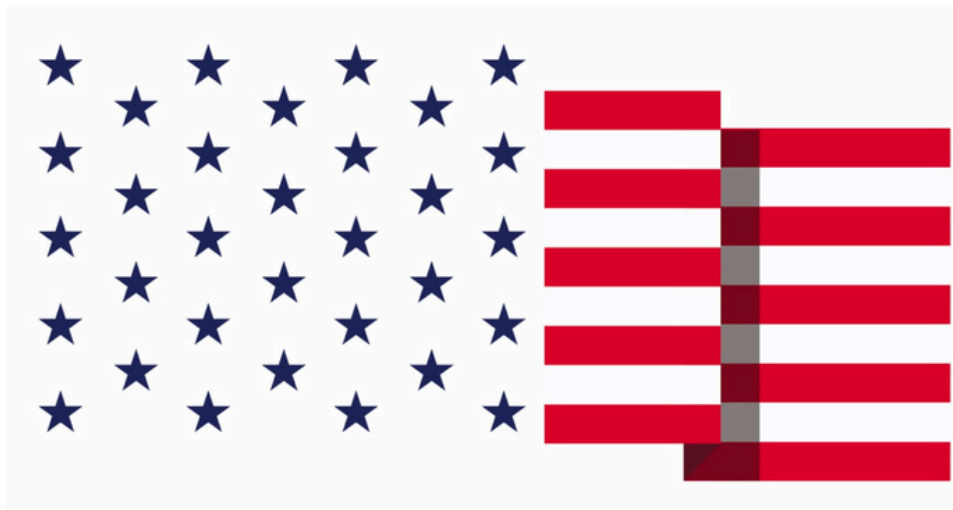


THE CLOUGH CENTER  
FOR THE STUDY OF  
CONSTITUTIONAL DEMOCRACY

WHAT THE  
**CONSTITUTION**  
MEANS TO *US*

An Oral History, Vol. 3



2025

BOSTON COLLEGE

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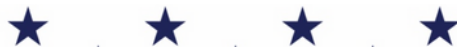
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SCHILLER INSTITUTE FOR  
INTEGRATED SCIENCE AND SOCIETY





# WHAT THE CONSTITUTION MEANS TO *US*

*Proceedings from Constitution and Citizenship Day 2024*



★ POLITICAL SCIENCE ★ LAW ★ ENGLISH ★ CLASSICS ★

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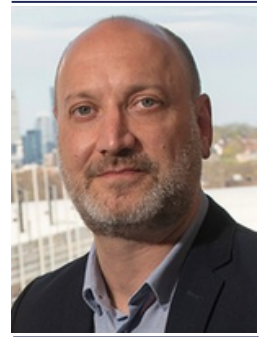
# Introduction

**Prof. Jonathan Laurence**

Department of Political Science | Director, Clough Center



I'm delighted to introduce this third volume of Boston College oral history on "What the Constitution Means to Us." As our country approaches its 75th anniversary celebrating a unified Constitution and Citizenship Day, and the 237th anniversary of the signing of the Constitution on September 17, 1787, the Constitution's relevance is very much alive.



The uncertainties and unmistakable signs of instability have been sobering to witness. We have seen disagreement over the rules of the game, from the lead-up to the 2020 Presidential election, to the aftermath of counting Electoral College votes on January 6. This is part of a shift toward "constitutional hardball" and its consequences, from *Bush v. Gore* in 2000 to *US v. Trump* in 2025. We have seen an uptick not only in polarization but also in political violence against institutions and office-holders, too.

Even the most patriotic Americans may harbor misgivings over the defining features of our constitutional democracy: from the predominance of the Electoral College over the popular vote, to the institutional mechanisms that have led to recent rulings on reproductive health, gun ownership, affirmative action, and the reach of executive power.

This has left some questioning the Constitution's relevance to their values and interests. Of course, when well-intentioned people differ so fundamentally on deeply important issues, it is ever more critical to keep to an agreed-upon set of rules and guidelines. But sometimes even our rules and institutions seem to fail us. Will the fate of our democracy rest on the life tenure of nine Supreme Court justices or a few thousand voters in five or six swing states? Does our vast democracy really hinge on such a fragile underpinning? How long can we defy gravity? And what happens when political actors don't have good intentions?

