

NINTH CIRCUIT CIVICS CONTEST

The 28th Amendment

*What Should Our
Next Amendment Be?*



2023 CONTEST WINNERS

THE NINTH CIRCUIT'S PUBLIC INFORMATION AND
COMMUNITY OUTREACH (PICO) COMMITTEE THANKS
THE FOLLOWING FOR THEIR SUPPORT:

U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT

U.S. DISTRICT COURT, DISTRICT OF ALASKA

U.S. DISTRICT COURT, DISTRICT OF ARIZONA

U.S. DISTRICT COURT AND U.S. BANKRUPTCY COURT,
CENTRAL DISTRICT OF CALIFORNIA

U.S. DISTRICT COURT AND U.S. BANKRUPTCY COURT,
EASTERN DISTRICT OF CALIFORNIA

U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA

U.S. DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA

DISTRICT COURT OF GUAM

U.S. DISTRICT COURT, DISTRICT OF HAWAII

U.S. DISTRICT COURT AND U.S. BANKRUPTCY COURT,
DISTRICT OF IDAHO

U.S. DISTRICT COURT AND U.S. BANKRUPTCY COURT,
DISTRICT OF MONTANA

U.S. DISTRICT COURT, DISTRICT OF NEVADA

U.S. DISTRICT COURT, DISTRICT OF NORTHERN MARIANA ISLANDS

U.S. DISTRICT COURT AND U.S. BANKRUPTCY COURT,
DISTRICT OF OREGON

U.S. DISTRICT COURT AND U.S. BANKRUPTCY COURT,
EASTERN DISTRICT OF WASHINGTON

U.S. DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON

PRIZE MONEY AND OTHER CONTEST COSTS ARE FUNDED THROUGH ATTORNEY
ADMISSION FEES COLLECTED BY THE COURTS TO FUND EDUCATIONAL PROGRAMS
FOR THE BAR AND COMMUNITY.

A Word About the Contest

In an effort to promote civics education, the Ninth Circuit's Public Information and Community Outreach (PICO) committee, the United States Court of Appeals for the Ninth Circuit and the 15 judicial districts throughout the circuit sponsor an annual essay and video competition open to high school students residing within the boundaries of the circuit. The 2023 Ninth Circuit Civics Contest, now in its eighth year, provides an opportunity for students to express themselves through creative writing or video production and learn about the U.S. Constitution, landmark rulings, historical events and the federal courts as they research the theme of the contest.

The theme of the 2023 contest was **“The 28th Amendment—What Should Our Next Amendment Be?”** Students were challenged to think about what amendment they would propose and why, and how they would get their amendment ratified.

Of the 966 essay entries and 86 video entries, 45 essays and 30 videos were selected by the districts throughout the Ninth Circuit to advance to the preliminary round of the final competition. Twelve essays and 10 videos advanced to the final round of judging. Members of the PICO committee, which includes judges and members of the bar, circuit executive staff and court unit executives participated in the final phase of judging the entries. Students from California, Hawaii, Idaho and Washington state claimed the top prizes and honorable mentions.

The contest was open to high school students in Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon and

<https://www.ca9.uscourts.gov/civicscontest>

Washington state, along with the United States Territory of Guam and the Commonwealth of the Northern Mariana Islands.

We recognize and appreciate the teachers and educators for encouraging their students to learn more about the third branch of government. The committee thanks all the volunteers and civics contest coordinators throughout the Ninth Circuit for their commitment to promoting civics education. We hope that the students benefited from participating and that they learned about the essential role of the federal courts in American democracy.

PICO Committee
July 2023

Public Information and Community Outreach Members

Senior District Judge John A. Kronstadt, Chair, Central District of California

Circuit Judge Morgan Christen, Anchorage, Alaska

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WINNING ESSAY CONTEST ENTRIES

1st
place

LIAM HUTCHISON DISTRICT OF HAWAII



Liam Hutchison is an avid reader and writer who attends Punahou School in Honolulu. His interest in this contest stemmed from his lack of knowledge surrounding important civic topics. He wants to be an entrepreneur who advocates for social change in his future. In his free time Liam enjoys surfing and taking his dog for walks.

The Evil Gerrymander and America's United Response

The principle of “one person, one vote,” established by the Supreme Court in the 1960’s, encapsulates a fundamental aspect of voting: every vote is equal. However, when politicians redraw districts to unfairly advantage a particular party, this principle becomes “one person, one vote, no choice.” This practice is called gerrymandering, and it is a persistent threat to American democracy that must be nationally addressed.

Although gerrymandering is as old as America, the term “gerrymander” was not coined until 1812 when Governor Elbridge Gerry of Massachusetts created a district map that artist Elkanah Tisdale illustrated as a salamander.¹ During this time, the Supreme Court viewed gerrymandering as a non-justiciable issue, as it was “of a peculiarly political nature.”² As a result, the undemocratic practice of gerrymandering continued for decades. In our system of representative democracy, the “power,” as James Madison wrote, “is in the people over the government, and not in the government over the people.”³ Free and fair elections, in which politicians are

held accountable to represent their voters, are vital to upholding this tenet of democracy. Gerrymandering works against this system by giving unprecedented power to the government over the people. Through partisan gerrymandering, politicians can manipulate district maps to dilute the voter strength of the opposing party.⁴ As a result, elections are taken out of the hands of the voters and put into the hands of the politicians.

