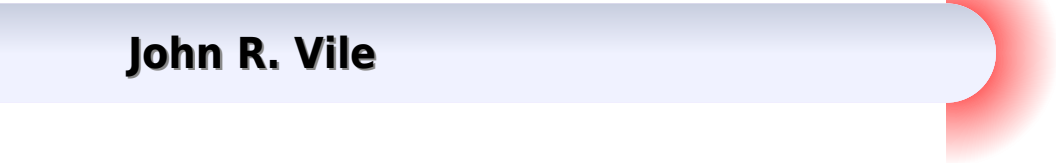


CONTEMPORARY
QUESTIONS
SURROUNDING THE
CONSTITUTIONAL
AMENDING
PROCESS

John R. Vile

Contemporary Questions Surrounding The Constitutional Amending Process

John R. Vile



Contemporary Questions Surrounding The Constitutional Amending Process:

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 [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 [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 **Final Freedom** Michael Vorenberg, 2001-05-21 This book examines emancipation after the Emancipation Proclamation of 1863 Focusing on the making and meaning of the Thirteenth Amendment Final Freedom looks at the struggle among legal thinkers politicians and ordinary Americans in the North and the border states to find a way to abolish slavery that would overcome

the inadequacies of the Emancipation Proclamation The book tells the dramatic story of the creation of a constitutional amendment and reveals an unprecedented transformation in American race relations politics and constitutional thought Using a wide array of archival and published sources Professor Vorenberg argues that the crucial consideration of emancipation occurred after not before the Emancipation Proclamation that the debate over final freedom was shaped by a level of volatility in party politics underestimated by prior historians and that the abolition of slavery by constitutional amendment represented a novel method of reform that transformed attitudes toward the Constitution

A Companion to the United States Constitution and Its Amendments John R. Vile, 2015-03-03 Now in its sixth edition with coverage of major Supreme Court decisions through the end of the 2013 2014 term this book remains a key source for students professors and citizens seeking balanced up to date information on the Constitution its amendments and how they have been interpreted A document that is well past two centuries old the U S Constitution remains as relevant and important today as during the time of our country s founding Now in its sixth edition this single volume work offers a fair non partisan treatment of one of the most important documents in American history The book begins with introductory background information on the U S Constitution and the Declaration of Independence and then presents a clause by clause explanation of the Constitution from the preamble through all of its amendments addressing how each has been interpreted by the U S Supreme Court and other institutions throughout U S history This fully updated edition of *A Companion to the United States Constitution and Its Amendments* incorporates numerous new developments in the four years since the previous edition including the appointments of new Supreme Court justices impactful cases involving First Amendment rights for students the Affordable Care Act National Security Agency NSA data gathering voting rights campaign finance law DNA sampling and the ongoing battle over gay rights As with the previous editions John R Vile provides a balanced and thorough treatment that identifies key Supreme Court decisions and other interpretations of the document while abstaining from unnecessarily complex and confusing explanations

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

Responding to Imperfection Sanford Levinson, 1995-01-24 An increasing number of constitutional theorists within both the legal academy and university departments of government are focusing on the conceptual and political problems attached to the notion of constitutional amendment Amendments are among other things recognitions of the imperfection of existing schemes of government The relative ease or difficulty of amendment has significant implications for the ways that governments respond to problems that call either for new structures of governance or new powers for already established structures This book brings together essays by leading legal authorities and political scientists on a range of questions from whether the U S Constitution is subject to amendment by procedures other than those authorized by Article V to how significant change is conceptualized within classical rabbinic Judaism Though the essays are concerned for the most part with the American experience other constitutional traditions are considered as well The contributors include Bruce Ackerman Akhil Reed Amar Mark E Brandon David R Dow Stephen M Griffin Stephen Holmes and Cass R Sunstein Sanford Levinson Donald Lutz Walter Murphy Frederick Schauer John R Vile and Noam J Zohar

