

# REWRITING THE UNITED STATES CONSTITUTION

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An Examination of Proposals from  
Reconstruction to the Present

John R. Vile

# Rewriting The United States Constitution An Examination Of Proposals From Reconstruction To The Present

**John R. Vile**



## **Rewriting The United States Constitution An Examination Of Proposals From Reconstruction To The Present:**

**Rewriting the United States Constitution** John R. Vile, 1991-05-30 Since the Reconstruction period there have been over forty proposals to rewrite the U S Constitution John Vile's unique historical study analyzes all of these proposals within the framework of the constitutional amending process In each case Vile examines the substance of the proposal its goals and methods the response to the proposal and its overall influence concluding that the Constitution in its current form faces no immediate threats He finds no convincing cases for a new Constitution and believes that most perceived defects can be remedied with less drastic measures The study illuminates issues of constitutional change stressing the importance of understanding alternative forms of government and the basis for their support While immediate change is not likely constitutional change will ultimately come and when it does earlier criticisms and suggestions may help to set the agenda Proposals for change are critiques which help to identify strengths and weaknesses in the current system In addition examinations of past proposals reveal how people view the Constitution during crises This work will be particularly useful for political scientists historians lawyers and individuals interested in or involved with efforts for constitutional change

*Re-Framers* John R. Vile, 2014-07-15 This book is the most comprehensive review of all the major proposals to rewrite revise or even replace the U S Constitution covering more than 170 proposals from the nation's beginnings to the present day The U S Constitution was carefully written by a remarkable group of men but subsequent generations of Americans have devoted enormous time and energy to improving it From colonial times to the present day Americans of all political persuasions have campaigned to reform remake or replace this key document The growth of the Internet and self publishing has spawned a virtual explosion of such proposals This book documents the numerous ideas for change some practical some idealistic and some bordering on fanatical that reflect America's Constitutional heritage and could shape the nation's future *Re Framers 170 Eccentric Visionary and Patriotic Proposals to Rewrite the U S Constitution* sets the stage for this review by describing various prequels to the U S Constitution and explaining how the final document emerged at the Constitutional Convention The subsequent chapters examine many proposed alternatives and revisions to the Constitution from its establishment until the present illuminating perceived strengths and weaknesses of the current document as well as the pros and cons of possible amendments Readers ranging from lay citizens who are interested in constitutional issues to historians political scientists law professors and reference librarians will all benefit from this unparalleled examination of proposed constitutional amendment

*Our Undemocratic Constitution* Sanford Levinson, 2008 Levinson here argues that too many of our Constitution's provisions promote either unjust or ineffective government Under the existing blueprint we can neither rid ourselves of incompetent presidents nor assure continuity of government following catastrophic attacks Worse our Constitution is the most difficult to amend or update in the world Levinson boldly challenges the Americans to undertake a long overdue public discussion on how they might best reform this most hallowed document and construct a constitution

adequate to our democratic values      *Landmark Legislation 1774-2012* Stephen W. Stathis, 2014-01-02 The Second Edition of this renowned treasure trove of information about the most important laws and treaties enacted by the U S Congress now deepens its historical coverage and examines an entire decade of new legislation *Landmark Legislation 1774 2012* includes additional acts and treaties chosen for their historical significance or their precedential importance for later areas of major federal legislative activity in the over 200 years since the convocation of the Continental Congress Brand new chapters expand coverage to include the last five numbered Congresses 10 years of activity from 2003 2012 which has seen landmark legislation in the areas of health insurance and health care reform financial regulatory reform fiscal stimulus and the Temporary Asset Relief Program federal support for stem cell research reform of federal financial support for public schools and higher education and much more Features Benefits Each chapter covers one of the numbered Congresses with a historical essay followed by the major acts of that Congress arranged in chronological order of passage with each act summarized A Finder s Guide summarizes all of the acts and treaties into approximately 40 separate topical policy areas The work s extensive bibliography has been expanded and updated This one volume resource is a must have for any public or academic library especially those with strong American history or political science collections      **To Secure These Rights** Scott Douglas Gerber, 1995-06-01 A legal scholar puts forward a rigorous and provocative theory of constitutional interpretation that cuts across today s partisan divide *To Secure These Rights* enters the fascinating and often contentious debate over constitutional interpretation Scott Douglas Gerber argues that the Constitution of the United States should be interpreted in light of the natural rights political philosophy of the Declaration of Independence and that the Supreme Court is the institution of American government that should be primarily responsible for identifying and applying that philosophy in American life Importantly the theory advanced in this book what Gerber calls liberal originalism is neither consistently liberal nor consistently conservative in the modern conception of those terms Rather the theory is liberal in the classic sense of viewing the basic purpose of government to be safeguarding the natural rights of individuals As Thomas Jefferson wrote in the Declaration of Independence to secure these rights governments are instituted among men In essence Gerber maintains that the Declaration articulates the philosophical ends of our nation and that the Constitution embodies the means to effectuate those ends Gerber s analysis reveals that the Constitution cannot be properly understood without recourse to history political philosophy and law      *A New Birth of Freedom* W. Thomas Minahan, 2017-12-14 The American Civil War 1861 1865 was the most traumatic event in this countrys history To win the war the Northern states ceded enormous power to the federal government However the paradigm shift in federal state relations occurred during the Reconstruction Era of 1863 to 1877 *A New Birth of Freedom* by author W Thomas Minahan examines that paradigm shift that occurred in Ohio during this time The beginning chapters explore Ohios early political social and legal history and how the state grew to become a social microcosm of the entire country by 1860 The later chapters examine the changes to the political social and