The Supreme Court did not intervene against gerrymandering until the landmark case of *Baker v. Carr* in 1962, where the Court decided that redistricting claims were justiciable under the Equal Protection Clause of the Fourteenth Amendment.⁵ In a series of cases, the Court found a test for racial gerrymandering that interplays between the requirements of the Equal Protection Clause and the Voting Rights Act. However, the Court could not find any proper test for determining partisan gerrymandering. Partisan gerrymandering review ended in 2019 with *Rucho v. Common Cause*, where the Court found that “partisan gerrymandering claims present political questions beyond the reach of the federal courts.”⁶ Importantly, the case did not interfere with the main method for states to combat partisan gerrymandering in the status quo, which is through redistricting commissions. However, the Supreme Court is currently deciding its ruling on the consequential case *Moore v. Harper*, in which Republican legislators in North Carolina are advancing the “independent state legislature theory.”⁷ The fringe legal theory, based on the Elections Clause in the Constitution, would grant near-exclusive authority to state legislatures to redraw districts without oversight from state courts.⁸ Prominent politicians and experts on both sides of the aisle have condemned the theory for being antithetical to the Constitution and leading to more partisanship and voter suppression.⁹ However, observers have noted that the theory posed difficult legal questions to the Court, and Republican state lawmakers from Ohio have drafted a redistricting case concerning the same theory that the justices have not decided to take on yet.¹⁰ Since the theory is likely to continue to float around the Supreme Court docket for now, the future of America’s democracy is in a dangerously mysterious fog.

I propose a constitutional amendment that would establish independent redistricting commissions for congressional and state legislative districts. The amendment would specify a rigorous screening process overseen by a group of nonpartisan auditors to ensure that no elected officials or political appointees can join the commissions. The amendment would specify that the commissions must host community sessions for direct feedback from citizens and give the commissions the power to enforce the maps. Finally, the amendment would give Congress the power to enforce its provisions with appropriate legislation to avoid any state-level manipulation. This amendment utilizes what has worked with the current independent redistricting commissions. The amendment would stop partisan gerrymandering by state legislatures and make America's redistricting process more democratic. Furthermore, research published by Matthew Nelson in the academic journal *PS: Political Science & Politics* shows that states with independent redistricting committees have more competitive elections, which can help reduce the partisanship and extremism that affect safe districts.¹¹ As evidenced by Campaign Legal Center polls conducted in both 2017 and 2019, Republicans, Democrats, and Independents all overwhelmingly prefer districts with no partisan bias, even if it means fewer seats for their own party.¹² Americans are willing to put aside party lines for the advancement of democracy, and it is time to enshrine this sentiment in our Constitution.

The common path of ratification for constitutional amendments, which is a vote by two-thirds of both houses of Congress and then ratification by three-fourths of the states,¹³ seems impossible in America's current hyper-partisan political atmosphere. However, we must look back at history to visualize a path forward for this amendment. For example, the 26th Amendment was passed in the aftermath of the controversial Supreme Court ruling in *Oregon v. Mitchell*, which ruled that the federal government could not force the states to accept 18-year-olds as voters.¹⁴ The amendment was passed in a record four months, with widespread bipartisan support.¹⁵ Similarly, the Supreme Court is looking at the controversial *Moore v. Harper* case, and other cases concerning

the independent state legislature theory are floating around the docket. If the theory gets accepted by the Court, a united push for the amendment like the push for the 26th Amendment could materialize to reverse the decision. Regardless of the outcome, Americans must utilize the troubles of a heavily partisan age and realize that core principles of democracy are at stake. With partisan hostility on the rise in recent years, it is easy to forget the binding glue of American citizenship: we care about America, we care about democracy, and we are willing to fight for it. Americans have a shared history of protecting and advancing voting rights, and gerrymandering is inextricably intertwined with the erosion of our democracy. We must be prepared to unite under our shared democratic principles and advance our country into a stronger and more united age.

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EMMA FOSTER
NORTHERN DISTRICT OF CALIFORNIA



Emma Foster is a rising senior attending Castilleja High School in Palo Alto, California, where she is a research and U.S. government teaching assistant. She is passionate about disability justice, equitable education and freedom of information. Her experiences include attending the 2022 Student Diversity Leadership Conference, publishing articles in Softball America, and interning in a bioengineering lab at Stanford University. Emma can also be found on the softball field, in the lab or lifting weights. In the future she hopes to go into public health or the biomedical sciences.

**Constitutional Protections for Those
with Disabilities are Overdue**

If disabled people were recognized as a protected class, they would be the largest minority group in America, numbering up to 26% percent of the population.¹ And yet, disability discrimination faces the weakest legal repercussions, and people pursuing legal remedy are forced to rely on statutes rather than constitutional protections. Disability discrimination is encoded into law, from the Fair Labor Standards Act eviscerating wage protections to *Buck v. Bell* allowing compulsory sterilization. Disabled people deserve protection from institutional discrimination, and codifying that protection into the Constitution affirms for disabled people the same rights that other minorities already have under the Fourteenth Amendment. My proposed amendment to the U.S. Constitution would explicitly extend the Fourteenth Amendment's protections to include disability as defined in the ADA and require courts to apply intermediate scrutiny to disability discrimination cases. The Fourteenth Amendment's Equal Protection Clause holds that federal or state governments cannot "deny to any person

within its jurisdiction the equal protection of the laws,”² requiring state actors to justify any official action that treats similarly situated people differently. That justification will be subject to one of three types of judicial scrutiny- strict, intermediate, or rational basis. The rational basis test applies to most laws, requiring only that they fulfill a legitimate governmental interest and that there be a rational connection between the statute’s means and goals. In cases of disability discrimination, courts most often apply rational basis review. Strict scrutiny, which originated in *United States v. Carolene Products Co*, applies when the difference is an immutable characteristic or a fundamental right, i.e. race, religion, or voting, and requires that there be a “compelling governmental interest”³, and that the legislation be “narrowly tailored” to that interest. Similarly, intermediate scrutiny requires an important government interest that the law in question furthers in a way substantially related to that interest. Intermediate scrutiny, more generous than strict scrutiny but more rigorous than rational basis, applies when a statute affects certain protected classes. Equal protection has been instrumental in civil rights cases since *Brown v. Board of Education*, and the application of judicial scrutiny to discriminatory laws has advanced civil rights in the areas of race and gender.

