

REFERENCES FOR BARRY KRUSCH

To Contact:

Stan Sahmel, Manager: 214-948-8877

Bank of America: Employee

From: Threet, Deborah A
Sent: Wednesday, February 11, 2009 10:46 AM
To: Krusch, Barry
Subject: Project Update

Thanks. For everything. Every day you amaze me and I can't tell you enough how much I appreciate your partnership and attention to this project and my success. This is very personal for me, and I don't know if they could have chosen a better peer for me. I continue to count my blessings each day and I include this relationship among those.

I didn't want to miss my chance to say that to you.

Deb

**Deborah Threet
AVP, Instructional Designer
ATM/e-Comm, SBB, SSE, and T&O Solutions Design
Office Phone: 678.418.9556**

**SENIOR REVERSE MORTGAGE
(quick turnaround on massive PDF revision project)**

From: Hudgins, Nancy
Sent: Monday, January 07, 2008 11:06 AM
To: Krusch, Barry
Cc: Johnson, Jeffery L; Sahmel, Stan; Rollins, Jennifer K; Troychock, Nicholas; Wade, Terry
Subject: Case Studies

Thank heaven for you!! Again. You are a life saver and we appreciate it! Your check is in the mail

Nancy Hudgins
Change Consultant
GCSBB Learning and Leadership Development
804.755.1701

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Spirit Award
Recognition Date: 01/29/2008 11:10:29
Recognized By: Nancy Hudgins
Mail Code: VA2-410-02-01

Recognized for:

Your excellent support of the Reverse Mortgage Foundations and Underwriter curricula. You demonstrated fantastic teamwork by jumping in to prepare the supporting documents. Thank you for having a great attitude and doing what was required to get the job done in time Without your help, we would not have met our deadlines! The new hire Underwriters at Bank of America will have a better learning experience thanks to the supporting documents. Jennifer and I appreciate your hard work and thank you for your support!

TELLER QUARTERLY
(20 min. WBT produced in 3 weeks)

Barry's work with the 15 Minute Workout WBT was instrumental in making this one of the most successful training products we have given to banking centers. In the short pilot, we are showing a 4 second improvement in transaction time which is equal to \$18.5 MM in FTE saves annually.

*Trish Greene
Vice President
National Customer Experience - Operational Excellence Team
727.789.7987
For emergencies, call my cell phone 727.460.0259*

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From: Greene, Trish M
Sent: Tuesday, October 30, 2007 8:07 AM
To: Krusch, Barry; Devlin, Kim
Subject: RE: Conversation with Greene, Trish M

Thanks for everything that both of you have done to get this accomplished. My team was very impressed when I walked them thru a portion of the WBT yesterday. I hope we can work on future 15 Minute Workouts together.

*Trish Greene
Vice President
National Customer Experience - Operational Excellence Team
727.789.7987
For emergencies, call my cell phone 727.460.0259*

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From: McLaughlin, Betty J
Sent: Tuesday, October 30, 2007 5:48 AM
To: Thompson, Elizabeth M
Subject: RE: make sure you take a look - 15 min workout for teller - Trish Greene

Thank you Elizabeth. Trish gave me an overview of this last week. I think it's thrilling – I would've LOVE this when I was in the banking centers, especially along with the new Scoreboard data.

Betty J. McLaughlin
Instructional Designer
Learning & Leadership Development
207-866-4042

WIKI
(conversion of legacy documents to wiki format)

From: Williams, Tim T
Sent: Monday, August 20, 2007 8:19 PM
Subject: RE: Spirit Card Notification

Stan, Jamie, Barry, Kenneth, Karyn, and Trish,

Thank each and everyone of you for this effort. As Romero once said, "it's great to be leading from the front because if you're in back of someone . . . The smell isn't too good." While he meant to say, the view is better when in the front, I think this sums it up nicely . . . LOL.

Thank you for positioning DCC to be a leader in this effort. And you can count on us to bring Small Business Banking and eCommerce/ATM on board as we finalized their curricula.

I hope each of you will take part in the upcoming Wiki presentation to the August 22 New Hire Training Community of Practice . . . You all deserve a bit of "show boating" on the results of this effort.

Thank you again for the teamwork. We're all stronger for it.