legal climate in the country and particularly in the Buckeye State during the 1860s and 1870s Offering a comprehensive discussion of the effects of the Civil War and reconstruction on the development of Ohio state law *A New Birth of Freedom* provides both historical detail on the antecedents to the law as well as an analysis of how federal and state constitutions evolved through the turn of the nineteenth century It discusses the central role Ohio and Ohioans played in securing the future of the United States

**American Democracy in Crisis** Jeanne Sheehan, 2025-02-28 This book analyzes the roots of widespread disenchantment with American government While blame often falls on the individuals in office they are not operating in isolation Rather they are working within a system designed by the Framers with one goal in mind protectionism Although the Framers got much right their commitment to protection of liberty led them to design a system replete with divisions of power Whatever its merits at the founding the government today is frequently described as dysfunctional and far too often unresponsive to the majority unaccountable and unable to deliver for its people For those disillusioned with the current state of government and committed to effectuating meaningful change this book advocates in favor of a fundamental reassessment of the system's primary objectives followed by deliberation as to how it should be restructured accordingly It not only presents specific reform proposals but it ends with a stark warning until and unless we embrace reasoned structural reform we cannot be surprised if at some point the people become so frustrated that they either disengage fight back or seek solace in autocratic alternatives This new edition includes audiobook files created by a state of the art text to speech tool at the chapter level

**Seeking Justices** Michael Comiskey, 2004 In the long shadows cast by the Robert Bork and Clarence Thomas nominations Supreme Court confirmations remain highly contentious and controversial This is due in part to the Senate's increasing reliance upon a much lengthier much more public and occasionally raucous confirmation process in an effort to curb the potential excesses of executive power created by presidents seeking greater control over the Court's ideological composition Michael Comiskey offers the most comprehensive systematic and optimistic analysis of that process to date Arguing that the process works well and therefore should not be significantly altered Comiskey convincingly counters those critics who view highly contentious confirmation proceedings as the norm Senators have every right and a real obligation he contends to scrutinize the nominees' constitutional philosophies He further argues that the media coverage of the Senate's deliberations has worked to improve the level of such scrutiny and that recent presidents have neither exerted excessive influence on the appointment process nor created a politically extreme Court He also examines the ongoing concern over presidential efforts to pack the court concluding that stacking the ideological deck is unlikely As an exception to the rule Comiskey analyzes in depth the Thomas confirmation to explain why it was an aberration offering the most detailed account yet of Thomas's pre-judicial professional and political activities He argues that the Senate Judiciary Committee abdicated its responsibilities out of deference to Thomas's race Another of the book's unique features is Comiskey's reassessment of the reputations of twentieth century Supreme Court justices Based on a survey of nearly 300 scholars in

