

Six Changes to the Constitution  
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With the current focus on the Supreme Court and its essential role in American life, it is important to heed retired Supreme Court Justice John Paul Stevens, who wrote *Six Amendments: How and Why We Should Change the Constitution*, a book published just before the disastrous 2014 election. He seemed to know what was coming.

This remarkable work notes that the Constitution has been revised only 18 times during our history, the most recent amendment introduced over to centuries ago. Justice Stevens urges that we are in need of amendments right now, and proposes six of them.

Our constitution was established by our founders to be "by the People, not by the states, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our posterity." (All spellings and caps exactly as written.)

Eighty-Seven years later, Abraham Lincoln summed up the Founders' effort was to create a government "of the people, by the people, and for the people." The Constitution was intended to enlarge freedoms not conceivable in 1789, to create a "more perfect union."

Article V describes how the Constitution may be amended: either by two-third of both houses of Congress or by a convention called by the legislatures of two-thirds of the states. The only prohibition on such changes would be the total ban on depriving any state, without its consent, of its equal suffrage in the Senate. The Founders wanted to protect the sovereignty of the smaller states. This amendment has caused great harm to the idea of a more perfect union. It protected the Slave states, with horrific consequences only addressed by the Civil War.

The procedures for amending the Constitution have been employed only 18 times during our history. The first ten are called "the Bill of Rights" and were adopted all at once, limiting the power of the government. The 13th and 14th were initiated by Lincoln: emancipation of slaves and full citizen rights to the former slaves and imposed on the states the duty of protecting these rights, which the Southern states never did. The 19th amendment gave women the right to vote.

Of the six amendments that Justice Stevens argues should be amended, the first is the "anti-commandeering rule," which prevents the federal government from using critical state resources, impairing the federal government's ability to respond to problems with a national dimension. We can see today how important correcting this problem is as we suffer Trump's handling of the national pandemic.

The second suggestion is an amendment prohibiting political gerrymandering, which would make the House of Representatives and state legislatures more representative and more democratic.

The third is undoing the horrible Citizens United rule that has flooded our political system with unaccountable money. Corporations should not be seen as individuals!

The fourth is to undo the Court's increasingly aggressive reliance on the doctrine of sovereign immunity (States' Rights), which protects states and their agents from liability even when violating the law (such as open carry of weapons), an act that violates acts of Congress.

The fifth is to ban capital punishment throughout the country. And the sixth is to add five words to the text of the Second Amendment, to return it to the intent of its authors. It should be amended to read: A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms when serving in the Militia shall not be infringed.

The emotional claims that everybody should have the right to possess deadly weapons is not the original intent of the Second Amendment. This change should encourage intelligent discussion of possible remedies for what every American can recognize as an ongoing national tragedy: the mayhem of mass murders.

I would also add another amendment: restoring the ability of the Government to protect voting rights of citizens in states regularly attempting to disenfranchise

voters for political reasons. The court mistakenly removed this protection, assuming wrongly it was no longer needed.

682 words

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