

THE AMERICAN STATE CONSTITUTIONAL TRADITION



JOHN J. DINAN

FOREWORD BY SANFORD LEVINSON

The American State Constitutional Tradition

John J. Dinan



The American State Constitutional Tradition:

The American State Constitutional Tradition John J. Dinan, 2006 The first comprehensive study of all 114 state constitutional conventions for which there are records from Connecticut's in 1818 to New Hampshire's in 1984 By integrating state constitution makers with the federal constitutional tradition this path breaking work yields a superior understanding of how American citizens have chosen to govern themselves The American State Constitutional Tradition John J. Dinan, 2006-04-14 For too long the American constitutional tradition has been defined solely by the U S Constitution drafted in 1787 Yet constitutional debates at the state level open a window on how Americans in different places and at different times have chosen to govern themselves From New Hampshire in 1776 to Louisiana in 1992 state constitutional conventions have served not only as instruments of democracy but also as forums for revising federal principles and institutions In The American State Constitutional Tradition John Dinan shows that state constitutions are much more than mere echoes of the federal document The first comprehensive study of all 114 state constitutional conventions for which there are recorded debates his book shows that state constitutional debates in many ways better reflect the accumulated wisdom of American constitution makers than do the more traditional studies of the federal constitution Wielding extraordinary command over a mass of historical detail Dinan clarifies the alternatives considered by state constitution makers and the reasons for the adoption or rejection of various governing principles and institutions Among other things he shows that the states are nearly universal in their rejection of the rigid federal model of the constitutional amendment process favoring more flexible procedures for constitutional change they often grant citizens greater direct participation in law making they have debated and at times rejected the value of bicameralism and they have altered the veto powers of both the executive and judicial branches Dinan also shows that while the Founders favored a minimalist design and focused exclusively on protecting individuals from government action state constitution makers have often adopted more detailed constitutions sometimes specifying positive rights that depend on government action for their enforcement Moreover unlike the federal constitution state constitutions often contain provisions dedicated to the formation of citizen character ranging from compulsory schooling to the regulation of gambling or liquor By integrating state constitution making with the federal constitutional tradition this path breaking work widens and deepens our understanding of the principles by which we have chosen to govern ourselves **State Constitutional Politics** John Dinan, 2018-04-06 Since the US Constitution came into force in 1789 it has been amended just twenty seven times with ten of those amendments coming in the first two years following ratification By contrast state constitutions have been completely rewritten on a regular basis and the current documents have been amended on average 150 times This is because federal amendments are difficult so politicians rarely focus on enacting them Rather they work to secure favorable congressional statutes or Supreme Court decisions By contrast the relative ease of state amendment processes makes them a realistic and regular vehicle for seeking change With State

Constitutional Politics John Dinan looks at the various occasions in American history when state constitutional amendments have served as instruments of governance Among other things amendments have constrained state officials in the way they levy taxes and spend money enacted policies unattainable through legislation on issues ranging from minimum wage to the regulation of marijuana and updated understandings of rights including religious liberty equal protection and the right to bear arms In addition to comprehensively chronicling the ways amendments shape politics in the states Dinan also assesses the consequences of undertaking changes in governance through amendments rather than legislation or litigation For various reasons including the greater stability and legitimacy of changes achieved through the amendment process he argues that it might be a more desirable way of achieving change *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 American Constitutional Tradition* Daniel Judah Elazar, 1988 *Understanding State Constitutions* G. Alan Tarr, 2018-06-05 For many Americans the word constitution means just one thing the national Constitution According to a recent survey almost half do not know that individual states also have constitutions Scholars have also paid little attention to state constitutions favoring the apparently more dynamic and significant federal scene G Alan Tarr seeks to change that in this landmark book A leading authority on state legal issues he combines history law and political science to present a thorough and long needed account of the distinct and important role of state constitutions in American life Tarr shows that state constitutional politics are dominated by three crucial issues with little salience at the national level the distribution of power among groups and regions within states the scope of state and local governmental authority and the relation of the state to economic activity He explains how state constitutions differ from the national Constitution in treating not only matters of high principle but also such mundane subjects as ski trails and motor vehicle revenues He also explores why state constitutions unlike their federal counterpart have been so frequently amended and replaced Tarr concludes that the United States not only has a system of dual constitutionalism but also has dual