Regrettably, the Fourteenth Amendment has not made the same impact for disability rights due to *City of Cleburne v. Cleburne Living Center*. The ruling holds that disabled people do not constitute a suspect or quasi-suspect classification as defined in *Frontiero v. Richardson*. *Frontiero*, which held that military benefits for service members’ families could not differ because of sex, lays out criteria for determining whether a group constitutes a suspect classification, including historical discrimination, modern prejudice, state of political powerlessness, and a common trait that is “solely by...accident of birth.”⁴ Unlike *Frontiero's* treatment of sex-based classifications, *Cleburne* harkened back to pre-strict scrutiny decisions on race and gender and set a harmful precedent regarding the appropriate judicial standards to apply to disability discrimination. The case was predicated on a zoning law that required special use permits in order for Cleburne Living Center (CLC) to lease a building for a group home for mentally

disabled people, as opposed to the permits usually required for multiple resident dwellings, and the city denied CLC's new permit application. The Supreme Court struck down the law, but not on the basis of strict scrutiny. The majority held that "a lesser standard of scrutiny is appropriate"⁵ in cases concerning disability discrimination; that governments have legitimate cause for treating disabled people differently because they are "different...in relevant respects;"⁶ and that disability is not a "quasi-suspect classification." Thus, it held ability-related discrimination was not subject to intermediate scrutiny. The result was correct, but the reasoning problematic. Applying *Frontiero* correctly, laws that discriminate based on disability should be subject to at least intermediate scrutiny given the historical and contemporary discrimination that disabled people face. The lack of official recognition of disability as a suspect classification makes it difficult to get judicial relief from legislative discrimination, since rational review is "highly deferential to...legislative judgment."⁷

My proposed amendment would create stronger protections against disability discrimination, which has been the subject of many Supreme Court cases.⁸ The long-time legal strategy for ableism cases has been to utilize statutes like the ADA, but this amendment would create a stronger route by creating an addendum to Equal Protection. This addendum would define suspect classifications, delineate applications of different judicial scrutinies, uphold disability as defined by the ADA as a suspect classification, and enshrine disabled people's right to the same level of scrutiny applied to other discrimination.

Proposal and ratification, and the methods by which they occur are outlined in Article V of the Constitution. An amendment is proposed when "two thirds of both houses [of Congress]...deem it necessary,"⁹ or "the legislatures of two thirds of the several states...call a convention."¹⁰ This amendment would follow the former route with ease, thanks to bipartisan support for disability rights. This support is evidenced by a preponderance of popular legislation, from the Individuals with Disabilities Education Act to the Fair Housing Amendments Act, granting increased access

to public infrastructure for disabled people. After Congress has voted to propose this amendment, it can be ratified by votes “of three fourths of the several States,”¹¹ taken either in Congress or a convention. Based on widespread public support, the proposed Amendment could be ratified either way. Either would require amassing grassroots support from disability rights groups that have been operating for decades. As they have with other disability rights-based legislation, Congress and our country should recognize the imperative to protect disabled people from discrimination.

For disabled people to have legal equality, courts must recognize their civil rights. The proposed amendment provides unassailable constitutional protection against discrimination and increases public infrastructure for disabled people. Fossil remains of humans with disabilities, who lived much longer than they could have without support, are archaeological evidence that supporting people with disabilities is as old as society.¹² Support from our courts and Constitution is overdue.

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⁹ U.S. Const., Art V

¹⁰ U.S. Const., Art V

¹¹ U.S. Const., Art V

¹² Brice, M. (2012) *Ancient Bones Show That Caring for the Disabled Is as Old as Society Itself*. Medical Daily. <https://www.medicaldaily.com/ancient-bones-show-caring-disabled-old-society-itself-243999>



Hannah Kurland-Cohen is a rising senior at The Downtown School in Seattle. At school, Hannah is involved with Peer Council, the Student Opportunities Board, Shakespeare Club and Student Ambassadors. In her free time, she enjoys biking, taking photos, spending time with friends and family, hiking and studying Spanish and Arabic.

Who Should Have the Power to Declare War?

In no part of the constitution is more wisdom to be found than in the clause which confides the question of war or peace to the legislature, and not to the executive department.

- James Madison¹

The Constitution of the United States divides and delegates power, granting Congress, not the President, the “Power [...] To declare War.”² Despite this seemingly straightforward assignment of duties, since the last time Congress declared war in 1941, the executive branch and Congress have been at odds over the constitutional division of war powers. In 1950, for instance, President Truman evaded obtaining congressional approval when he invaded Korea by calling the deployment of American troops a “police action” – in other words, a war in all but name.³ In the years since, despite lack of congressional approval, American presidents have followed Truman’s lead, initiating wars in Vietnam, Grenada, Cambodia, and Afghanistan without labeling them as such.⁴ In doing so, the executive branch has taken advantage of a legal loophole that must be closed; an amendment to the Constitution is necessary to clarify and preserve the balance of war powers between the executive and legislative branches of the United States.

The Military Action Amendment (the MAA) will ensure the constitutionally-mandated separation of war powers by requiring the executive branch to obtain a vote of confidence from Congress before introducing United States Armed Forces into hostilities, except in cases of self-defense. Much like the proposed Equal Rights Amendment, the MAA does not create a new set of rules governing conduct; rather, it will clarify the Constitution's presumed original intent.⁵ The MAA will also keep the executive branch accountable by requiring it to make a persuasive argument for military action before American troops are deployed.

Curbing the executive branch's control over military actions is not a new idea. The Ludlow Amendment, proposed multiple times between 1935 and 1940, called for a national popular vote to be held on any declaration of war by Congress, except in cases of self-defense. At the time the amendment was proposed, President Franklin D. Roosevelt protested that it was "incompatible with our representative form of government."⁶ He argued that "such an amendment [...] would cripple any President in his conduct of our foreign relations."⁷ Indeed, the Ludlow Amendment effectively reduces the President to a figurehead; additionally, some might argue it is unlawful because it denies Congress the constitutionally-mandated power to declare war.⁸ Nevertheless, the Ludlow Amendment's loss during a floor vote was close,⁹ demonstrating the popularity of implementing checks and balances on the executive branch's war powers.