Tim

RESPA
(podcast)

Recognition Date: 06/05/2007 11:27:54
Recognized By: Jennifer Rollins
Mail Code: VA2-410-02-01

Barry Krusch recognized for:

Exceptional technology support for the high profile RESPA Section 8 initiative. You exemplified great teamwork and expertise in your execution of the audio podcast recording. Not only did you provide direction and superior knowledge to our partners, but you went above and beyond in making sure your equipment was ready to go complete with contingencies minimizing the time needed with Floyd Robinson. You are a prime example of the Bank of America Spirit! Thanks to you, the podcast will be a huge success for Consumer Real Estate and Learning and Leadership Development!

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From: Horack, Trey
Sent: Thursday, June 07, 2007 1:58 PM
To: Rosenstrauch, Holly S; Elam, Philip C; Walsh, Susan G; McShane, Laura D; Shield, William R; Hill, Susan J; Bramhall, Richard; Rogers, Laura -Legal; Desiderio, Andrew J; Hodgins, Pam; Sahmel, Stan; Krusch, Barry; Ernst, Tara; Overmyer, Craig; Sahmel, Stan; Wein, William S; Demarais, Dean; Ness, Ana D; McLellan, Michelle; Murdoch, Carter
Subject: RE: RESPA Section 8- Pod cast FINAL

Barry & Jennifer,

Fantastic work! The sound quality is great here. Thanks so much for helping us get this done in such short order.

Trey

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Recognition Date: 06/13/2007 18:19:06
Recognized By: Holly Rosenstrauch
Mail Code: FL6-582-01-01

Barry Krusch recognized for:

Building a Pod Cast for RESPA Section 8 training. Thank you so much for developing the podcast recording. Providing this new technology for the training will assist in the delivering an important message to our audience from our senior leadership in a new and innovative way. Your attitude to do whatever it takes to get the job is exceptional. It's a pleasure to be your teammate and work with you on this project.

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From: Eissinger, Priscilla
Sent: Thursday, June 07, 2007 12:00 PM
To: Clark, Tom; Iacovelli, Stephanie; Johnson, Jeffery L; O'Neal, Amy
Cc: Rollins, Jennifer K; Krusch, Barry; Sahmel, Stan; Ness, Ana D
Subject: FW: RESPA Section 8- Pod cast FINAL

This is so cool, a big well done to Jen and Barry.

This is exactly what we should be doing for all Compliance Training, i.e., having the LOB executive tee up the training with an audio podcast as to "why this is important." Make sure when we design Compliance Training (and other training where having an executive tee it up would be beneficial) we recommend an audio podcast from the executive as part of the solution. This foots to Susan Faulkner's desire to have the "why important" inserted in all Compliance Training. There maybe some cost involved if we have to send one of our folks out to do the recording, so include travel (when necessary) into the cost estimate.

Great work, thanks. P.

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From: Sahmel, Stan
Sent: Thursday, June 07, 2007 11:16 AM
To: Rosenstrauch, Holly S; Elam, Philip C; Walsh, Susan G; McShane, Laura D; Shield, William R; Hill, Susan J; Bramhall, Richard; Rogers, Laura -Legal; Desiderio, Andrew J; Horack, Trey; Hodgins, Pam; Krusch, Barry; Ernst, Tara; Overmyer, Craig; Wein, William S; Demarais, Dean; Ness, Ana D; McLellan, Michelle; Murdoch, Carter
Subject: RE: RESPA Section 8- Pod cast FINAL

Barry – great job on the audio and the final product! You rock!! We can now officially add podcasting to our array of learning solutions.

Stan

*MSP Course
(WBT)*

WOW, Barry! Your course is a great example of interactive WBT. It is going in my reference file to share with LMs on future projects.

I will take a closer look as I think through the practice simulations for New Hire.

Thanks for sharing –

Brenda Shaw
VP, Instructional Design
Consumer Products Learning & Organizational Effectiveness
253-719-8371
brenda.shaw@bankofamerica.com

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Very nice.....we tried for years to make this WBT happen at Fidelity, but ignorance and cheapness kept us tripping over our own feet over and over again. Not sure if they ever pulled it off. Good stuff.

Lee Johnson
VP, Program Development Manager
CRE/ISG Design and Development
Consumer Products Learning & Organizational Effectiveness
904-464-4154 work
904-655-2180 cell
jeffery.l.johnson@bankofamerica.com

Bank of America: Contractor

Letter of Recommendation from Terry Langley

To Whom It May Concern:

I was Barry's hiring manager and supervisor at Bank of America when he began in October 2003.

