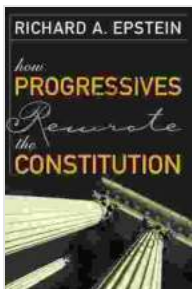


# How Progressives Rewrote the Constitution: A Profound Transformation of American Governance

The Constitution of the United States is an enduring document that has shaped American society for over two centuries. However, it is not a static text, and its interpretation has evolved over time. In the early 20th century, a progressive movement emerged that sought to reshape the constitutional framework of the nation. This movement, driven by a desire to address social and economic inequality, resulted in significant changes to the Constitution that fundamentally altered the balance of power between government and the people.

## The Progressive Era and the Transformation of Constitutional Interpretation

The Progressive Era was a period of great social and political change in the United States. It was marked by rapid industrialization, urbanization, and immigration, which led to a host of new problems and challenges. Progressives believed that the existing constitutional framework was inadequate to address these issues and that a more active role for government was necessary.



## How Progressives Rewrote the Constitution

by Richard A. Epstein

★★★★☆ 4.5 out of 5

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Word Wise : Enabled

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One of the most significant changes brought about by the Progressive Era was the rise of judicial activism. Progressives argued that the courts should play a more active role in interpreting the Constitution and that they should take into account the evolving social and economic conditions of the country. This approach to constitutional interpretation gave rise to a series of Supreme Court decisions that expanded the powers of the federal government and limited those of the states.

### **The Sixteenth and Seventeenth Amendments**

Two of the most important constitutional amendments adopted during the Progressive Era were the Sixteenth and Seventeenth Amendments. The

Sixteenth Amendment, ratified in 1913, authorized Congress to impose a federal income tax. This was a major victory for progressives, who believed that the existing tax system was unfair and that the wealthy should pay their fair share.

The Seventeenth Amendment, ratified in 1913, provided for the direct election of U.S. senators. Prior to this amendment, senators were chosen by state legislatures, which often resulted in corruption and boss rule. Progressives believed that direct election would make the Senate more democratic and more responsive to the will of the people.

### **The Commerce Clause and the Expansion of Federal Power**

Another major area of constitutional interpretation that was influenced by the Progressive Era was the Commerce Clause. The Commerce Clause gives Congress the power to regulate interstate commerce. Progressives argued that this power could be used to address a wide range of social and economic problems, such as child labor, unsafe working conditions, and unfair competition.



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The Supreme Court agreed with this interpretation and, in a series of landmark decisions, upheld the authority of Congress to regulate various aspects of the economy. These decisions significantly expanded the powers of the federal government and established the Commerce Clause as a key tool for addressing national problems.

### **The Due Process Clause and the Protection of Individual Rights**

In addition to expanding the powers of government, the Progressive Era also saw a growing concern for the protection of individual rights. Progressives believed that the Due Process Clause of the Fourteenth Amendment could be used to protect individuals from arbitrary and unreasonable government action.

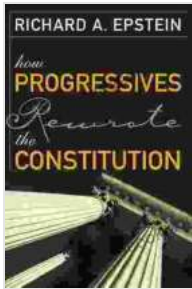
## Purpose

- The 5<sup>th</sup> Amendment limits the *national* government, but the 14<sup>th</sup> guarantees that *states* cannot deprive rights without “Due Process.”
- Due process is not defined, but has roots in English history and plays a central role in what government actions are considered valid.
- This lesson explains how “due process” has changed since the 14<sup>th</sup> Amendment and how the requirement of due process has been used to protect individual rights from state government actions.

The Supreme Court adopted this view and, in a series of decisions, struck down laws that discriminated against racial minorities, women, and other vulnerable groups. These decisions helped to establish the Due Process Clause as a cornerstone of American civil liberties law.

The Progressive Era was a transformative time in American history. The movement's commitment to addressing social and economic inequality left an lasting impact on the Constitution. The changes that were made during this period not only expanded the powers of the federal government but also strengthened the protection of individual rights. These constitutional

changes continue to shape American society today and serve as a testament to the power of progressive ideals.



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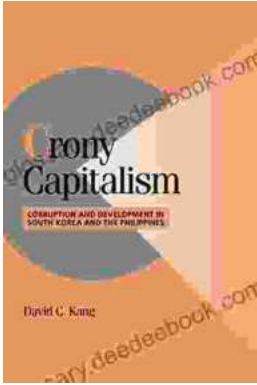
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