

Influential Legal Advocacy Group Turns 10

Constitution Project will celebrate anniversary, honor members with a gala dinner at the Mayflower Hotel

By W.J. Hennigan

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Ten years ago, Virginia Sloan was fed up with seeing the Constitution come under siege through a growing number of amendment proposals.

So she did something about it.

She started recruiting people to examine the Framers' process for amending the Constitution. And as a former Democratic counsel to the House Judiciary Committee, Sloan was able to bring aboard former members of Congress, judges, and legal experts from across the political spectrum.

Sloan's mission was to create bipartisan consensus on solutions to tough constitutional issues.

The result was the Constitution Project, a nonprofit bipartisan organization that brings together legal and government professionals to recommend solutions, using the Constitution as a template, and provide the information to courts and legislative committees.

"Members of our organization are constitutionalists first, no matter what their political perspective is," project president Sloan says.

The project is celebrating its 10-year anniversary March 5 at the Mayflower Hotel and honoring former FBI Director William Sessions for his efforts to promote constitutional safeguards.

Key members of Congress have heralded the organization for its work. Sen. Patrick Leahy (D-Vt.), chairman of the Senate Judiciary Committee, said in 2006 the group is "making a real difference in focusing public discourse on first principles and away from the partisan divisiveness of the last few years."

The project's focus has widened to a total of seven core initiatives: constitutional amendments, courts, liberty and security, war powers, death penalty, right to counsel, and sentencing.

A committee of about 20 people researches each initiative, engaging about 200 people in total.

Committee members include former Vice President Walter Mondale, former Democratic presidential candidate and now senior counsel at Dorsey & Whitney; former CBS News anchorman Walter Cronkite; and retired Army Gen. Wesley Clark. Supreme Court Justice Samuel Alito Jr. was on the sentencing committee before being confirmed in 2006.

The project's research on issues like habeas corpus and the death penalty has gone before the Supreme Court as well as Congress. It is currently working on the case of two Americans detained in Iraq and a report on the use of immigration law as a counterterrorism tool.

"We always face the challenge of convincing people that liberty and real, honest security are not mutually exclusive," Sloan says.

The organization has filed or joined several amicus curiae briefs in Supreme Court decisions, most notably in the landmark 2006 case *Hamdan v. Rumsfeld*, where it argued that the high court had jurisdiction to hear legal challenges by Guantánamo Bay detainees.

Tackling a wide range of issues is likely to be as much a part of the project's future as its past.

"There hasn't been an issue that we looked at and we thought that we couldn't get consensus," Sloan says. "When we see a need, we want to be helpful and move the debate forward."

With partisanship entrenched in Washington, Sloan says the organization has never been more important.

"In this partisan environment, conservatives will dismiss what liberals have to say, and vice versa," she says. "So the Constitution Project is there to say: 'These are not liberal issues nor are they conservative issues, they're constitutional issues.'"

Rep. Walter Jones (R-N.C.) was aware of this when he was drafting a bill last year to hold the government more accountable in wartime. Jones set up several meetings with the organization after reading the project's 2005 report *Deciding to Use Force Abroad: War Powers in a System of Checks and Balances*. Jones went on to introduce the Constitutional War Powers Amendments of 2007, which will be the focus of a House Foreign Affairs Committee hearing later this month.

In 2006, according to the Constitution Project's last recorded tax filing, the foundation pulled in just under \$600,000 in contributions. A spokesman says that figure rose in 2007 and 2008.

Among the law firms helping the project on a pro bono basis are: Wilmer Cutler Pickering Hale and Dorr, Fulbright & Jaworski, Mayer Brown, Jenner & Block, Fried, Frank, Harris, Shriver & Jacobson, and Holland & Knight.

Sessions, a Holland & Knight partner who served as FBI director under Presidents Ronald Reagan, George H.W. Bush, and Bill Clinton, is a fan of the project and glad to receive the award.

“I have a very strong belief in the efficacy and lasting quality of the Constitution,” Sessions says.
“I am proud of being part of this group and defending this document.”