Congress has also attempted to take matters into their own hands: the War Powers Resolution (WPR), passed in 1973, mandates that "the President shall in every possible instance consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement is clearly indicated by the circumstances."¹⁰ Though the WPR may have originally been well-intentioned, it has become a "political tool that allows members of Congress to dodge taking a position on the intervention itself," according to former Representative Lee Hamilton.¹¹ Additionally, language of the Act is vague; interpretations of the word "possible," for instance, can vary.

The MAA differs from these previously proposed actions and would evade their pitfalls. Unlike the Ludlow Amendment, the MAA does not call for a popular vote and therefore supports the representative government structure of the United States. It avoids the politicization issue of the Ludlow Amendment because it is not a referendum on war, but rather a clarification of the process by which war is declared. Unlike the WPR, which was difficult to interpret and is easily politicized, the MAA, as a constitutional amendment, could be enforced by the judicial branch to a greater extent than the WPR. Additionally, unlike the WPR, the MAA requires a congressional vote, rather than simply a consultation with Congress, which would allow voters to know what their representatives in Congress think about the possibility of war.¹²

To be sure, some might argue that requiring Congress to be more involved in the war-waging process would politicize war; however, the current system of unilateral decision-making by the executive branch already leaves control of the military unnecessarily prone to political pressure. In addition, though some might say that because Congress controls the so-called “Power of the Purse” the legislative branch holds enough power over military actions, a president could potentially embroil the country so deeply in a conflict that cutting off funding to the military would cause more harm than good, and could be seen as unpatriotic, impossible, or a combination of the two.¹³

The fact that taking actions to clarify and preserve the balance of war powers between the executive and legislative branches has been popular in the past suggests that Congress would be willing to ratify the MAA. The process for ratification is detailed in the Constitution: once the MAA is proposed by a two-thirds vote of both Houses of Congress, it would need to be ratified by three-fourths of the State legislatures.¹⁴ In modern times, amendments have specified time frames in which they must be ratified; while this has posed a challenge to some previously proposed amendments, such as the Equal Rights Amendment, today’s atmosphere of uncertainty surrounding U.S. involvement in war in Europe might spur lawmakers to immediately vote on ratification.

The Constitution, recognizing the devastating impact that war can wreak, requires the unilateral cooperation of two branches of government in order to wage war. However, the executive branch has repeatedly circumvented the legislative branch while instigating military conflicts. The amendment proposed in this essay clarifies the respective roles of the executive and legislative branches in declaring war and ensures the constitutionally-mandated separation of war powers. The need to clarify the process for initiation of military actions is timely; indeed, the prospect of U.S. involvement in Ukraine necessitates it. Congress – and, by extension, the people of the United States – deserve a say as to whether their children will be sent to war.

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¹ *Helvidius' Number 4.*

² "Constitution of the United States," art. 1, sec. 8.

³ "NSC-68 and the Korean War."

⁴ To name just a few.

⁵ See *Proposed Amendment to the Constitution of the United States.*

⁶ Hulen, "Ludlow War Referendum is Defeated in the House As Roosevelt Scores It."

⁷ *Ibid.*

⁸ The Ludlow Amendment would also be inconsistent and seemingly unworkable with U.S. policy surrounding war declarations.

⁹ The vote was 209 to 188.

¹⁰ House of Representatives Joint Resolution 542 (1973).

¹¹ Greenblatt, "Why the War Powers Act Doesn't Work."

¹² In a democratic republic, voters should know where their representatives stand.

¹³ "Power of the Purse."

¹⁴ The White House, "The Constitution."

Honorable Mention

ANANYA MAHADEVAN EASTERN DISTRICT OF CALIFORNIA



Ananya Mahadevan is a rising senior at California Connections Academy. At school, she enjoys helping her fellow students as a peer tutor and as vice president of the Mu Alpha Theta club. In her free time, she can be found volunteering at her local animal shelter, playing piano or reading some of her favorite novels, which include “1984” and “The Lord of the Rings.”

American Democracy: Is it Truly the Voice of the People?

Thomas Jefferson once cautioned, “I hope we shall...crush in its birth the aristocracy of our monied corporations which dare already to challenge our government to a trial of strength, and bid defiance to the laws of their country.”¹ This warning rings especially true in today’s age—an age where corporate influence threatens the sanctity of American democracy. Since the signing of the Constitution, we have ratified twenty-seven amendments, and, now, to protect the political voice of every American, we must ratify a twenty-eighth amendment: an amendment that strictly regulates campaign contributions.

Money has dominated politics from the birth of America—and so have legislations on campaign contributions. The first major regulation on campaign funding came in 1907, when the Tillman Act was passed following the disclosure that President Roosevelt’s 1904 campaign received contributions from major insurance companies. Written by Senator Benjamin Tillman, this Act prohibited campaign contributions from corporations and interstate banks.² Unfortunately, it was weakly enforced, and political campaigns continued to procure funds from these financial entities.

In light of the Watergate scandal, Congress passed legislation imposing stricter regulations on campaign contributions and donor disclosure for federal campaigns. The constitutionality of these limitations was eventually questioned in the landmark 1976 Supreme Court case of *Buckley v. Valeo*. In a 7-2 majority ruling, the Court determined that limitations on individual contributions to political campaigns were constitutional, as they safeguarded the “integrity of our system of representative democracy”³ from quid pro quo corruption. However, the Court ruled that the restrictions on a candidate’s personal contributions to his or her campaign and the limits on total campaign spending were unconstitutional, as these placed “restrictions on the ability of candidates, citizens, and associations to engage in protected political expression”⁴ — restrictions that conflict with the First Amendment.

