

THE  
CONSTITUTIONAL  
AMENDING PROCESS  
IN AMERICAN  
POLITICAL  
THOUGHT \_\_\_\_\_

John R. Vile

# The Constitutional Amending Process In American Political Thought

**David E. Kyvig**



## **The Constitutional Amending Process In American Political Thought:**

**The Constitutional Amending Process in American Political Thought** John R. Vile, 1992-05-30 This book is the first full length work to present debates over the constitutional amending process as a perennial theme in American political thought Beginning with a discussion of the views of political philosophers publicists and legal commentators who may have influenced the views of legal change held by the American Founding Fathers the work proceeds to look at the historical influences on and discussions surrounding the amending process that was incorporated into Article V of the U S Constitution The reader will gain a new respect for the way the amending process has served and still serves as a safety valve for constitutional change in the United States without permitting ill considered or hastily conceived modifications This work will be of interest to political scientists historians and students of American studies and legal history      *Contemporary Questions Surrounding the Constitutional Amending Process* John R. Vile, 1993-06-30 This study examines contemporary questions surrounding the process by which the U S Constitution can be amended Beginning with a description of the mechanism and history of the constitutional amending process in America the work considers five major questions surrounding the amending process The question of justiciability whether the courts should have authority to settle amending issues or whether they are political questions beyond the court s purview The question of standards what standards of review should be used The question of safety the safety of invoking the constitutional convention mechanism The question of exclusivity whether there are legal means of changing the Constitution short of Article V And the question of limitations whether there are any unstated constitutional limits on the amending process      *American Political Thought* Morton Grodzins, 2017-07-05 This book focuses on the political thought of American statesmen These statesmen have had consistent and comprehensive views of the good of the country and their actions have been informed by those views The editors argue that political life in America has been punctuated by three great crises in its history the crisis of the Founding the crisis of the House Divided and the crisis of the Great Depression The Second World War was a crisis not just for America but for the whole of Western Civilization and in the wake of that war a new crisis arose which came to be called the Cold War Just when that gave the appearance of being resolved the world reached a new juncture a new crisis which Samuel P Huntington dubbed the clash of civilizations The statesmen having political responsibility in confronting the first three crises in America s history came as close to philosophic grasp of the problems of liberal democracy as one could demand from those embroiled in the active resolution of events Their reflection of political philosophy in the full sense informed their actions Since we cannot confidently explain the future Aristotle warned us to call no man happy while he still lives Thus the book in its third edition keeps to its settled pattern of dealing with settled matters The preface to the third edition confronts the three later crises and to the extent consistent with truth attempts to relate them to the first three      *American Political Thought* Morton J. Frisch, Richard G. Stevens, The Second World War was a crisis not just for America but for the whole of Western Civilization

and in the wake of that war a new crisis arose which came to be called the Cold War Just when that gave the appearance of being resolved the world reached a new juncture a new crisis which Samuel P Huntington dubbed the clash of civilizations The statesmen having political responsibility in confronting the first three crises in America s history came as close to philosophic grasp of the problems of liberal democracy as one could demand from those embroiled in the active resolution of events Their reflection of political philosophy in the full sense informed their actions

A Companion to the United States Constitution and Its Amendments John R. Vile, 2025-07-24 Charting 250 years of history the 8th edition of this constitutional companion shows students just how revolutionary the Constitution was and how relevant it remains today After revisiting the key events leading to the Constitution s ratification including the drafting of the Declaration of Independence and the proceedings of the Constitutional Convention this book explores the Constitution article by article and amendment by amendment to help readers better understand how each section of the document shapes the America we live in today The 8th edition illuminates how recent laws political debates and Supreme Court decisions are continually reshaping our understanding of the Constitution and its role in American life and society including such issues as Donald Trump s immunity from prosecution for the January 6th riots Mike Pence s role in certifying Electoral College votes Ketanji Brown Jackson s appointment to the Supreme Court and the Dobbs decision among other controversial developments

The Declaration of Independence John R. Vile, 2018-11-26 This A to Z encyclopedia surveys the history meaning and enduring impact of the Declaration of Independence by explaining its contents and concepts profiling the Founding Fathers and detailing depictions of the Declaration in art music and literature A comprehensive resource for understanding all aspects of the Declaration of Independence which marked the formal beginning of the colonies march toward the creation of the United States of America this encyclopedia contains more than 200 entries examining various facets of the Declaration of Independence and its enduring impact on American law politics and culture It details key concepts principles and intellectual influences that informed the creation of the document reviews charges leveled in the Declaration against the British crown summarizes the events of the first and second Continental Congresses profiles influential architects and signers of the Declaration discusses existing copies of the Declaration explains the document s influence on other governments nations covers historic sites related to the document and discusses depictions of the document and its architects in American art music and literature over time