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 Strange Career of Legal Liberalism Laura Kalman, 1998-08-11 Legal scholarship is in a state of crisis Laura Kalman argues in this history of the most prestigious field in law studies constitutional theory Since the time of the New Deal says Kalman most law scholars have identified themselves as liberals who believe in the power of the Supreme Court to effect progressive social change In recent years however new political and interdisciplinary perspectives have undermined the tenets of legal liberalism and liberal law professors have enlisted other disciplines in the attempt to legitimize their beliefs Such prominent legal thinkers as Cass Sunstein Bruce Ackerman and Frank Michelman have incorporated the work of historians into their legal theories and arguments turning to eighteenth century republicanism which stressed communal values and an active citizenry to justify their goals Kalman a historian and a lawyer suggests that reliance on history in legal thinking makes sense at a time when the Supreme Court repeatedly declares that it will protect only those liberties rooted in history and tradition There are pitfalls in interdisciplinary argumentation she

cautions for historians reactions to this use of their work have been unenthusiastic and even hostile Yet lawyers law professors and historians have cooperated in some recent Supreme Court cases and Kalman concludes with a practical examination of the ways they can work together more effectively as social activists

Constitutional Amendments

Richard Albert,2019-07-15 *Constitutional Amendments Making Breaking and Changing Constitutions* is both a roadmap for navigating the intellectual universe of constitutional amendments and a blueprint for building and improving the rules of constitutional change This book blends theory with practice to answer two all important questions what is an amendment and how should constitutional designers structure the procedures of constitutional amendment

Conventional Wisdom John R. Vile,2016-03 Article V of the Constitution allows two thirds majorities of both houses of Congress to propose amendments to the document and a three fourths majority of the states to ratify them Scholars and frustrated advocates of constitutional change have often criticized this process for being too difficult Despite this state legislatures have yet to use the other primary method that Article V outlines for proposing amendments it permits two thirds of the state legislatures to petition Congress to call a convention to propose amendments that like those proposed by Congress must be ratified by three fourths of the states In this book John R Vile surveys more than two centuries of scholarship on Article V and concludes that the weight of the evidence including a much overlooked Federalist essay 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 Charting a prudent course between those who fail to differentiate revolutionary change from constitutional change those who fear ever using the Article V convention mechanism that the Framers clearly envisioned and those who would vest total control of the convention in Congress the states or the convention itself Vile s work will enhance modern debates on the subject

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

The Drama of Presidential Inaugurations and Inaugural Addresses from Washington through to Biden John R. Vile,2022-11-29 Every four years and on the death of presidents

individuals take the oath of office prescribed in the US Constitution Formal inaugurations are accompanied by pomp that originated in ancient coronation ceremonies in a celebration that thousands of people attend in person and millions follow through electronic media After describing what such occasions from the inauguration of President George Washington through to that of Joe Biden have in common and how they have changed this book provides a chronologically arranged summary of each such inaugural ceremony and accompanying events as well as an analysis of each speech Although many are largely forgotten several such orations including those by Presidents George Washington Thomas Jefferson Abraham Lincoln Franklin D Roosevelt John F Kennedy and Ronald Reagan are rhetorical masterpieces All addresses provide snapshots of American ideals that will interest citizens historians and political scientists and be of service to reference librarians

Perfecting the Constitution Darren Patrick Guerra, 2013-06-10 He who can change the Constitution controls the Constitution So who does control the Constitution The answer has always been the people The people control the Constitution via the Article V amending process outlined in the Constitution itself Changes can only be made through Article V and its formal procedures Article V has always provided a means of perfecting the Constitution in an explicit democratically authentic prudent and deliberative manner In addition to changing the Constitution Article V also allowed the people to perfect and preserve their Constitution at the same time In recent years Article V has come under attack by influential legal scholars who criticize it for being too difficult undemocratic and too formal Such scholars advocate for ignoring Article V in favor of elite adaptation of the Constitution or popular amendment through national referendums In making their case critics also assume that Article V is an unimportant and expendable part of the Constitutional structure One notable scholar called the Constitution imbecilic because of Article V This book shows that to the contrary Article V is a unique and powerful extension of the American tradition of written constitutionalism It was a logical extension of American constitutional development and it was a powerful tool used by the Federalists to argue for ratification of the new Constitution Since then it has served as a means of perfecting the US Constitution for over 200 years via a wide range of amendments Contrary to contemporary critics the historical evidence shows Article V to be a vital element in the Constitutional architecture not an expendable or ancillary piece This book defends Article V against critics by showing that it is neither too difficult undemocratic nor too formal Furthermore a positive case is made that Article V remains the most clear and powerful way to register the sovereign desires of the American public with regard to alterations of their fundamental law In the end Article V is an essential bulwark to maintaining a written Constitution that secures the rights of the people against both elites and themselves