Most notably, the 1990 Supreme Court case of *Austin v. Michigan Chamber of Commerce* realized the government’s duty in restraining “the corrosive and distorting effects of immense aggregations of [corporate] wealth...that have little or no correlation to the public’s support for the corporation’s political ideas.”⁵ This protects the First Amendment rights of the American people by allowing us to choose whose interests we want to prioritize: ours or those of corporations.

However, the controversial 2010 Supreme Court decision of *Citizens United v. Federal Election Committee* dismissed the governmental obligation outlined in *Austin*. The majority of five, led by Justice Kennedy, argued that political speech, regardless of whether it stems from a corporation, must be protected by the First Amendment.⁶

Ultimately, the *Citizens United* ruling led to the creation of super PACs, organizations that can raise unlimited amounts of money from corporations or individuals, given that they do not “directly” coordinate with a party or candidate.

However, this clause has not deterred candidates from brazenly taking advantage of the super PACs’ power and wealth. For instance, in her 2016 presidential campaign, Carly Fiorina did

not formally collaborate with the super PAC named “CARLY for America” but instead shifted minor tasks, like organizing events and announcing endorsements, to the super PAC, abusing a loophole in the law.

The exploitation of super PACs is not the only ramification of inadequate regulations on campaign contributions. In 2004, Massey Energy, America’s fourth largest coal company at the time, found itself facing a \$50 million fraud judgment after Harman Mining accused it of committing fraud. Massey Energy appealed to the Supreme Court of West Virginia. Desperate to avoid the hefty loss, the CEO of Massey Energy, Don Blankenship donated over \$3.5 million in support of attorney Brent Benjamin. This eventually led to Benjamin’s confirmation into the state Supreme Court in 2005. When the appeal reached the Supreme Court in 2008, Justice Benjamin was asked to recuse himself from the case due to his association with Blankenship. He refused and instead cast the deciding vote in favor of Massey Energy.

In order to prevent such nefarious corruption and to protect the interests of the American people, I propose the following 28th Amendment:

Section I: Congress and the States shall have the power to place reasonable limits on contributions towards entities advocating for or involved in ballot measures, campaigns, and elections.

Section II: When placing such limits, Congress and the States shall have the right to distinguish between natural persons and artificial entities.

The first section of the proposed amendment consolidates the idea that Congress and the States have the power to place limits on contributions towards issues that call for voter opinion, while the second section allows Congress and the States to place separate contribution limits on corporations and individuals.

To ratify this amendment, I would contact members of Congress with my proposed amendment and aim to receive approval from at least two-thirds of the members of each of the Houses of Congress.

If the amendment can receive the necessary votes, it will then be presented to state legislators. At least three-fourths of the states, or 38 states, must pass the amendment within a certain time limit—typically several years—for it to be ratified and incorporated into the Constitution.⁷

In the event that the amendment does not acquire two-thirds of the votes from Congress, I could present the amendment to state legislators. If two-thirds of the States, or 34 states, approve of the amendment, they may request a convention. The amendment will be ratified, if three-fourths of these conventions in each state approve the amendment.⁸ To date, no amendment has been ratified through this passage, but, as outlined in Article V of the Constitution, it is certainly a valid method.

All in all, the growing influence of corporations in the American political sphere is a malicious threat that stifles our political voice and First Amendment rights. The proposed 28th amendment, if ratified, will prevent this external power from swaying our nation's elections. Together, we can safeguard the American democracy that our founding fathers conceived.

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² Tillman Act, ch. 420, 34 Stat. 864 (1907) (current version at 2 U.S.C. § 441b (1994)).

³ Buckley v. Valeo, 424 U.S. 1 (1976)

⁴ Buckley v. Valeo, 424 U.S. 1 (1976)

⁵ Austin v. Michigan Chamber of Commerce, 494 U.S. 652 (1990)

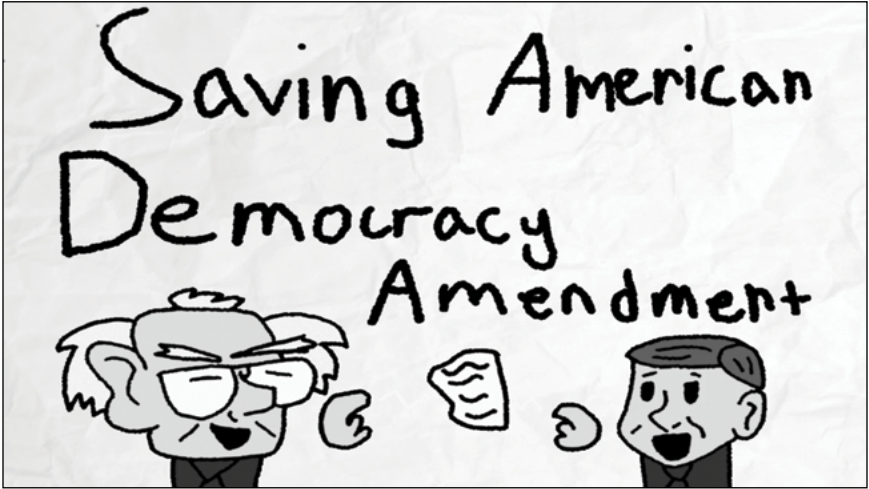
⁶ Citizens United v. Federal Election Commission, 558 U.S. 310 (2010)

⁷ U.S. Const. art. V

⁸ U.S. Const. art. V

WINNING VIDEO CONTEST ENTRIES

Winning video entries can be viewed by visiting the 2023 Ninth Circuit Civics Contest website: <https://www.ca9.uscourts.gov/civicscontest>



