to me, It would be hard.

I then asked him if she became Speaker if he'd help. And he said he would. And after Nancy became Speaker, she did get in touch with him. She was serious about addressing the problem. And they're working, hopefully, to deliver on her promise.

But I also think that increasing the number to a thousand people and having a thousand people arguing and debating the issues would accomplish no more and probably a lot less than 435 doing so. It would also cost, money-wise, a lot more. But even more importantly, could you imagine being subjected to television attack ads from a thousand campaigns from at least twice as many candidates as that? I personally think that that would violate the Eighth Amendment of the Constitution prohibiting cruel and unusual punishment.

I grant you, passing constitutional amendments, even one at a time, is no easy task. And I guess you've already deduced my comments, I believe it shouldn't be. When I was in Congress, I had the opportunity to participate in discussions of three constitutional amendments. The first, the ERA, the Equal Rights Amendment, contained these very simple words: Equality of rights under the law shall not be denied or abridged by the United States or any state on account of sex.

Now, I'd ask you: Who could possibly have been opposed to giving women equal rights? You'd think this would be a no-brainer. In fact, it was so obvious that this was a next step that the women who had been successful in getting the Nineteenth Amendment passed giving women the right to vote, flushed with success, proposed the ERA in 1923. It took 50 years to get it from discussion to the halls of Congress to the States for ratification.



From 1972 to 1979, 35 of the required 38 states ratified. In 1979, a three-year extension was added to the time for ratification. But in 1982, those of us who were pushing for the amendment gave up. By now the religious right was flexing its muscle, and efforts were made to attach an anti-abortion amendment to the ERA. It was just too high a price to pay, which brings me to one of the most controversial amendments that has ever been introduced, which Professor Sabato didn't mention so I will because there is no doubt in my mind that if there were a constitutional convention this would be a high priority for some and a dangerous development for many.

For the past 20-odd years, the anti-abortion forces have tried to have their religious views enshrined in our Constitution in order to ban abortion. I am certainly old enough to remember the time before *Roe vs. Wade*, and so are Justice Alito and Senator Dole. But neither they nor the men who promulgate religious rules throughout the world share my views that a woman should have control over her own body.

Before *Roe vs. Wade*, women in this country were having abortions that they were getting in back alleys, and they were dying; that is, except for women with money, who were traveling to places and doctors to have safe procedures. Now, because of *Roe v. Wade*, all women, no matter what their financial status, faced with an unwanted pregnancy, are afforded the same care with certain recently-enacted restrictions.

Should the Constitution be amended to regulate a woman's right to make a decision about her own body? Regulating a person's behavior was tried before. And whatever the repercussions of prohibiting the sale of alcohol might be, denying a person a drink will not kill that person -- except, of course, if your name is Al Capone.

The same cannot be said for a constitutional amendment to ban abortion. Last Saturday the *New York Times* reported a comprehensive global study of abortion related by the World Health Organization. It found that the law does not influence a woman's decision to have an abortion. If there's an unplanned pregnancy, it doesn't matter if the law is restrictive or literal. But the legal status of abortion did greatly affect the dangers involved. And I'll quote from the report: Where abortion is legal, it will be provided in a safe manner. Where it is illegal, it is likely to be unsafe, performed under unsafe conditions by poorly-trained providers.

Now, my reason for bringing this highly-sensitive issue up at this point is to point out to you that amending the Constitution should not be done lightly or quickly or in response to the loudest voices in the public debate. It should be done



deliberately and sparingly. For what seems like a good idea one year could be proven devastating to the welfare of our citizens the next. And, remember, the constitutional convention has the built-in power to shorten the process and sidestep some of the process.

The third amendment I voted on when I was in Congress was one to balance the budget. I don't believe it's needed. President Clinton balanced the budget and created a surplus in the eight years that he was in the White House. He is really smart and has made some good decisions. But he's not the only one who has the ability to think long-term. We just have to be smarter voters.

Even more importantly, if money were needed to fight a war -- and I do talk about exceptions for that -- or fight illiteracy or provide -- which is not excepted -- or provide health care to the citizens of this country or needed to spend on a tax cut to stimulate the economy, as tax cuts are spending, our legislators should be able to borrow the money necessary to get those things done.

My final comment is with reference to Professor Sabato's suggestion to raise the number of Supreme Court Justices to 12. Not only is it unnecessary, I've never heard a Supreme Court Justice complain that they were overworked. But if they are, they don't have to stay on the bench indefinitely. They can step down. It is called a life term, not a life sentence.

But that's not all that's wrong with this amendment. FDR's court packing scheme in 1937 was a huge failure and was probably seen for what it was, a power-play to stack the bench in favor of the executive branch. He was angry at the fact that the Supreme Court was ruling against him on just about every question regarding the New Deal that they had an opportunity to rule on. So he decided that if he got to appoint three more Justices, his problems would be over.

Of course he was not successful. It failed because we all have a visceral reaction against such obtuse efforts. And I also don't know how a bench of 12 would work. What happens if there is a tie? Professor Sabato has suggested it should be sent back to the Appellate Court with no decision. I don't think that's such a good idea. The only other suggestion I could come up with is -- I wouldn't want the President to break the tie; I wouldn't want the Speaker to break the tie. I think that the Supremes should just flip a coin, and that would resolve the dilemma.

Winston Churchill famously declared that no one pretends that democracy's perfect or all wise. Indeed, it has been said that democracy is the worst form of government except all those other forms that have been tried from time to time.

I have been involved with public service for most of my life. And I've learned a thing or two about this great system of ours. The first is that governing is not



necessarily the art of the possible. It sometimes consists in choosing between the disastrous and the distasteful.

The second and perhaps most useful is that learning does not only consist of knowing what we must and what we can do but also knowing what we could do and perhaps should not do.

Larry, I thank you for inviting me here this morning to discuss finding a third way between the disastrous and the distasteful. And it reminds us what we can do to ensure that our Constitution remains an emblem of hope, equality, and justice for people everywhere. Thank you.

*(Applause.)*