Guide to the Presidency and the Executive Branch Michael Nelson, 2012-08-13 This comprehensive two volume guide is the definitive source for researchers seeking an understanding of those who have occupied the White House and on the institution of the U S presidency Readers turn *Guide to the Presidency and the Executive Branch* for its wealth of facts and analytical chapters that explain the structure powers and operations of the office and the president's relationship

with Congress and the Supreme Court The fifth edition of this acclaimed reference completes coverage of the George W Bush presidency the 2008 election and the first 3 years of the presidency of Barack Obama This includes coverage of their handling of the economic crisis wars abroad and Obama s healthcare initiatives The work is divided into eight distinct subject areas covering every aspect of the U S presidency and all chapters in each subject area have been revised and updated Origins and Development of the Presidency including constitutional beginnings history of the presidency and vice presidency and presidential ratings Selection and Removal of the President including the electoral process a chronology of presidential elections removal of the president and vice president and succession Powers of the Presidency including the unilateral powers of the presidency and those as chief of state chief administrator legislative leader commander in chief and chief economist The President the Public and the Parties including presidential appearances the president and political parties the president and the news media the presidency and pop culture public support and opinion and the president and interest groups The Presidency and the Executive Branch including the White House Office the Office of the Vice President supporting organizations the cabinet and executive departments presidential commissions and executive branch housing pay and perquisites Chief Executive and Federal Government including the president and Congress the president and the Supreme Court and the president and the bureaucracy Presidents their Families and Life in the White House and Beyond including the daily life of the president the first lady the first family friends of presidents and life after the presidency Biographies of the Presidents Vice Presidents First Ladies This new volume also features more than 200 textboxes tables and figures Major revisions cover the supporting White House organizations and the president s role as chief economist Additional reference materials include explanatory headnotes as well as hundreds of photographs with detailed captions

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 **Law Books in Print: Subject index** Nicholas Triffin, 1994 *The Early Republic* John R. Vile, 2016-03-07 From distinguished author John R Vile comes a new history of the American early republic period presented through primary documents that are illuminated and explained in context This new book in the Documents Decoded series provides readers with an understanding of the key documents and debates in the early American republic

from the presidency of George Washington through that of John Quincy Adams With more than 50 edited primary documents relevant to American history from 1789 through 1828 the primary source material is organized in sections that will help readers to identify and appreciate multiple perspectives on key issues The primary documents in this reference volume include laws sermons presidential speeches court decisions proclamations treaties and debates that will illuminate key issues such as the structure of government the protection of individual rights slavery and the respective rights of the state and national governments Examples subjects include Alexander Hamilton and Thomas Jefferson s debates the Alien and Sedition Acts the Louisiana Purchase Treaty The Star Spangled Banner the Monroe Doctrine and the Missouri Compromise of 1820

Packing the Court James Macgregor Burns,2009-06-25 From renowned political theorist James MacGregor Burns an incisive critique of the overreaching power of an ideological Supreme Court For decades Pulitzer Prize winner James MacGregor Burns has been one of the great masters of the study of power and leadership in America In *Packing the Court* he turns his eye to the U S Supreme Court an institution that he believes has become more powerful and more partisan than the founding fathers ever intended In a compelling and provocative narrative Burns reveals how the Supreme Court has served as a reactionary force in American politics at critical moments throughout the nation s history and concludes with a bold proposal to rein in the court s power

Encyclopedia of the U.S. Supreme Court: Abington School District v. Schempp-Fugitive slaves Thomas Tandy Lewis,Richard L. Wilson,2001 Presents alphabetically arranged essays on the U S Supreme Court covering its justices and other historical figures significant decisions types of law pieces of legislation Constitutional clauses and amendments broad issues mechanics and procedures and comparisons with international courts

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