1st
place

LUKE BLUE

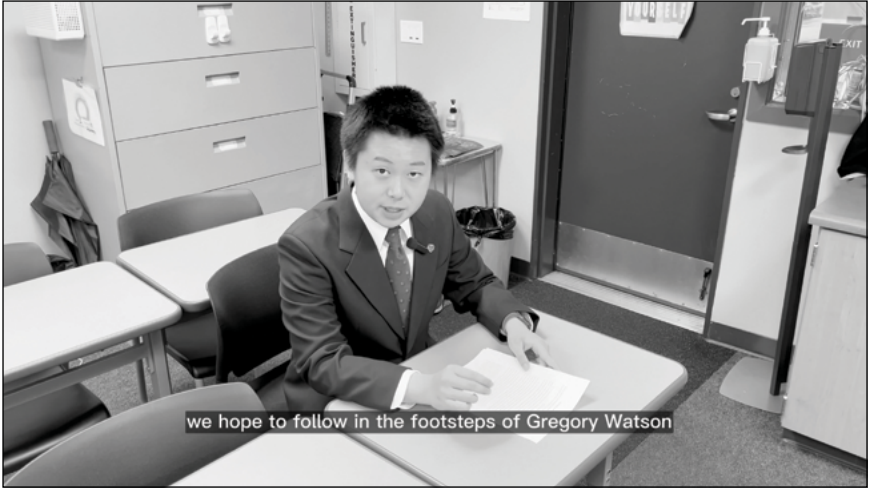
EASTERN DISTRICT OF WASHINGTON



Luke Blue is an ambitious 17-year-old junior from Mt. Spokane High School in Spokane, Washington. Using passion, dedication and hard work, Luke wants to achieve his part in changing the world and creating a better future for all. Growing up, Luke attended a lower-income elementary school, where he saw firsthand what it was like for those who were less fortunate in life. When he turned 13, his interest in the political and economic world grew, eventually developing into a burning passion to drive forward

the winds of change and progress. He has dedicated himself to working at the local food bank, doing charity work and giving back to his community. When Luke was just 10 years old, with the permission of his parents, he started an animation channel on YouTube, amassing a total of 120,000 subscribers as of

2023. Though his interest in animation has waned, he continues to work on the channel to help pay for college and to entertain his fanbase. Luke plans on studying law or obtaining a political degree at Washington State University. After and during college, Luke wants to get involved in activism and politics to feed his purpose in life. He hopes that someday he can help our nation change and guide it to become a bastion of equality and liberty.



2nd
place

**KEVIN GUO, VIKTOR MALETIN,
ANNIE SHANG**
NORTHERN DISTRICT OF CALIFORNIA



Kevin Guo is a 2023 graduate of Cupertino High School in Cupertino, California, where he was an active participant in both student government and the school’s mock trial team. As a self-described “huge law nerd,” Kevin enjoys constantly learning more about law and the legal profession—resulting in him being an avid reader of judicial opinions in his spare time, especially on issues of constitutional law. He will be attending the University of Chicago in the fall, where he now plans to double major in

economics and public policy. Afterward, he hopes to go to law school and work in appellate law, though his eventual goal is to pursue a career on the bench.

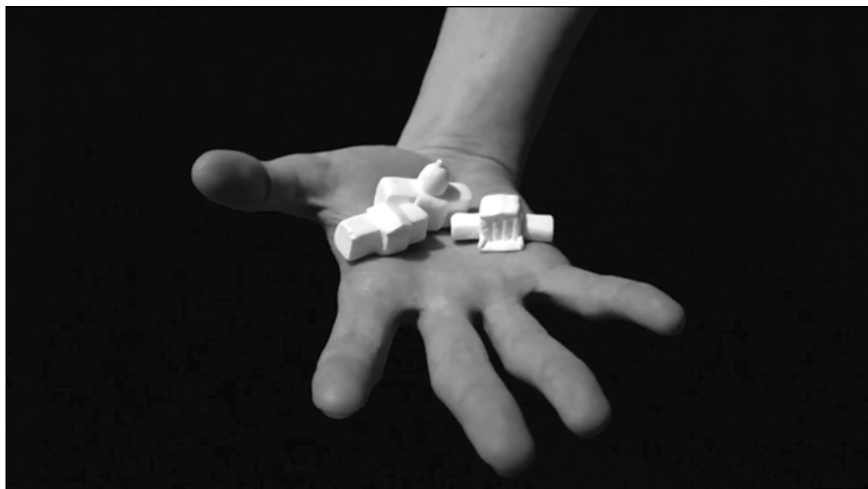


Viktor Maletin is a rising senior at Cupertino High School in Cupertino, California. Aside from spending time studying philosophy and the law, he also enjoys studying various other fields of science and tutoring, as well as teaching Speech and Debate to youth in his community. In his spare time, Viktor is very dedicated to the pursuit and study of legal sociology, volunteering at a nonprofit that aims to supply pro bono support for social justice causes, where he hopes to continue while in college. Ultimately, he hopes

to study the intersection of social sciences and law, followed by a legal career after law school.



Annie Shang is a junior at Cupertino High School in Cupertino, California. She is known for “napping a lot, eating ice and having a laugh that resembles a seagull’s call.” She loves “bear-hugging.” Annie is currently interested in pursuing business and loves designing. In her free time, she enjoys “being silly.”