The answer to these questions, of course, is to refuse apathy and to engage with the tools at our disposal. These alarm bells are a call to action. There has long been a danger that a kind of rote appreciation of our founding documents has set in, a mechanical genuflection that acknowledges but fails to properly engage with their legacies. And so we recommence by reexamining them.



Can we even imagine what it means to this read this revolutionary document anew? It is like trying to imagine what the Statue of Liberty meant to our immigrant ancestors, or trying to remember hearing your favorite Beatles song for the first time.

Constitution and Citizenship Day gives us the opportunity to do just that, and to renew our covenant with one another. As the existence of dozens of Amendments attests,



the Constitution has provided a framework for an ever more perfectible democracy. It is well worth pausing to consider its worth and its room for improvement. Please take a copy of the constitution for individual reflection – and consider what has made it in, so far, and what may yet need a helping hand. For we are here not just to salute the words written in black ink, but to discuss and debate the white spaces in between.

That is what playwright Heidi Shreck accomplished with her pioneering stage play, *What the Constitution Means to Me* (2017). A finalist for the Pulitzer Prize, her soliloquy from the perspective of a woman who interrogates the impact of basic law at different points in her life is a brilliant and necessary contribution to the debate – and you can easily stream it online. We are here to enact the values she imparted – to discuss and debate, and that is what inspired this annual event, now in its third year.

For the third year in a row, we heard from several Boston College students and professors who provided their own personal reply to *What the Constitution Means to Us*. In these few years, we have had, around thirty-six speakers, and you can find volumes 1 and 2 online and a recording on Youtube.



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# The Year of Living Constitutionally

**A.J. Jacobs**  
Author and Podcaster



Hello everybody, and good morrow! Thank you to Boston College, the Clough Center, Professor Laurence, Professor Bilder, and everyone else who has made this event possible.

It turns out that heavy wool coats in 76-degree weather are not all that comfortable. But I feel it's my civic duty to dress the part. But if I pass out, please use modern medicine to revive me. Not bloodletting or leeches.

I thought I'd give a quick five-minute introduction to the book, and then we'll get to the fun part of digging into some topics with Professor Bilder.

*The Year of Living Constitutionally* is a semi-sequel to a book I wrote many years ago. That book was called *The Year of Living Biblically*. It came about because I grew up in a very secular home. I had very little religion. As I say in that book, I'm Jewish, but Jewish in

the same way the Olive Garden is Italian. But I wanted to learn about the Bible and religion, and the way I like to learn about topics is by diving in, by immersing myself. There is a method acting. I try to do method writing. Hence my clothing. I go all-in.

For a year, I followed the Bible as literally as possible. That meant following the Ten Commandments. It meant trying to love my neighbor. It meant trying to be fruitful and multiply, which I was. I had twin boys, so I take my projects very seriously. But in addition to the famous rules, I also wanted to follow the hundreds of lesser-known rules, many in the Old Testament. For instance, the Bible says you cannot shave the corners of your beard. I didn't know where the corners were so I just let the whole thing grow. Quickly I developed some alarming topiary on my chin. I looked like Gandalf. The Hebrew Scriptures says to stone adulterers, so I tried to do

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that although I used very small stones. Pebbles, really. No one got hurt.

It was a bizarre year but also incredibly enlightening. It was both ridiculous and sublime. Because while I looked absurd, I learned so much about the Bible. I learned about topics big and small. I learned about gratitude and forgiveness and the power of ritual. And I delved into a key issue, which is: how literally should we take the Bible in the twenty-first century? How much should we look for the original meaning? And how much should the Bible's meaning evolve as time goes on?

When I wrote that book, I always thought I could do a sequel with the Constitution because the same issues arise with the Constitution. And a couple of years ago I decided, *okay, now is the time to do it*. Because that year, the majority of Supreme Court justices espoused some sort of originalism, and that philosophy had a huge impact on their decisions.

