

A Replicable Constitutional Architecture

From Utah to a national model — what holds the framework together, what it needs from this community, and what comes next

Michael G. Leahy | Internet Identity Workshop | April 2026

Format: 60 minutes | ~35 min presentation / ~20 min discussion / 5 min close

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Session Purpose | Present the framework as a unified constitutional argument rather than three separate statutes, examine its doctrinal vulnerabilities honestly, discuss what adaptation to other state contexts or federal legislation would require, and — most importantly for IIW — identify precisely what the technical community needs to build to make the legal architecture implementable. This is the synthesis and co-creation session. The presentation is the shortest of the four; the working discussion is the point.

A. Opening and Synthesis [5 min]

- Brief re-orientation for any new participants — one-sentence description of each prior session
- The central claim of this session: VIDA, PDTA, and GAAFA are not three separate statutes addressing three separate problems — they are a single constitutional argument expressed across three legislative instruments
- The test of that claim: does the argument hold together, is it doctrinally robust, and can it survive replication into contexts Utah did not design for

***Facilitator note:** By Session 4, returning participants will be primed to contribute actively. Welcome that energy early and signal that this session is explicitly designed as a working conversation, not a lecture.*

B. The Unified Constitutional Argument [10 min]

- The argument stated in one paragraph: government's digital relationship with citizens is fiduciary in constitutional structure; that structure requires an architecture making comprehensive surveillance unavailable rather than merely prohibited; it requires a legal framework making fiduciary obligations enforceable by citizens; and it requires that those obligations extend to automated systems through which government exercises power over citizens' fundamental interests
- How each statute addresses one dimension of that argument
 - *VIDA: architecture mandate — makes constitutional compliance technically possible*
 - *PDTA: legal superstructure — gives the architecture constitutional grounding and enforcement mechanism*
 - *GAAFA: AI accountability extension — closes the accountability gap both leave open*
- Why each statute's effectiveness depends structurally on the others — and what failure looks like if one is enacted without the others
 - *VIDA without PDTA: technically sound architecture without enforceable legal obligations — voluntary compliance only*
 - *PDTA without VIDA: legally correct obligations imposed on a constitutionally defective architecture*

- *VIDA and PDTA without GAAFA: complete data and identity framework, bypassed entirely at the AI decision layer*

C. The Framework's Principal Doctrinal Vulnerabilities [10 min]

- The Fourth Amendment general warrant analogy — strongest argument and greatest doctrinal risk
 - *No court has yet recognized that modern integrated databases reconstitute the general warrant*
 - *The third-party doctrine remains controlling in most circuits and directly undermines the constitutional argument*
 - *Carpenter v. United States (2018) is the closest existing precedent — it is suggestive but not sufficient*
- The fiduciary classification of AI agents — novel mechanism, uncertain legal coherence
 - *Trust law was developed for human fiduciaries managing discrete assets — does it generate coherent duties for automated systems?*
 - *If it does not, what alternative legal mechanism would correctly characterize the relationship?*
- The interpretability mandate — technically demanding and potentially prohibitive
 - *If full interpretability cannot be achieved for the most capable current models, the statute may effectively mandate less capable models in high-stakes government contexts*
 - *Whether that is the right tradeoff is a normative question the legislature must answer — but it must answer it consciously, not by accident*

***Facilitator note:** State these vulnerabilities without defensiveness. The IIW community will respect intellectual honesty about the framework's weak points more than any amount of advocacy for its strengths.*

D. Working Discussion: What the Technical Community Needs to Build [30 min]

This section is structured as a working conversation, not a Q&A. The following questions are prompts, not a sequence — follow the room.

On replication and adaptation:

- ? Utah passed both bills unanimously — what specific features of the Utah political and institutional context made that possible, and which of those features are present in other states you work in?
- ? What would need to change in the framework to adapt it for federal legislation rather than state legislation — and is federal adoption the right goal, or is a state-by-state approach more achievable and more resilient?
- ? Which states or countries outside the US have the institutional conditions most similar to Utah's — and are there practitioners in this room who work in those jurisdictions?

On what the technical community needs to build:

- ? VIDA's selective disclosure mandate requires cryptographic infrastructure that supports proving attributes without revealing underlying records. Where is the current state of that infrastructure relative to what government-scale deployment would require?

- ? GAAFA's deployment assessment mechanism requires that someone can evaluate AI decisional logic before deployment. What tools or standards does this community need to develop to make that assessment technically credible rather than performative?
- ? The right to algorithmic explanation requires outputs accessible to non-experts. Is there a verifiable credential architecture that could package an AI decision's provenance in a form that is both technically meaningful and legally admissible as evidence of fiduciary compliance?
- ? If this framework were enacted tomorrow, what would be the single most important piece of technical infrastructure that does not currently exist and that this community is best positioned to build?

On the post-IIW path:

- ? Who in this room would be willing to participate in a working group to review the technical coherence of the legislation's requirements — specifically the deployment assessment standard and the interpretability mandate — before the next legislative session?
- ? Are there other state legislatures where members of this community have existing relationships through which this framework could be introduced — and would anyone be willing to make those introductions?
- ? The foundational essays are submitted for law review publication. Who in this room has relationships with legal scholars — particularly in Fourth Amendment and information law — whose engagement could strengthen the doctrinal argument before publication?

***Facilitator note:** This section is where the post-IIW relationships are made. Be deliberate about noting who says what. Before closing, explicitly acknowledge two or three specific contributions from the room by name — it signals that the conversation was real and that you intend to follow through.*

E. Close and Call to Action [5 min]

Closing statement: This framework is an initial draft, and that is not a disclaimer — it is an invitation. The constitutional argument is as strong as we can make it at this stage. The legislative instruments are drafted to be technically implementable. But neither the doctrinal argument nor the technical implementation standards are final, and this community has the expertise to make both materially better. What I am asking for is not endorsement. I am asking for the honest engagement of people who have spent careers building the infrastructure this legislation would mandate — and whose critique will determine whether it works.

Call to Action:

- Join the technical working group to review the deployment assessment standard and interpretability mandate — sign up on the sheet being circulated now
- If you have existing legislative relationships in states with conditions similar to Utah, contact me this week — the legislative calendar in several states opens in January
- If you are willing to provide written comment on the GAAFA draft's technical coherence before the next revision, contact me directly — your name will be acknowledged in the revised draft
- The Framework Overview document being circulated is a three-page summary of all four sessions — share it with colleagues who were not at IIW and ask them to reach out if the framework intersects with their work