Barry far exceeded my expectations for the position he was hired to fill. With limited ramp-up time and with very little direction needed, he became an expert in the scoping of learning solutions. He quickly adapted to our business culture and expertly guided internal bank partners through the process of outsourcing development of learning solutions. His knowledge and experience in instructional design and advanced project management skills along with his "take-charge" approach to any assigned task proved invaluable as we redesigned and rolled out changes to our processes.

He lead an across line of business initiative to build an online Request for Proposal (RFP) generation tool. Barry applied his change management skills to overcome resistance and coordinated efforts of a diverse team to roll out a simple "Best in Class" solution for a complex process in minimal time. The results of the efficiency gained from the RFP generator and application of his consulting expertise contributed significantly to over \$280,000 in savings, which allowed us to average a 25% reduction in cost per finished hour of outsourced learning.

Barry is a highly skilled and experienced Instructional Designer, project manager and consultant that I can highly recommend. Should there be an opportunity I would be proud to have him on my team again.

Sincerely,

Terry Langley
Learning Manager
Bank of America
201 North Tryon St NC1-022-10-11
Charlotte, NC 28255
Phone: 704-386-8616

Letter of Recommendation from Emily Stevens

Barry Krusch worked with our team at Bank of America starting in October, 2003. I am pleased to give him a strong recommendation as an instructional designer and a technical developer.

Barry worked with a number of projects meant to improve our processes for outsourcing courseware development to vendors. His primary project was the RFP Generator, a user-friendly analysis tool that allowed business needs to be defined based on common questions. The responses were then added to a database and combined with standard contractual information to create a custom Request for Proposal (RFP). Because of the comprehensive questions and the standardization, the resulting RFPs both raised quality and lowered risk in the contracting process. In addition, the RFP Generator reduced average cycle time by about 60%.

Barry began the project as the lead developer, and developed the original prototype. However, when we decided that we would like others in the bank to build the application, mostly to ensure their support and buy-in, Barry moved easily and successfully into the role of a Project Manager. In that role, he worked with resources from several lines of business who could be competitive and strong-willed, and worked with them very effectively to build consensus on project direction.

Barry's skill as an instructional designer ensured the quality of the analysis questions and the job aids associated with the RFP Generator. His skill as a developer allowed him to organize and manage other developers in the bank, and solve difficult technical problems in implementation. His skill as a project manager allowed him to successfully bring the project to completion.

I have rarely seen someone whose skills are this broad-ranging: who can have the detail orientation for development yet respond to change easily, who can hear client needs then translate them directly into well-designed technology, and who can navigate the political problems of a high-profile project.

I would be pleased to discuss my recommendation if you should need more detail.

Emily Stevens, CPT
VP, Learning Practices, Bank of America
NC1-022-10-11 201 N. Tryon St.
Charlotte, NC 28269
704.386.5321

Letter of Feedback from Laura Brown

Barry, thank you for the work you have completed to date to enable us to develop a RFP and procure a supplier to develop the Structured Coaching e-learning.

As I commented after our meeting on March 4, I would only want to begin a RFP with you as a partner and truly value your knowledge, experience, and guidance throughout the process. The two leadership model competencies that you particularly demonstrated include 1. Demonstrate sound judgment and act with speed; and 2. Build relationships. We appreciated your leadership!

Thank you. I look forward to continuing to work with you in the future.

Laura Brown
Senior Vice President, Program Development Manager, Consumer Products
laura.brown@bankofamerica.com

Letter of Feedback from Ross Mandell

Barry,

I finished reading the entire RFP template. It is fantastic. One of (if not the best) RFPs I've seen. Has plenty of info, but is succinct. Has very specific AND MEASURABLE objectives for the program. Outlines expectations, but gives opportunity for other ideas for a solution.

Great work!

Ross Mandell
Senior Account Executive
Convergys (Digital Think)
704-843-6774
rmandell@digitalthink.com

User Acceptance Testing (UAT) Feedback On Dynamic RFP Generator by BofA employees

After creating the Dynamic RFP Generator, submitted the application to a focus group for User Acceptance Testing. Overall rating of the application: 9.4 out of 10 for new users, with estimated 9.8 hours saved per transaction.