Originalism, as you probably know, is the idea that when you interpret the Constitution, you should look at what the words meant when that document was ratified 240 years ago. (Or if you're interpreting an amendment, when the amendment was ratified.) So, I decided that, for my book, I was going to take the

same approach I did with the Bible. I pledged to be the ultimate originalist and to follow the Constitution using the technology and mindset of when it was written in 1787. And that meant I expressed my Second Amendment right by bearing muskets around New York City on the Upper West Side, which got some strange looks. It meant I wrote much of the book with a quill pen, because that's what the First Amendment back then meant. It did not mean social media, so I gave up social media. It meant I quartered a soldier in my New York City apartment, and I also asked him to leave, as is my Third Amendment right. And again, as with the Bible, it was a fascinating year. It was often bizarre. My wife didn't love a lot of it. She didn't love the ink stains and the smell of beef-fat candles. But it also had a serious point. It was a crash course for me in the Constitution. I talked to dozens of amazing, brilliant constitutional scholars and read shelves full of books, including *Madison's Hand*, by Professor Bilder. And I explored a crucial issue: How should we interpret the Constitution in 2024? How much should we look at the original meaning, and how much should the meaning evolve? Because the answer to that question is incredibly important to how we live our lives.



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As I mentioned, the Supreme Court is now an originalist majority. And many of their recent decisions on women's health, on guns, on religion are because they interpret it using an originalist lens. So I wanted to explore what that really looks like. What does it mean? Is originalism the best way to interpret the Constitution? What are the other options?

I'll end with just a little peek at some moments of images from my year of living constitutionally to give you a taste of what my life was like.

I applied to be a pirate, a legal pirate, which is my constitutional right. The preferred term is privateer. I met with Congressman Ro Khanna to discuss this part of the Constitution, and he was very enthusiastic until I explained to him that I wanted to go out on the high seas and fight our enemies and keep their loot.

I expressed my right to petition government for

redress of grievances, bringing my petition to the Capitol and met with Senator Ron Wyden to present my petition. I spoke to the press, freedom of speech; and I chopped wood. That's not really in the Constitution, but I try to get into the mindset by doing eighteenth-century activities.

I rode my horse in Manhattan. I joined a Revolutionary War reenactor group and fought in the battle of Monmouth. And one of my favorite parts of the project was bringing back the 18th century tradition of Election Cakes. The idea is to celebrate democracy and remind ourselves: democracy is sweet. And we have to fight to keep democracy because it is fragile.

Now I'm excited to dig in a little deeper with Professor Bilder, whose books I read during my research and who is an inspiration!



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# The Constitution as a Foundation & Horizon

Prof. Fernando Bizzarro  
Department of Political Science



I was asked to contribute to our collective answer to this fascinating question: What does the Constitution mean to us?

As a social scientist, my instinct is to react to this ask by defining important terms. The two most important terms are, obviously, constitution, and us. Thus, I will talk about three versions of the word constitution and pair each with a different version of some "us" I feel I belong to. First, I will take "the constitution" to mean any constitution and speak on behalf of us, political scientists. Second, I will discuss the Brazilian Constitution and what it means to us, Brazilians. Third, I will talk about the American Constitution and what it means to us, immigrants to this country. These are three different versions of the word constitution and three different "us-es" but I think they have a lot in common, which I'll explore at the end.

To us political scientists, constitutions are like the blueprint of a house. They provide a detailed plan for the structure of a political system, outlining its framework and the intricate network that sustains it.

But, like a blueprint, a constitution is just an abstract representation. So, our job as social scientists is to bridge that gap between abstraction and reality. We study how people inhabit the "house" created by the constitution, how they make it their own, and how they adapt it over time. We explore the interplay between formal rules and the dynamic reality of political life. To us political scientists, then, constitutions mean a starting point for understanding the complex dance between institutional design and lived political experience.

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Now let's consider what the Brazilian Constitution means to us Brazilians. To us Brazilians, our Constitution represents more than just a legal framework; it embodies our collective aspirations for democracy, social justice, and human rights. It emerged as a symbol of hope after two decades of military dictatorship. We called it the "Citizen Constitution" precisely because it emphasizes rights that have long been denied to our citizenry. It includes a statement that fueled our fight for democracy: never again. These are very high expectations. The Constitution defines not only the society we are but also the one we should be.

This creates a challenge: there is a gap between constitutional aspirations and political realities, which often becomes a source of frustration for many Brazilians. The persistent gap between promises and lived experiences can erode trust and support for democracy. In this sense, the survival of our young democracy requires balancing the aspirational nature of our constitution with the work of narrowing the gap between its goals and realities. In that sense, to us Brazilians, our constitution is not just a legal document, but a national mission statement—challenging us to strive for the better society we've promised ourselves.