**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      Creating the Constitution Thornton Anderson, 2011-09-30 Creating the Constitution presents a different interpretation of the Convention and the First Congress derived largely from a close reading of Farrand's Records and the Annals of Congress Among its special features are a critical perspective on the Framers an examination of Court Whig influence on the Federalists the identification of a third group the state Federalists between the nationalists and states righters and a view of the First Congress as distorting the aims of the Convention      **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      The Foundations and Traditions of Constitutional Amendment Richard Albert, Xenophon Contiades, Alkmene Fotiadou, 2017-07-13 There is growing interest in constitutional amendment from a comparative perspective Comparative constitutional amendment is the study of how constitutions change through formal and informal means including alteration revision evolution interpretation replacement and revolution The field invites scholars to draw insights about constitutional change across borders and cultures to uncover the motivations behind constitutional change to theorise best practices and to identify the theoretical underpinnings of constitutional change This volume is designed to guide the emergence of comparative constitutional amendment as a distinct field of study in public law Much of the recent scholarship in the field has been written by the scholars assembled in this volume This book like the field it hopes to shape is not comparative alone it is also doctrinal historical and theoretical and therefore offers a multiplicity of perspectives on a subject about which much remains to be written This book aspires to be the first to address comprehensively the new dimensions of the study of constitutional amendment and will become a reference point for all scholars working on the subject The volume covers all of the topics where innovative work is being done such as the notion of the people the trend of empirical quantitative approaches to constitutional change unamendability sunrise clauses constitutional referenda the

conventional divide between constituent and constituted powers among other important subjects It creates a dialogue that cuts through these innovative conceptualisations and highlights scholarly disagreement and in so doing puts ideas to the test The volume therefore captures the fierce ongoing debates on the relevant topics it reveals the current trends and contested issues and it offers a variety of arguments elaborated by prominent experts in the field It will open the way for further dialogue

**Explicit and Authentic Acts** David E. Kyvig, 2016-03-14 In time for the 225th anniversary of the Bill of Rights David Kyvig completed an Afterword to his landmark study of the process of amending the US Constitution The Afterword discusses the many amendments such those requiring a balanced federal budget or limiting the terms of members of Congress that have been proposed since the book was originally published and why they failed of passage At a time when prominent scholars and other public figures have called for a constitutional convention to write a new constitution arguing that our current system of governance is unsustainable Kyvig reminds us of the high hurdles the founders created to amending the constitution and how they have served the country well preventing the amendment process from being used by one faction to serve the passions of the moment In his farewell address President Washington reminded his audience that the Constitution till changed by an explicit and authentic act of the whole people is sacredly obligatory upon all He regarded the Constitution as a binding document worthy of devout allegiance but also believed that it contains a clear and appropriate procedure for its own reform David Kyvig s illuminating study provides the most complete and insightful history of that amendment process and its fundamental importance for American political life Over the course of the past two centuries more than 10 000 amendments have been proposed by the method stipulated in Article V of the Constitution Amazingly only 33 have garnered the required two thirds approval from both houses of Congress and only 27 were ultimately ratified into law by the states Despite their small number those amendments have revolutionized American government while simultaneously legitimizing and preserving its continued existence Indeed they have dramatically altered the relationship between state and federal authority as well as between government and private citizens Kyvig reexamines the creation and operation of Article V illuminating the process and substance of each major successful and failed effort to change the formal structure duties and limits of the federal government He analyzes in detail the Founders intentions the periods of great amendment activity during the 1790s 1860s 1910s and 1960s and the considerable consequences of amendment failure involving slavery alcohol prohibition child labor New Deal programs school prayer equal rights for women abortion balanced budgets term limits and flag desecration

The Constitutional Convention of 1787 John R. Vile, 2005-06-24 The first encyclopedic treatment of the personalities politics and events involved in drafting the U S Constitution This comprehensive treatment of all the personalities philosophies debates and compromises involved in drafting the U S Constitution is the first encyclopedic work on the subject compiling information into an easily accessible A Z format Biographies of all 55 delegates analysis of the competing political viewpoints procedural and substantive disputes along with a host of other details are all

presented here Both the detail and the scholarship in this book are unmatched in any other work the encyclopedic presentation simply does not exist elsewhere Civil liberties the scope of authority of the three branches of government and other constitutional matters are increasingly at the forefront of public discussion Scholars citizens interested in self education and reference librarians faced with questions about the Constitution will find in this book all they require to answer their needs