constitutional law and politics it shows that the modern confirmation process continues to fill Court vacancies with jurists as capable as those of earlier eras We have now seen the longest period without a turnover on the Court since the early nineteenth century making inevitable the appointment of several new justices following the 2004 presidential election Thus the timing of the publication of *Seeking Justices* could not be more propitious *A Companion to the United States Constitution and Its Amendments* John R. Vile, 2011-09-16 Revisits key events leading to the Constitution's ratification then goes article by article amendment by amendment to describe each section of the document as well as the important court cases that add to its meaning This edition the first in five years reflects a number of significant developments including new Supreme Court justices impactful cases involving First Amendment rights for students religious displays on government property gun control in D C presidential powers in the context of the war on terror corporate fraud liability gay rights and the recent presidential election **Knowledge, Consent, and Liberty** Steve G. Sweetman, 2020-12-01 The angst of modernity is that of powerlessness disenfranchisement and alienation People everywhere are experiencing helplessness in a world where the few rule and leaders and legislators run roughshod over the masses with a deluge of laws and where technology encroaches upon their daily lives and privacy and an economic inequality never before seen in history The concepts of self determination destroying superstition government by the people questioning all authority and the power of knowledge reason and the authority of the individual is on the verge of dying However as Thomas Paine said We have it in our power to begin the world over again Today's world cries out for a new breed of thinker rational brave bold innovative intuitive and artistic We all need to re evaluate to become questioners explorers and seekers Knowledge Consent and Liberty is about the power of knowledge the supremacy of the consent of the governed the legal and Constitutional right of the people of the globe to form their definitions of liberty freedom and government and their obligation to create their collective destiny Its lofty goal is to challenge empower and enlighten the reader In a logical progression from premises to conclusions it lays out a philosophical historical and scientific argument that humans create their world for good or bad It expounds on current social political and cultural issues that deserve consideration for reform or change And it maps out a constitutional strategy and method for the people to create America and the world in their own image rather than that of a few oligarchs

*Encyclopedia of Constitutional Amendments, Proposed Amendments, and Amending Issues, 1789-2015* John R. Vile, 2015-07-20 Now in its fourth edition and completely updated this is the most comprehensive book on constitutional amendments and proposed amendments available Although only 27 amendments have ever been added to the U S Constitution the last one having been ratified in 1992 throughout American history members of Congress have introduced more than 11 000 amendments and countless individuals outside of Congress have advanced their own proposals to revise the Constitution the wellspring of America's legal political and cultural foundations At a time when calls for a new constitutional convention are on the rise it is essential for students of political science and history as well as American

citizens to understand proposed alternatives This updated edition of the established standard for high school and college libraries as well as public and law libraries serves as the go to reference for learning about existing constitutional amendments proposed amendments and the issues related to them An alphabetically arranged two volume set it contains more than 500 entries that discuss amendments that have been proposed in Congress from 1789 to the present It also discusses prominent proposals for extensive constitutional changes introduced outside Congress as well as discussions of major amending issues

**American Constitutionalism** Stephen M. Griffin,1998-07-27 Despite the outpouring of works on constitutional theory in the past several decades no general introduction to the field has been available Stephen Griffin provides here an original contribution to American constitutional theory in the form of a short lucid introduction to the subject for scholars and an informed lay audience He surveys in an unpolemical way the theoretical issues raised by judicial practice in the United States over the past three centuries particularly since the Warren Court and locates both theory and practices that have inspired dispute among jurists and scholars in historical context At the same time he advances an argument about the distinctive nature of our American constitutionalism regarding it as an instance of the interpenetration of law and politics American Constitutionalism is unique in considering the perspectives of both law and political science in relation to constitutional theory Constitutional theories produced by legal scholars do not usually discuss state centered theories of American politics the importance of institutions behaviorist research on judicial decision making or questions of constitutional reform but this book takes into account the political science literature on these and other topics The work also devotes substantial attention to judicial review and its relationship to American democracy and theories of constitutional interpretation

*Landmark Legislation* Stephen W. Stathis,2003-04-01 Documents Congress s most momentous accomplishments in determining the national policies to be carried out by the executive branch in approving appropriations to support those policies and in fulfilling its responsibility to ensure that such actions are being implemented as intended

**Encyclopedia of Constitutional Amendments, Proposed Amendments, and Amending Issues, 1789-2023** John R. Vile,2023-10-19 Written by a leading scholar of the constitutional amending process this two volume encyclopedia now in its fifth edition is an indispensable resource for students legal historians and high school and college librarians This authoritative reference resource provides a history and analysis of all 27 ratified amendments to the Constitution as well as insights and information on thousands of other amendments that have been proposed but never ratified from America s birth until the present day The set also includes a rich bibliography of informative books articles and other media related to constitutional amendments and the amending process