To us, immigrants to the United States, the American Constitution embodies the ideals that drew us to this country: individual rights, rule of law, and democratic participation. With its long history, it promises stability and predictability for those who've uprooted their lives for opportunity and freedom. Yet, the Constitution also presents us with a unique duality. Its opening phrase, "We the People," invites inclusion but prompts us to question: Who exactly constitutes this "We"?

As a political scientist, I know that an immigrant like me is not part of the "We," not part of today's United States. But as an immigrant, I navigate the complexities of belonging in a nation where citizenship and identity have been continually redefined. To us immigrants, then, the Constitution means both a bedrock we aspire to stand on, and boundaries we may want to cross.

Reflecting on these three perspectives – the political scientist's blueprint, the Brazilian's aspirational framework, and the immigrant's bedrock – I see a common thread emerge. In each case, the constitution serves as both a foundation and a horizon. It provides a stable base for political life, yet points towards an ideal we continually strive to reach. So, whether we're examining it as scholars, living under its provisions as citizens, or navigating its promises as newcomers, a constitution embodies a society's highest aspirations while grounding its daily realities.

In essence, across all these contexts, a constitution means a collective commitment – to understand, to improve, and to engage with the ongoing project of democracy, no matter where we find ourselves in that journey.



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# Political Renewal and Hope

**Prof. Marsin Alshamary**  
Department of Political Science



The Iraqi Constitution carried with it the trauma of the past – it outlawed the Ba’th party – and it attempted to undo historic crimes, by being the first constitution in the world to make Kurdish an official language of state, for example. It also protected women’s representation in parliament and allowed women to pass on their citizenship to their children, in many ways an oddity among Middle Eastern states. Most importantly, the constitutional body to write the committee was voted in by Iraqis for the first time in their history. 76.4% of the population voted.

At the time I didn’t realize I was experiencing so many political firsts. I was witnessing the first democratic vote in Iraq. I was experiencing the first constitution written by a representative group of Iraqis. I was experiencing the first transition from authoritarianism to democracy in Iraq’s history. Despite the immense challenges that emerged in Iraq after – and that continue to this day – the Iraqi constitution of 2005 will always symbolize hope to me and the promise of renewal and the assertion of self-determination.

The process of creating that constitution – including the role of Iraq’s senior-most Shia Muslim cleric, Grand Ayatollah Sistani, in advocating for it, was a source of intellectual inspiration for me. It is why I studied politics and became a political scientist. At the same time, it was the knowledge of the pain that had preceded this constitution, the price of democracy if you will, that pushes me to continue to defend Iraqi democracy to this day, even when many have given up. I have witnessed the sacrifice and the bloodshed that preceded this document and that laid the groundwork for it, I will never forget the feeling of political renewal and hope that it created. At the time, I didn’t know it was so rare to feel hope politically. Today, looking at both Iraq and the United States, I understand what a rare commodity it is.



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# Constitutional Weirdness

**Prof. Min Hyoung Song**  
Department of English



I wonder if we ever stop to consider how weird the US Constitution is—if it's possible for me to use “weird” in a non-pejorative sense in the current moment.

As is well known and widely commented upon, the power of creation the Constitution claims does not come from God, kings, existing norms, nature, or simple military strength. It comes from “the people.” But it's worth considering this: who are “the people” that give the Constitution their power?

The original authors may have believed the people already existed, to which they were merely giving voice, but in fact there could be no pre-existing people that could claim to be members of a nation that did not yet exist. There were certainly people living in the 13 colonies, but they were not yet the people of the Constitution. The Constitution thus called a nation into being, and in doing so called into being the very people it claimed as its authority to do so.

In literary studies, following the work of the language philosopher J.L. Austin, we might call this a speech act. We do something by saying something. During a wedding, for instance, saying “I do” is both speech and an action; the very enunciation of the words make the marriage a reality.

It's also stranger than a speech act, which is already very strange, because Austin assumes a subject who can make action happen by speaking, but in this case, it's the very act of enunciation that creates the subject who speaks. Writing “we the people” calls the people into existence and it's the same people who also claim the right to make such a call.

This is a profoundly weird—maybe even illogical—idea.