The Law of American State Constitutions Robert F. Williams, Lawrence Friedman, 2023 The second edition of The Law of American State Constitutions provides complete coverage of the legal doctrines surrounding applying to and arising from American state constitutions and their judicial interpretation Drawing on examples from specific states Professors Williams and Friedman analyze the nature and function of state constitutions in contrast to the federal Constitution including rights separation of powers issues of interpretation and the processes for amendment and revision In this edition Williams and Friedman focus on recent developments including the state constitutional dimensions of same sex marriage and the reaction of state courts to U S Supreme Court decision making This edition of The Law of American State Constitutions remains an important analytical tool that explains the unique character and the range of interpretive approaches to these constitutions It covers the structure of state governments under state constitutions as well as the distribution of powers among the legislative executive and judicial branches Like the first edition this edition presents a complete picture of state constitutional law and the attributes and features that make this body of law so distinctive

**The Christian Cross in American Public Life** John R. Vile, 2024-01-23 The cross is one of Christianity's most distinctive symbols increasingly cutting across Catholic Protestant and other denominational divides Although the US acknowledges no official religion a variety of both Christian and non Christian denominations have flourished Crosses dot the landscape sometimes towering over it and at other times simply marking a grave or the site of a traffic accident or providing a place for contemplation Courts continue to decide whether it is better to remove long standing crosses on public property to protect the separation of church and state or whether removing such symbols might be misinterpreted as expressing hostility towards religion Whether marking identity triumph love grief or sacrifice the cross remains important in American life and continues to be the subject of works of art music literature and political religious and social rhetoric all of which this volume addresses in an accessible A to Z format

Constitutionally Conforming Interpretation – Comparative Perspectives Matthias Klatt, 2023-11-02 This is the first part of a 2 volume set that presents an in depth investigation into the canon of constitutionally conforming interpretation These volumes address the fundamental issues the canon raises in the national supranational and international contexts In volume 1 experts from 19 jurisdictions including Brazil Canada India the UK and the USA present reports which give concise overviews of the approaches and debates on constitutionally conforming interpretation These reports cover the structural background the conditions of application as well as issues of competence Further aspects discussed are its perceived normativity and popularity in everyday legal practice Together with volume 2

which explores the canon's use and theoretical impact beyond the national context in a comparative and critical manner this book fills an important gap in legal scholarship and sets the stage for cross national discourse *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

American Sovereigns Christian G. Fritz, 2007-10-29 *American Sovereigns* The People and America's Constitutional Tradition Before the Civil War challenges traditional American constitutional history theory and jurisprudence that sees today's constitutionalism as linked by an unbroken chain to the 1787 Federal constitutional convention *American Sovereigns* examines the idea that after the American Revolution a collectivity the people would rule as the sovereign Heated political controversies within the states and at the national level over what it meant that the people were the sovereign and how that collective sovereign could express its will were not resolved in 1776 in 1787 or prior to the Civil War The idea of the people as the sovereign both unified and divided Americans in thinking about government and the basis of the Union Today's constitutionalism is not a natural inheritance but the product of choices Americans made between shifting understandings about themselves as a collective sovereign Hidden Laws Robinson Woodward-Burns, 2021-06-29 How state constitutional reform guides and stabilizes American constitutional and political development State constitution reform guides and stabilizes American constitutional and political development Using data sets and historical case studies Robinson Woodward Burns shows how the federal government has repeatedly deferred to state constitutional reform to manage or address difficult national constitutional controversies including conflicts over the regulation of slavery banking and taxation women's suffrage labor and welfare rights voting and civil rights and gender discrimination *America's National Anthem* John R. Vile, 2021-01-13 This A Z encyclopedia is a one stop resource for understanding the history and evolution of the national



anthem in American politics culture and mythology as well as controversies surrounding its emergence as a lightning rod for political protests and statements This reference work serves as a comprehensive resource for understanding all aspects of the national anthem and its significance in U S history and American life and culture It covers the origins of the song and its selection as the nation s official anthem and acknowledges other musical compositions proposed as national anthems It discusses famous performances of the anthem and details laws and court decisions related to its performance and it also explains notable phrases in its lyrics describes the meaning of the national anthem to different demographic groups and surveys presentations and celebrations of The Star Spangled Banner in popular culture Moreover it summarizes famous political protests undertaken during renditions of the national anthem from the Black Power salutes by U S athletes during the 1968 Olympics to the kneeling protests undertaken by Colin Kaepernick and other NFL players to bring attention to racial inequality in America

*The People Themselves* Larry D. Kramer, 2004-06-10 In this groundbreaking interpretation of America s founding and of its entire system of judicial review Larry Kramer reveals that the colonists fought for and created a very different system and held a very different understanding of citizenship than Americans believe to be the norm today Popular sovereignty was not just some historical abstraction and the notion of the people was more than a flip rhetorical device invoked on the campaign trail Questions of constitutional meaning provoked vigorous public debate and the actions of government officials were greeted with celebratory feasts and bonfires or riotous resistance Americans treated the Constitution as part of the lived reality of their daily existence Their self sovereignty in law as much as politics was active not abstract

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