General Information			
*Project Name:	Six Sigma Process Overview	*Sponsoring LOB:	Card Services
*Business Partner Name:	Lynn Harrell	*RFP Contact Name:	Mary Swanson
*Budget Approver:	Bill Lewis		

Easy to use, fast, intuitive: I would wager \$1.00 that I could have filled out this document without instruction or a job aid. LOVE the help button at each section and that I can click on the name of a field and get its definition.

Lisa Ekern
Asst. VP/Instructional Designer, Fulfillment Training
lisa.m.ekern@bankofamerica.com 904-987-8152

Great tool to provide a consistent look and feel to those creating and reviewing a RFP document. New users will love it, as the answers are readily available to them. No going to Discovery to locate a job aid to answer a question.

Edna Doyle
Asst. VP/Instructional Designer, Fulfillment Training
edna.m.doyle@bankofamerica.com 804-627-8621

User friendly!! Simplifies the entire process significantly.

Melissa Williams
Asst. VP/Instructional Designer, ISD Resources East
melissa.williams@bankofamerica.com 757-446-3704

I like the system, it will make things a LOT faster!

Holly Schmitt
Asst. VP/Performance Improvement, Manager Phone Service
holly.schmitt@bankofamerica.com 614-898-9210

Having this wonderful tool populate the RFP makes the process really easy. Thank you for creating this!

Holly Rosenstrauch
Asst. VP/Performance Improvement Consultant, PM Resources
holly.rosenstrauch@bankofamerica.com 954-499-1043

Great tool! Much rather follow the prompts via the tool vs. being given an existing template and typing in data. With additional user testing, this would add great value.

Todd Cunningham
Senior VP Regulatory Training and Awareness
todd.cunningham@bankofamerica.com 704-388-5052

*This email was sent from Barbara Best,
Senior Director of Customer Services for McGraw-Hill Education*

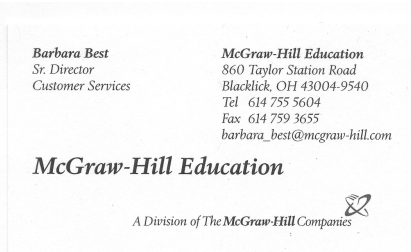
From: Best, Barbara
Sent: Monday, July 14, 2003 12:04 PM
To: Krusch, Barry
Subject: Progress update: CSOM

As you know, Barry, I was on vacation last week, meaning there were quite a few e-mails and voice messages waiting for me upon my return. As I reviewed them this weekend and today, I was struck as to how many of the updates mentioned you and your efforts on the behalf of Tata Interactive. This told me that your approach has really engaged my team. The "hardened veterans" have renewed enthusiasm that the end result will be effective, "real life" materials, appropriate for their teams and flexible enough to meet the needs of a variety of training situations.

Your visibility and desire to understand the representatives' world as well as our business has given you a legitimacy that quickly translated into a sense of partnership across the team at all levels. As a result of all of this, I don't think the folks realize quite how much work you have them doing! They are all hardworking but very busy, so I am delighted to see the enthusiasm they now have due to the heightened sense of ownership and empowerment you have given them. They understand the timelines and want to beat them. We are now on the right path to develop materials that will allow us to make the transition to Oracle and run our operations and service our customers successfully.

Thank you!

Barbara Best



*And this letter of reference on the same project was provided by Barbara Schank,
Associate Director of Customer Services for McGraw-Hill Education*

To Whom It May Concern:

It has been our great privilege to work with Barry Krusch who helped us prepare our training materials for McGraw-Hill Education's conversion to an Oracle order management system. In my career, I have worked on several of these conversions, and I'm able to say that Barry was able to interpret our business needs better than any other consultant we have ever worked with on such a project. In this extremely complex endeavor, his extensive knowledge, insight, and experience provided us with the expert guidance necessary for making sure that the training materials met our business needs.

Barry's concern for his client's welfare was especially evident in his approach and dedication to the project. We sincerely hope we have the opportunity to work with him in the future!

Barbara Schank
Associate Director, Customer Services
McGraw-Hill Education
barbara_schank@mcgraw-hill.com
614.755.5632

REFERENCE FOR BARRY KRUSCH

Provided by Bill Knowles, Training and Organizational Development Manager for Syngenta, Inc.

The following reference was prepared by Bill Knowles, Training and Organizational Development Manager for Syngenta, in response to a series of questions he was asked by a recruiter.