And it is perhaps no wonder, then, that there has been and continues to be so much anxiety about who exactly makes up the people. On the one hand, there are many – perhaps enough to determine the outcome of a presidential election – who believe the people should be defined narrowly. Contemporary claims that elections are corrupt come basically from this belief, that the people who are voting are not the people represented by the

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Constitution, and therefore their votes are illegitimate. Undoubtedly, the original authors of the Constitution would agree with this view since their understanding of who the people are was very narrow.

On the other hand, it's also the case that the definition of the people in the Constitution has expanded over time to include more and more kinds of people—women, African Americans, nonwhite immigrants, and so on. It's worth remembering, for example, that the Naturalization Act of 1790 only allowed naturalized citizenship to “free white persons,” which significantly reduced who the people could be. It was only repealed by the McCarran-Walter Act in 1952. (If I had been born in the early part of the twentieth century, I would not have counted as a member of the people. There are many who no doubt believe that someone who looks like me still don't count.)

What the expansion of the definition of the people means is that, in practice, the Constitution cannot be interpreted as the founders intended, but is rather a living document that continually speaks into being the very people it claims as its authority. It has no choice but to do this because the composition of the people is constantly changing and because different actors are constantly agitating, organizing, and struggling for greater recognition.

It's also worth remembering that there are many groups who may prefer not to be counted as members of the people the Constitution recognizes, such as American Indians and native Hawaiians who are committed to their own sovereignty. So perhaps we want to take care not to view all expansions of the people as a positive development. As in so many topics, taking indigenous perspectives seriously has a way of adding a great deal of complexity.

I don't know that I have a neat way to end these observations, but here are some possible takeaways:

- We are in a serious battle over the meaning of the people, and the stakes cannot be higher.
- The Constitution does not guarantee, or even necessarily favor, one outcome over another.
- If we are in favor of a constitutional democracy, we should very much be fighting for an expansion of who count as a member of the people with some significant caveats.
- A narrowing of who counts will have significant consequences, and may very well unravel the authority of the Constitution itself.
- No matter the outcome of the current presidential election, this is a fight that will continue.



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# The Graceful Aging of the US Constitution

**James Parlon**  
Undergraduate, Department of Political Science



As we begin to reflect on questions about the future of American democracy, especially with this being an election year, it is vital to reflect on the foundations of that democracy we seek to preserve. Many who do often view the Constitution as a flawed and outdated document that is not representative of the America of today. However, when I reflect on the US Constitution, I only see a document that has stood the test of time and one which was so far ahead of its time that it has allowed for American democracy to thrive, grow, and expand. The provisions for change within the Constitution itself were laid out at the Nation's founding and provided future leaders with the ability to enhance the document and shape the US to fit the current era. In addition, the rights we enjoy are written directly into the Constitution itself and many of our core freedoms have been in place since the Founding.

This document was futureproofed from the start and has, in my view, aged gracefully up to the present day. While the country itself is by no means perfect, the building blocks for greatness are laid out in the Constitution. The codification of fundamental rights and the promise of freedom and equality for all are principles that are appreciated by all citizens. Coming from a Greek immigrant family, with grandparents who came to the Americas in the late '50s and to the US in 1974, the proverbial American Dream ran deep in the hearts of my family and the soul of their work. In their views, the Constitution means freedom to achieve and to become more than the poor olive farming and sheep herding background they came from.

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The future proofing of the Constitution allowed for the promise of a future and the excitement of families like mine to make it in a foreign land with pocket change and a dream. While my grandparents are and were legal residents, they have not become citizens and thus do not vote or engage in political activity. Still, their appreciation for the Constitution runs deep and their enjoyment of the rights promised to them by it has never faltered, much to my own admiration.

With the 2024 presidential election fast approaching, appreciating and preserving the principles and core facets of our Constitution is more important than seemingly ever before. Both political parties are feuding over what they both see as the other violating and harming the Constitution, and putting the future of American democracy at stake. This seems like a tumultuous period that many believe will change the future of America forever, regardless of the election's outcome, as either side believes their lives will be fundamentally changed following Election Day. However, I am certain that the Constitution, the preserver of rights, freedoms, and fundamental systems of government, is up to the task of preserving the democracy we value deeply as Americans. Historically, the Constitution has been brought to task when the country becomes divided, though the country has always endured and been shaped for the better because of our constitutional principles. This country has pressed on through civil war, evolved itself positively through decades-long civil rights movements, and pushed past less-than-satisfactory leadership, and much of that can be attributed to the core principles of the Constitution.