constitutional cultures Powerfully argued and meticulously researched the book fills an important gap in political and legal studies and finally gives state constitutions the scholarly attention they richly deserve 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 The Constitution in Jeopardy Russ Feingold,Peter Prindiville,2022-08-30 A former U S senator joins a legal scholar to examine a hushed effort to radically change our Constitution offering a warning and a way forward Over the last two decades a fringe plan to call a convention under the Constitution s amendment mechanism the nation s first ever has inched through statehouses Delegates like those in Philadelphia two centuries ago would exercise nearly unlimited authority to draft changes to our fundamental law potentially altering anything from voting and free speech rights to regulatory and foreign policy powers Such a watershed moment would present great danger and for some great power In this important book Feingold and Prindiville distill extensive legal and historical research and examine the grave risks inherent in this effort But they also consider the role of constitutional amendment in modern life Though many focus solely on judicial and electoral avenues for change such an approach is at odds with a cornerstone ideal of the Founding that the People make constitutional law directly In an era defined by faction and rejection of long held norms The Constitution in Jeopardy examines the nature of constitutional change and asks urgent questions about what American democracy is and should be **Comparative Federalism in the Devolution Era** Neil

Colman McCabe,2002-01-01 Comparative Federalism in the Devolution Era offers political scientists and legal scholars a new perspective on the diverse nature and exercise of postmodern federalism *Crafting Constitutions in Florida, 1810-1968*

Robert Cassanello,2025-06-24 This comprehensive volume traces over 200 years of constitutional tradition in Florida examining constitutions drafted in the state from the territorial era to the most recent version from 1968 **The New**

Hampshire State Constitution Lawrence Friedman,2015 In this newly revised work Lawrence Friedman presents a comprehensive and accessible survey of New Hampshire constitutional history and constitutional law One of the oldest written constitutions in the United States the New Hampshire Constitution pre dates the federal constitution and with the Massachusetts Constitution served as a model for many of the state constitutions that followed This volume recounts the history of its drafting and development over the past 200 years and reviews in detail both the constitutional provisions that frame the state government as well as those that secure individual rights against government infringement The book reviews the major cases decided under each provision and provides commentary on the continued development of state constitutional law in New Hampshire The second edition provides revisions throughout the book updating each commentary with the latest cases including those involving the state constitutional right to education along with cutting edge issues of search and seizure law making it the most comprehensive single volume guide to the New Hampshire Constitution The Oxford Commentaries on the State Constitutions of the United States is an important series that reflects a renewed international interest in constitutional history and provides expert insight into each of the 50 state constitutions Each volume in this innovative series contains a historical overview of the state s constitutional development a section by section analysis of its current constitution and a comprehensive guide to further research Under the expert editorship of Professor G Alan Tarr Director of the Center on State Constitutional Studies at Rutgers University this series provides essential reference tools for understanding state constitutional law Books in the series can be purchased individually or as part of a complete set giving readers unmatched access to these important political documents **The Oxford Handbook of State and Local**

Government Donald P. Haider-Markel,2014-04 The Oxford Handbook of State and Local Government covers the main areas of study in subnational politics by exploring the central contributions to the comparative study of institutions behaviour and policy in the American context [The Oxford Handbook of the U.S. Constitution](#) Mark Tushnet,Mark A. Graber,Sanford

Levinson,2015-07-31 The Oxford Handbook of the U S Constitution offers a comprehensive overview and introduction to the U S Constitution from the perspectives of history political science law rights and constitutional themes while focusing on its development structures rights and role in the U S political system and culture This Handbook enables readers within and beyond the U S to develop a critical comprehension of the literature on the Constitution along with accessible and up to date analysis The historical essays included in this Handbook cover the Constitution from 1620 right through the Reagan Revolution to the present Essays on political science detail how contemporary citizens in the United States rely extensively

on political parties interest groups and bureaucrats to operate a constitution designed to prevent the rise of parties interest group politics and an entrenched bureaucracy The essays on law explore how contemporary citizens appear to expect and accept the exertions of power by a Supreme Court whose members are increasingly disconnected from the world of practical politics Essays on rights discuss how contemporary citizens living in a diverse multi racial society seek guidance on the meaning of liberty and equality from a Constitution designed for a society in which all politically relevant persons shared the same race gender religion and ethnicity Lastly the essays on themes explain how in a globalized world people living in the United States can continue to be governed by a constitution originally meant for a society geographically separated from the rest of the civilized world Whether a return to the pristine constitutional institutions of the founding or a translation of these constitutional norms in the present is possible remains the central challenge of U S constitutionalism today

The Evangelical Origins of the Living Constitution John W. Compton, 2014-03-17 John Compton shows how evangelicals not New Deal reformers paved the way for the most important constitutional developments of the twentieth century Their early 1800s crusade to destroy property that made immorality possible challenged founding era legal protections of slavery lotteries and liquor sales and opened the door to progressivism