How do you know Barry, and for how long have known him?

Barry worked for KTI (a New York based consulting firm) when I was with KTI, so we made customer calls and wrote proposals together. I have known Barry for over four years now.

Please give some keywords that describe Barry.

Honest, brilliant, enthusiastic, technical, knowledgeable, decisive, customer-focused, results-oriented, communicative, creative, quality-driven (he is probably many more things but I think this gives you the big picture.)

What are his key strengths?

Barry:

- Understands the educational theory behind instructional design and has the technical knowledge to design/develop content for any media/software or classroom.
- Knows most tools for web-based and other media design and if he does not know a particular tool you need, he has the ability to learn a new tool overnight. He just understands how they work and how to manipulate them to be a creative designer.
- Is great with people/clients and makes customers feel comfortable when he works with them. He listens well and extracts key points from requirement statements to bring proper focus to issues. He has great interpersonal skills.
- Understands time/budget commitments and estimates project work realistically. He can make trade-offs when needed and still meet customer requirements.
- Likes the challenge of tough projects and works miracles when needed.
- Moves easily from theory to practical application.

What does Barry need to improve?

Nothing. I would classify Barry as one of the top five instructional designers in the country. I have worked with over one hundred quality designers over twenty years, and few (if any) are as good as Barry.

Would you recommend Barry for employment in your firm?

Absolutely!

Bill Knowles
Training & Organizational Development Manager
Syngenta, Inc.
336-632-2153
bill.knowles@syngenta.com

Feedback On The Virtual Mentor From Hartford Life Senior Examiners/Executives (4/19/02)

Compiled by Deborah Lonczak, Director of Claim Operations, Syracuse

I wanted to share with all of you the feedback received to date on the Virtual Mentor. The feedback is based on the demonstration in each office that Barry recently conducted. Overall, the feedback was excellent!!

Our plan is to follow through with the focus group to really drill down for more specific feedback, but I thought this preliminary info would be of value.

Please let me know if there are any questions. Thanks! — Deb

The content in the tool is easy to read and understand. 100% agreed

The content in the tool flows well from one topic to the next. 100% agreed

The format of the tool is well organized. 100% agreed

The content in the tool is educational and seems to be structured in a way that will help to promote learning. 83.3% agreed, 16.7% said "too early to comment; however, it should promote learning."

There are just the right amount of links in this tool. 83.3% agreed, 16.7% unsure

The links seem appropriate. 100% agreed

I think the tool will be a valuable resource to new and existing examiners. 100% agreed

Other comments/feedback:

"This is most definitely the best learning tool that I have seen in my 13 years of disability claims."

"What I liked best about it was that it is concise and there aren't too many items on each page which can become overwhelming."

"I think pending the claim will be most valuable to trainees and I wish it had been ready for the class we are currently holding! I think they would have benefited greatly from this. . . ."

"I am excited about the possibilities this presents for trainees and the trainers in the Atlanta office. The overall impression I had from observing the others in the Atlanta conference call roll-out session was that people thought it looked like a very helpful tool."

"I reviewed all the documents of Content Overviews and How To's and was generally extremely impressed with the Virtual Mentor"

"The Virtual Mentor is extremely thorough and amazingly well organized. I am impressed and can't wait to see it on the system."

"It was evident the work went into this & is more helpful than the manual because it actually went into how to apply it to the system ie explaining what screen to use, what to input in those fields etc. I'm looking forward to reviewing the other categories dealing w/ongoing clm mgmnt which will asst every ex w/ their ongoing clm mgmnt, as well as asst'ing them on the harder clms, i.e. giving us steps on the best way to proceed on a particular clm, q'ing the basics on functional capacity q's, things of that nature — and it may asst us w/ having a different outlook on a clm that we may not have realized & possible keep us more on track when reviewing an ongoing clm."

"Wow!! I was amazed at the wealth of information conveniently compiled for the LTD Process Reconciliation. I kept thinking that this is truly an informed walk-through of the process on paper, not to mention having the ability to flip through screens for a particular "How To". I really enjoyed the added ". . . Stay Focused on Customer Service". . . . Overall I am very impressed with this new learning tool. It is truly innovative and exciting."