To that previous point, while the Constitution is known positively as a framing document for our government, it has come into issue with the American populace at several instances. However, it is also a document of ideas, that is, core principles that shape the unique American train of thought as it pertains to democracy and rights that we deem fundamental. Our discourse is healthy, change is good, and discussing the flaws and changes we see or wish to see in the Constitution is key to building better upon its core. It has worked before as change has been enacted, rights have expanded, and the essential freedom originally envisioned has come closer to being realized. Though, I do think that as we engage intellectually with our governing document, we should also acknowledge how gracefully it has aged. To be able to even speak on its flaws is a testament to the strength of its language, as we have the freedom to do so enshrined within it.

It's easy to feel gloomy in the current political climate, but I believe that we can find solace with the knowledge that this country has always endured, and that the core foundation within our Constitution has only gotten stronger with time. This idea will keep the spirit of American democracy alive, regardless of who takes office in November, and the measures put in place all the way back at our Founding will ensure that this nation endures and continues towards progress positively and productively.

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# Free Speech and The Will of The People

**Clara Taft**

Undergraduate, Departments of Political Science & Classics



When I was in high school, I became really interested in the question of what the First Amendment said about free speech for students, and I was just ecstatic that I could follow the *Mahanoy Area School District v. B.L.* case in real time as it was argued before the Supreme Court. Anyone who is not familiar with this case may instead be familiar with the case *Tinker v. Des Moines*, which was also about student free speech. The students involved were both suspended for expressing certain beliefs, but this is where the similarities end. Mary Beth Tinker and her friends were suspended from school for protesting the Vietnam War. Brandi Levy, on the other hand, unsuccessfully tried out for varsity cheer and made a rude post about it on Snapchat, so the cheerleading squad suspended her. There have been other student free speech cases concerning frivolous speech which were unsuccessful, but, in *Mahanoy v. B.L.*, the

Supreme Court affirmed the student's right to say almost whatever she wanted without fearing punishment—provided she said these things outside of school.

Many people would probably express more admiration for Mary Beth Tinker's principled anti-war protest than for Brandi Levy's airing of grievances (not me, though). But the courts have consistently affirmed that it doesn't matter whether the speech is profound or frivolous or righteous or outrageous. It's all protected, no matter what other people think about it, and no matter the age of the one speaking (more or less).

When I was a high school student learning about this, it just made me feel so confident in the value of what I had to say. This is not to say my school's

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administration would have put up with the nonsense I wanted to spout. I have a lot of respect for my high school teachers and the administration, but it was not an environment where the authorities cared about our voices. I remember some teachers avoiding students' difficult questions and discouraging us from discussing serious topics like politics and religion. Potentially as a consequence, it seemed like there was an endemic skittishness surrounding disagreement. Although I recognized that there was probably no way the school would let me get away with causing a disturbance akin to Mary Beth Tinker or Brandi Levy, it brought me great satisfaction and a sense of pride to know that the highest court in the country disagreed with them. I felt like I had the right and the responsibility to ask my teachers hard questions and disagree with them and support my classmates when they expressed themselves. I would ask someone what they thought about an issue and tell them, "It's okay if you think something different—actually, I would prefer if you disagreed with me." (I am still always delighted when someone disagrees with me and lets me argue with them about it. I have met so many people with interesting perspectives who make me reevaluate my own beliefs and often reach more sophisticated conclusions.)

I'm no longer a public school student, and I'm very lucky to have classmates and professors who value each other's opinions. I still appreciate the immense respect the First Amendment has for student free speech, no matter how frivolous. The principle of free expression reflects the value this country was founded on that the government is meant to reflect public opinion and the will of the people, which is obviously



an empty promise if one's beliefs must be expressed secretly, or only in certain permissible situations. There can be no representative government without the influence of public discussion. In the *Mahanoy v. B.L.* majority opinion, Justice Breyer called public schools "nurseries of democracy," which teach students the value of exchanging ideas. As young people, our opinions are worthy of respect because we are preparing to inherit control of this country.