**Designing Federalism** Mikhail Filippov,Peter C. Ordeshook,Olga Shvetsova,2004-02-09 Because of the redistributive nature of institutions and the availability of implementable alternatives with different distributive consequences the desire of federation members to change institutional specifics in their favor is a permanent feature of the federal political process This is so for two reasons First states or their equivalents in democratic

federations usually can succeed in renegotiating the rules if they feel sufficiently motivated to do so Second in the case of a federation it is more or less clear who stands to benefit from any change in institutions Thus the existence of an equilibrium of constitutional legitimacy at the popular and elite levels cannot be taken for granted The authors show that the presence in the political process of agents who are naturally committed to the status quo institutional arrangement can suffice to coordinate voters to act as if they support existing constitutional arrangements

**Conventional Wisdom** John R. Vile, 2016 Vile surveys more than two centuries of scholarship on Article V and concludes that the weight of the evidence indicates that states and Congress have the legal right to limit the scope of such conventions to a single subject and that political considerations would make a runaway convention unlikely

Engineering Constitutional Change Xenophōn I. Kontiadēs, 2013 This volume provides a holistic presentation of the reality of constitutional change in 18 countries the 15 old EU member states Canada Switzerland and the USA The essays offer analysis on formal and informal constitutional amendment bringing forth the overall picture of the parallel paths constitutional change follows in correlation to what the constitution means and how constitutional law works To capture the patterns of constitutional change multi faceted parameters are explored such as the interrelations between form of government party system and constitutional amendment the interplay between constitutional change and the system of constitutionality review the role of the people civil society and experts in constitutional change and the influence of international and European law and jurisprudence on constitutional reform and evolution In the extensive final comparative chapter key features of each country s amendment procedures are epitomized and the mechanisms of constitutional change are explained on the basis of introducing five distinct models of constitutional change The concept of constitutional rigidity is re approached and broken down to a set of factual and institutional rigidities The classification of countries within models in accordance with the way in which operative amending mechanisms connect leads to a succinct portrayal of different modes of constitutional change engineering This book will prove to be an invaluable tool for approaching constitutional revision either for theoretical or for practical purposes and will be of particular interest to students and scholars of constitutional comparative and public law

**Rewriting the United States Constitution** John R. Vile, 1991-05-30 Since the Reconstruction period there have been over forty proposals to rewrite the U S Constitution John Vile s unique historical study analyzes all of these proposals within the framework of the constitutional amending process In each case Vile examines the substance of the proposal its goals and methods the response to the proposal and its overall influence concluding that the Constitution in its current form faces no immediate threats He finds no convincing cases for a new Constitution and believes that most perceived defects can be remedied with less drastic measures The study illuminates issues of constitutional change stressing the importance of understanding alternative forms of government and the basis for their support While immediate change is not likely constitutional change will ultimately come and when it does earlier criticisms and suggestions may help to set the agenda Proposals for change are critiques which help



to identify strengths and weaknesses in the current system In addition examinations of past proposals reveal how people view the Constitution during crises This work will be particularly useful for political scientists historians lawyers and individuals interested in or involved with efforts for constitutional change

**Constitutional and International Law Perspectives** Gabriël Moens, 2000 Some of Australia's most highly regarded legal minds provide a timely examination of both the formation of the country's legal and constitutional foundations and the challenges which confront this framework as it continues to evolve *In Defense of the United States Constitution* Robert S. Singh, 2018-09-13 Constitutional reform is a topic of perennial academic debate perhaps now more than ever amid sharp polarization in the electorate and government At once a cogent new contribution to the scholarly literature and appropriate for American politics and government students this book mounts a provocative nonideological defense of the US Constitution directly engaging proposals for reform and providing a rare systematic argument for continuity Our politics may be broken but our system is not Writing from an international perspective with an array of fascinating data the author draws on theory law and history to defend the republican order under political stress and intellectual challenge

## The Enigmatic Realm of **Rewriting The United States Constitution An Examination Of Proposals From Reconstruction To The Present**: Unleashing the Language is Inner Magic

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#### **Introduction**

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## Rewriting The United States Constitution An Examination Of Proposals From Reconstruction To The Present :

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