3rd
place

**MARTIN ANDERSON &
JAMES SRIPRANARATANAKUL**
WESTERN DISTRICT OF WASHINGTON

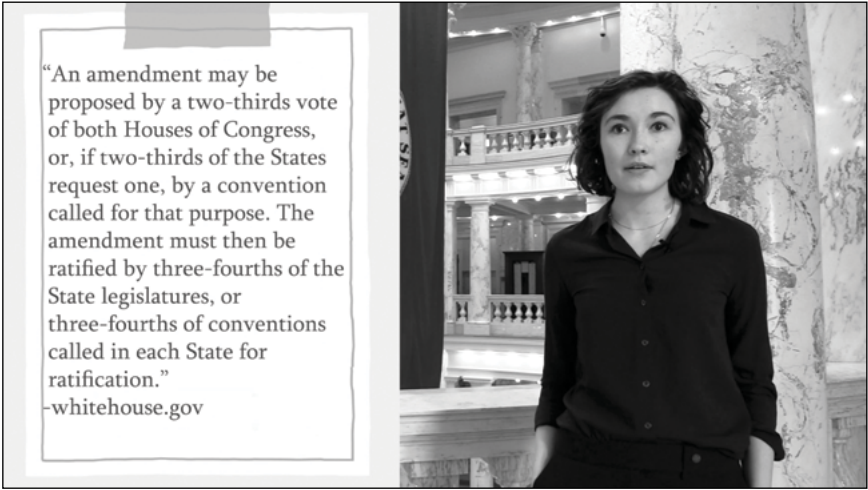


Martin Anderson is a 2023 graduate of Idea High School. His hobbies include playing French horn in the Tacoma Youth Symphony, playing tabletop roleplaying games like Dungeons & Dragons, and outdoor activities like hiking and camping. In school, he participated in classes like boatbuilding, metal shop, aeronautics and jazz band. He plans to study electrical engineering and music at Western Washington University this fall.



James Sripranaratanakul loves to make videos. He recently started making animations and music for his YouTube channel, “Grover Toons,” but he has a larger audience on Instagram, with nearly 20,000 followers. He is a very self-disciplined hard worker who consistently puts out good content for his viewers. He is constantly working on a new video in order to post every Saturday. Competing with himself motivates him to work hard. When

he gets distracted or wants to have fun, he imagines the best version of himself in his same position and not getting distracted. He keeps working, and when he imagines winning against himself, it really gets him striving to work harder. James does not have any plans to go to college as he does not believe it is too important for the work that he does. He learns all of his animation and storytelling skills online for free.



*Honorable
Mention*

DELANEY BLENKINSOP
DISTRICT OF IDAHO



Delaney Blenkinsop is a rising junior at Boise High School in Boise, where she is involved in the school's mock trial team, esports teams and video broadcasting program. Passionate about traveling the world, she is learning German, Italian and Arabic and hopes to continue studying those languages in college. In addition to linguistics, Delaney plans on studying international business or law in college, and would like to work in a field relating to criminal justice.

***TOP 9 ESSAY FINALISTS**

District of Arizona

Madeleine Chang, Hamilton High School, Chandler

Central District of California

David Estrada, Windward School, Los Angeles

Courtney Tetteh-Martey, Sage Hill School, Newport Coast

Eastern District of California

Ananya Mahadevan, California Connections Academy, Ripon

Northern District of California

Mihika Agrawal, Cupertino High School, Cupertino

District of Idaho

Ayden Kelley, Moscow High School, Moscow

District of Northern Mariana Islands

Jia Ross Nicdao, Marianas High School, Saipan

District of Oregon

Kate Stuckart, Central Catholic High School, Portland

Western District of Washington

Luke Alexander, Sehome High School, Bellingham

***TOP 6 VIDEO FINALISTS**

District of Arizona

Mia Ramos, Tanque Verde High School, Tucson

Central District of California

Devin Huynh, Dr. Richard A. Vladovic Harbor Teacher Preparation Academy, Wilmington

Northern District of California

Team of Julia Karsner, Callie Kocher and Ananya Nukala, Castilleja School, Palo Alto
Stella Tenta, Castilleja School

Southern District of California

Team of Julianna Villegas, Kieu Oanh and Akina Tran, Hoover High School, San Diego

District of Hawaii

Teah Simon, 'Iolani School, Honolulu

*2023 Ninth Circuit Civics Contest winners excluded from list. Names listed in alpha order by district.

DISTRICT WINNERS WHO ADVANCED TO THE CIRCUIT AS FINALISTS

Below are the names of students from each district who advanced as finalists at the circuit level.

District of Alaska

Essay Winners: First place (\$1,000) – Manning Zhang, West Anchorage High School, Anchorage; Second place (\$500) – Logan Cuddy, Service High School, Anchorage; and Third place (\$250) – Tobin Montalbo, Juneau-Douglas High School, Juneau.

District of Arizona

Essay Winners: First place (\$1,000) – Sophia El Imrani, BASIS Chandler, Chandler; Second place (\$500) – Madeleine Chang, Hamilton High School, Chandler; and Third place (\$250) – Akshita Khanna, BASIS Phoenix, Phoenix.

Video Winners: First place (\$1,000) – Mia Ramos, Tanque Verde High School, Tucson; Second place (Total of \$500) – the team of Vedansh Gupta, Avinash Gobburi and Yatheendra Chilakamarri, BASIS Chandler; and Third place (\$250) – Matthew Urena, Gila Ridge High School, Yuma.

Central District of California

Essay Winners: First place (\$1,000) – David Estrada, Windward School, Los Angeles; Second place (\$750) – Jason Sioeng, Arcadia High School, Arcadia; and Third place (\$500) – Courtney Tetteh-Martey, Sage Hill School, Newport Coast.

Video Winners: First place (Total of \$1,000) – the team of Diego Garcia and Alexander Carney, Orange County School of the Arts, Santa Ana; and Second place – Devin Huynh, Dr. Richard A. Vladovic Harbor Teacher Preparation Academy, Wilmington.

The Central District is also inviting their first-place winners and their parent/guardian to attend the 2023 Ninth Circuit Judicial Conference.

Eastern District of California

Essay Winners: First place – Ananya Mahadevan, California Connections Academy, Ripon; Second place – Vanessa Bedoy, Waterford High School, Waterford; and Third place – Stella Johnson, C.K. McClatchy High School, Sacramento.

Video Winners: First place – the team of Ananya Nand and Jarom Cookson, Lincoln High School, Lincoln.