Reviews for *Would The Real First Amendment Please Stand Up?*

Freedom of Speech is a hot topic these days, both in terms of immediate importance and media relevance. Given the amount of attention this topic has received and the degree to which it affects the Internet, it is perhaps unsurprising to find an online book devoted to the topic. *Would the Real First Amendment Please Stand Up?*, by Barry Krusch, is a valiant effort at dealing with this important issue in a new media. . . . it's a worthwhile experience for those who want to see exactly how complicated the First Amendment can be.

Harvard Computing Society

I was impressed with your on-line book. I found myself referring to it often as I tried to sort out in my mind how Congress was able to pass a bill restricting freedom of speech on the Internet.

Michael Drury

Over 100 pages that promises to open your eyes to what is and what isn't free speech . . .

Associated Press

Barry Krusch has written an extraordinary online book entitled *Would the Real First Amendment Please Stand Up?* It's long, but extremely well thought out and researched . . . [A]n articulate and detailed review of Supreme Court rulings that have riddled the First with BUTS and EXCEPTS.

George Smiley

I recommend this to everyone . . .

Chris Porter

This is an amazing resource — an online book over 100 pages and 177 footnotes long that will, at the very least, open your eyes. The URL is <http://www.krusch.com/real2.html>. . . the first few pages of the site are — in a word — fascinating. It's a must-read for this political season, and probably much more exciting than two months of political sound bites and speeches!

David Citron

If you've got the time, we've got an online book for you. Barry Krusch examines the 1st Amendment in detail and attempts to put the Supreme Court's revisions of the Constitution into a form the layperson can understand. You should know this stuff.

Excite

Check out *Would the Real First Amendment Please Stand Up?*, an on-line book by Barry Krusch. It is an excellent decomposition of where the US stands on our First Amendment.

Colin Rafferty

. . . well-written, and very witty. . . . I highly recommend this book. At the very least, it brings to light some very interesting Supreme Court cases, and at the best, it'll make you think about how the legislative and judiciary bodies have amassed more power than they're supposed to have (according to the U.S. Constitution) over the years..

Ram Samudrala

I enjoyed your book, *Would the Real First Amendment Please Stand Up?*. As an attorney educated in a public law school who still retained his integrity, I would say that you are dead on.

Jim Robideau

Encyclopedia Entry From the *Encyclopedia of Constitutional Amendments*

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◆ KRUSCH, BARRY ◆

ernment than to the general outline that Americans have come to expect from such documents—in this respect, his plan is more like many existing state constitutions than like the U.S. Constitution. Kirstein's plan is unique in its attempt to combine both elements of increased popular participation with increased education of individuals who hold office. If adopted, Kirstein's plan would also appear to have the effect of reducing the power of the presidency by taking away the president's current veto and by effectively giving each of the other two branches a single head. It is difficult to know with certainty the overall effect that many of his other proposals would have.

In 1992 Kirstein published the *Ideology of Freedom and Democracy*, which is described as a "Master Plan for FREEDOM, DEMOCRACY, HUMAN RIGHTS, PROGRESS, SECURITY, and PEACE on Planet EARTH." There he advocated supplanting the United Nations with a more effective world organization and in promoting democracy throughout the world.

For Further Reading:

Kirstein, Herbert C. 1994. *U.S. Constitution for 21st Century and Beyond*. Alexandria, VA: Realistic IDEALIST Enterprise.

———. 1992. *Ideology of Freedom and Democracy*. Alexandria, VA: Realistic IDEALIST Enterprise.

"U.S. Constitution for the 21st Century and Beyond." At <http://www.newsconstitution.org/usc21a.html>. Accessed 6/28/00.

◆ KRUSCH, BARRY (1958–) ◆

In 1992 Barry Krusch of New York offered one of the most ambitious plans for a new U.S. constitution in a book entitled *The 21st Century Constitution* (1992). An extensive opening chapter detailed current faults in the U.S. system. Krusch attributed most of these to separation of powers, to the fact that the Constitution was written prior to the modern information age, and to the fact that actual practices (what he calls the empirical constitution) no longer match the written document. In the rest of his book, Krusch outlined an alternative

constitution. His alternative was, however, built around the current constitutional outline. Krusch wanted to make the constitution more responsive to public wishes and more adaptable to modern technologies, but he also expressed great faith in the power of experts to guide legislative decision making and identify national interests.