The Constitutionalism of American States George E. Connor, Christopher W. Hammons, 2008 This comparative study of state constitutions offers insightful overviews of the general and specific problems that have confronted America s constitution writers since the country s founding Each chapter reflects the constitutional theory and history of a single state encompassing each document s structure content and evolution Provided by publisher

University of Chicago Law Review: Volume 81, Number 4 - Fall 2014 University of Chicago Law Review, 2014-12-17 The University of Chicago Law Review s 4th issue of 2014 features articles and essays from recognized legal scholars as well as extensive student research Contents include Articles The Legal Salience of Taxation by Andrew T Hayashi Tax Loss Mechanisms by Jacob Nussim Avraham Tabbach Regulating Systemic Risk in Insurance by Daniel Schwarcz Steven L Schwarcz American Constitutional Exceptionalism Revisited by Mila Versteeg Emily Zackin Comments Bursting the Speech Bubble Toward a More Fitting Perceived Affiliation Standard by Nicholas A Caselli Payments to Not Parent Noncustodial Parents as the Recipients of Child Support by Emma J Cone Roddy Too Small to Fail A New Perspective on Environmental Penalties for Small Businesses by Nicholas S Dufau Understanding Equal Sovereignty by Abigail B Molitor Widespread Uncertainty The Exclusionary Rule in Civil Removal Proceedings by Michael J O Brien Clogged Conduits A Defendant s Right to Confront His Translated Statements by Casen B Ross Integral Decisionmaking Judicial Interpretation of Pre-dispute Arbitration Agreements Naming the National Arbitration Forum by Daniel A Sito Volume 81 Number 4 also features Review Essays by Lisa Bernstein Avery W Katz and Eyal Zamir analyzing three recent books on contract law and theory

[The Oxford Handbook of Midwestern History](#) Jon Lauck, 2025 The Midwest region holds a pivotal place in the tapestry of American history The Oxford Handbook of Midwestern History delves into this rich heritage with chapters on

topics ranging from the early Native American and French Midwest to the impact of the Northwest Ordinance and the Great Lakes the emergence of Midwest regional consciousness after the Civil War and the role of the Midwest's natural resources in the region's economic success and later decline It presents the newest research on race ethnicity culture politics and economic development It also considers the role of religion organized labor the presence of a diverse population of Germans Irish Dutch and Latinos and the influence of sports nostalgia populism and isolationism This handbook moves beyond the examination of traditional topics in Midwestern history to provide significant attention to matters such as architecture literary realism visual culture and constitutionalism This treatment of Midwestern history marks a major turn towards the history of the American interior In many ways The Oxford Handbook of Midwestern History marks the coming of age of what scholars and commentators are calling the New Midwestern History

Political Encyclopedia of U.S. States and Regions Donald P. Haider-Markel, Michael A. Card, 2009 Providing expert analysis of government and politics in all 50 states and the U.S. territories this innovative two volume reference fills the critical need for information and analysis of the roles and functions of state government through accessible state by state and regional overviews of government and politics

Prohibition, the Constitution, and States' Rights Sean Beienburg, 2019-06-27 Colorado's legalization of marijuana spurred intense debate about the extent to which the Constitution preempts state enacted laws and statutes Colorado's legal cannabis program generated a strange scenario in which many politicians including many who freely invoke the Tenth Amendment seemed to be attacking the progressive state for asserting states rights Unusual as this may seem this has happened before in the early part of the twentieth century as America concluded a decades long struggle over the suppression of alcohol during Prohibition Sean Beienburg recovers a largely forgotten constitutional debate revealing how Prohibition became a battlefield on which skirmishes of American political development including the debate over federalism and states rights were fought Beienburg focuses on the massive extension of federal authority involved in Prohibition and the passage of the Eighteenth Amendment describing the roles and reactions of not just Congress the presidents and the Supreme Court but political actors throughout the states who jockeyed with one another to claim fidelity to the Tenth Amendment while reviling nationalism and nullification alike The most comprehensive treatment of the constitutional debate over Prohibition to date the book concludes with a discussion of the parallels and differences between Prohibition in the 1920s and debates about the legalization of marijuana today

Ex Uno Plura James T. McHugh, 2012-02-01 State constitutions have become increasingly important in light of recent trends in jurisprudence that favor decentralizing the American federal system Ex Uno Plura uses a political culture approach to explore eight state constitutional traditions McHugh argues that state jurisprudence is not merely a reflection of the process values and decisions found at the federal level especially through the influence of the Fourteenth Amendment A close examination of separate state constitutions including their origins sociopolitical cultures and jurisprudence reveals historically culturally and philosophically unique

characteristics each of which will contribute to the ongoing debate concerning American judicial federalism The states included are Alaska California Georgia Hawaii Louisiana Utah Vermont and Wyoming

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