Northern District of California

Essay Winners: First place (\$2,000) – Mihika Agrawal, Cupertino High School, Cupertino; Second place (\$1,500) – Emma Foster, Castilleja School, Palo Alto; and Third place (\$1,000), Marie Molotsi, also from Castilleja School.

Video Winners: First place (\$2,000) – Stella Tenta, Castilleja School; Second place (\$1,500) – the team of Ananya Nukala, Julia Karsner and Callie Kocher, also from Castilleja School; and Third place (\$1,000) – the team of Kevin Guo, Annie Shang and Viktor Maletin, Cupertino High School.

Southern District of California

Essay Winners: First place (\$1,000) – Grace Palumbo, Mt. Carmel High School, San Diego; Second place (\$500) – Noah Luken, Rancho Bernardo High School, San Diego; and Third place (\$250) – Delaney Alonso, also from Mt. Carmel High School.

Video Winners: First place (Total of \$1,000) – the team of Julianna Villegas, Kieu Oanh and Akina Tran, Hoover High School, San Diego; Second place (Total of \$500) – the team of Jacob Gabriel, Jacquelyn De La O Chino and Kay Tieu, also from Hoover High School; and Third place (Total of \$250) – the team of Son Tran, Elishia Stribling and Monica Medina, also from Hoover High School.

District of Guam

Essay Winners: First place (\$150) – Beatrix Zamora, Second place (\$100) – Joanna Lagaña; and Third place (\$50) – Jemellyn Borcione. All students are from the Academy of Our Lady of Guam in Hagåtña.

District of Hawaii

Essay Winners: First place (\$1,000) – Kainoa Kelly, 'Iolani School, Honolulu; Second place (\$500) – Atticus Gifford, Punahou School, Honolulu; and Third place (\$250) – Liam Hutchison, also from Punahou School.

Video Winner: First place (\$1,000) – Teah Simon, 'Iolani School, Honolulu.

District of Idaho

Essay Winners: First place (\$1,000) – Ayden Kelley, Moscow High School, Moscow; Second place (\$500) – Megan Tomlison, Liberty Charter

School, Nampa; and Third place (\$250) – Isabella Ristine, also from Moscow High School.

Video Winners: First place (\$1,000) – Delaney Blenkinsop, Boise High School, Boise; Second place (Total of \$500) – the team of Bradley Mason and Ashton Hickerson, Post Falls High School, Post Falls; and third place (\$250) – Riley McLing, also from Post Falls High School.

District of Montana

Essay Winners: First place (\$2,000) – McCants Meinders, Gallatin High School, Bozeman; Second place (\$1,000) – Riley Munson, also from Gallatin High School; and Third place (\$500) – Olivia Buoy, Corvallis High School, Corvallis.

Video Winners: First place (\$2,250) – Kimber Koteskey, Foothills Community Christian School, Great Falls; and Second place (\$1,250) – Anna Bauer, also from Foothills Community Christian School. The \$500 prize for a third-place winner was equally distributed to the first- and second-place winners since the district did not have a third-place winner.

District of Nevada

Essay Winners: First place (\$1,500) – Weston Raydon, Reno High School, Reno; Second place (\$850) – Kalista Kingsbury, Southwest Career and Technical Academy, Las Vegas; and Third place (\$500) – Samantha Phelan, also from Southwest Career and Technical Academy.

Video Winners: First place (Total of \$1,500) – the team of Charity Caday, Annie Lin and Samantha Manuel, Southwest Career and Technical Academy, Las Vegas; Second place (\$850) – the team of Danah Gaspar, Breanna Anton and Kaitlyn Landry, also from Southwest Career and Technical Academy; and Third place (\$500) – Grace Li, West Career and Technical Academy, Las Vegas.

District of Northern Mariana Islands

Essay Winners: First place (\$100) – Jaimer Shawne Casama, Second place (\$75) – Tyana Kay Cepeda and Third place (\$50) – Jia Ross Nicdao. All students are from Marianas High School in Saipan.

Video Winners: First place (\$100) – the team of Xinyi Ni and Vincent Razon, Kagman High School, Saipan; Second place (\$75) – the team of Joseph Victor Jimenez and Pony Tang, Marianas High School; and Third place (\$50) – Gavril Myles Santiago, Mt. Carmel School, Chalan Kanoa.

District of Oregon

Local winners in the District of Oregon received cash prizes determined by the district.

Essay Winners: First place – Kate Stuckart, Central Catholic High School, Portland; Second place – Laura Johnson, Crescent Valley High School, Corvallis; and Third place – Jordynn Risdal, Creswell High School, Creswell.

Video Winners: First place – the team of Sam Skolnik and Josephine Emmanuel-Mitchell, Franklin High School, Portland.

Eastern District of Washington

The Eastern District of Washington selected a total of three winners, in essay and video categories combined, who received cash prizes. Two other students advanced to the circuit level but without cash prizes.

Winners: First place (\$1,000) – Luke Blue for his video entry, Mt. Spokane High School, Spokane; Second place (\$500) – Leo Rangel for his video entry, Hanford High School, Richland; and Third place (\$250) – Victoria Hausman for her essay entry, also from Mt. Spokane High School.

Also advancing: Andrew Davidson for his essay entry, College Place High School, College Place; and Emmit DeHart for his essay entry, Pullman High School, Pullman.

Western District of Washington

Essay Winners: First place (\$1,000) – Hannah Kurland-Cohen, The Downtown School, Seattle; Second place (\$750) – Luke Alexander, Sehome High School, Bellingham; and Third place (\$500) – Alexander Olsen, Seattle Academy of Arts and Science, Seattle.

Video Winners: First place (Total of \$1,000) – the team of Martin Anderson and James Sripranaratanakul, Idea High School, Tacoma; Second place (\$750) – Hailey Bacalzo, Innovation Lab High School, Bothell; and Third place (\$500) – Annika Lindberg, West Seattle High School, Seattle.

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2023 NINTH CIRCUIT CIVICS CONTEST

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