Under Krusch's plan, Congress would continue to consist of two branches, but with somewhat different functions. Members of both branches would be prohibited from being members of political parties and would be limited to eight years of service. Members of the new House of Representatives, consisting of a minimum of 1,000 members, would serve one-year terms and would be required to be graduates of a federal academy (also responsible for proposing congressional rules). Each state would continue to have two senators, but they would serve two-year terms. The Senate's primary function would be governmental oversight. A federal committee of fifty senators would administer "the National Database, the National Poll, the National Objectives, the National Initiative, the National Referendum, and the National Recall" (Krusch 1992, 128). The committee would also nominate candidates for the House of Representatives and the presidency, making sure that their nominees were "representative of the population . . . with regard to sex, race, national origin and other factors" (Krusch 1992, 129). The Senate would be responsible for setting up a legislative review board of nine members, serving for a single three-year term, that would compile "performance ratings" for representatives according to the degree to which they voted for bills that served the national interest. The Senate would also commission polls to ascertain the public will.

The majority necessary to pass bills—and the determination of whether a bill would need to pass one or both houses and/or be signed by the president—would be based on the evaluation that the bills received from the legislative review board. Any income taxes would have to apply to at least three-fourths of the population, with the highest tax bracket limited to fifty percent and the lowest at least half that amount (Krusch 1992, 158). Borrowing would

require a sanction by a two-thirds vote of both houses and the voters. The legislative veto, declared unconstitutional in *Immigration and Naturalization Service v. Chadha* (1983), would be permitted (Krusch 1992, 165). Congress would create and regulate a national academy, a department of rights enforcement, and a federal election commission, with all electoral campaigns to be publicly financed.

The right to an education would be granted, a national database would be created to disseminate information to the citizens, and a national television channel would educate people, with "one-half of the programming" to "reflect the Will of the People as determined by the June National Poll" (Krusch 1992, 179). Current principles regarding freedom of speech, religion, and other rights in the Bill of Rights would be set forth in greater detail that better reflects current case law. One fascinating provision allows for penalties for those distorting "those aspects of reality which have been or can be objectively verified as true" (Krusch 1992, 183).

The president and vice president would be selected by majority vote, with the national recall taking the place of presidential impeachment. Presidential powers to commit troops without congressional authorization would be clipped.

Nine nonpartisan judges representative of the population would serve staggered nine-year terms. Although judges would no longer have the power of judicial review, they would have no obligation to enforce laws that they considered to be unconstitutional.

The current federal arrangement of the government would undergo few changes, but

amendments could be proposed by a majority of both houses or two-thirds of the people. Two-thirds of the people or state legislatures could also call for a convention. Amendments would be ratified by two-thirds of the state legislatures or conventions or by three-fifths of the electorate. In a provision similar to one that Thomas Jefferson made, every twenty-five years the people would be asked whether they wanted another convention (Krusch 1992, 236).

The main articles of the new constitution would be augmented by supplements that could be altered more easily. Krusch would also include a rule of constitutional construction that "strict terms such as 'no' or 'all' shall be strictly construed, and broad terms such as 'liberty' and 'justice' shall be broadly construed" (Krusch 1992, 247).

A Second Federal Convention Act would provide the rules for constitutional ratification. Krusch anticipated a convention of 1,200 delegates to write or affirm the constitution, with members of no single profession to compose more than 5 percent of its members (Krusch 1992, 249). The people would choose from among three to six such documents.

Krusch, whose occupation was not specified, was president of Americans for a Constitutional Convention, Inc. His book included an address for people who are interested in serving as delegates to a mock constitutional convention.

For Further Reading:

Krusch, Barry. 1992. *The 21st Century Constitution: A New America for a New Millennium*. New York: Stanhope Press.

Excerpt from Discussion of *The 21st Century Constitution* in
New York Law School professor Richard Bernstein's book, *Amending America*

AMENDING AMERICA

If We Love the Constitution So Much,
Why Do We Keep Trying to Change It?

AMENDING AMERICA



"In 1992, as this book was nearing completion, Barry Krusch published what may well be the most thoughtful and thorough reframing of the Constitution yet attempted. His study, *The 21st Century Constitution: A New America for a New Millenium*, is the first proposed rewriting of the Constitution to take account of the twentieth-century revolutions in information and communications technologies; it is also noteworthy for its intellectual grounding in the American Revolution's series of experiments in government." -- from p. 237

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