

2017

## Book Review

Justin R. Huckaby

*Mississippi College School of Law*, [huckaby@mc.edu](mailto:huckaby@mc.edu)

Follow this and additional works at: <http://dc.law.mc.edu/faculty-journals>



Part of the [Constitutional Law Commons](#), [Legal History Commons](#), and the [Legislation Commons](#)

---

### Recommended Citation

109 Law Libr. J. 165 (2017) (reviewing John R. Vile, *Conventional Wisdom: The Alternate Article V Mechanism for Proposing Amendments to the U.S. Constitution* (2016)).

This Book Review is brought to you for free and open access by the Faculty Publications at MC Law Digital Commons. It has been accepted for inclusion in Journal Articles by an authorized administrator of MC Law Digital Commons. For more information, please contact [walter@mc.edu](mailto:walter@mc.edu).

Vile, John R. *Conventional Wisdom: The Alternate Article V Mechanism for Proposing Amendments to the U.S. Constitution*. Athens: University of Georgia Press, 2016. 266p. \$49.95.

*Reviewed by Justin R. Huckaby\**

¶94 In *Conventional Wisdom: The Alternate Article V Mechanism for Proposing Amendments to the U.S. Constitution*, John R. Vile discusses the thus-far unused Article V convention method of amending the U.S. Constitution. The book focuses on what an Article V convention could be and what parameters it might entail. Could such a convention be limited in scope, or must it be general in nature? Vile considers these questions and the literature behind them to develop his own interpretation of an Article V convention and how it should be implemented.

¶95 Vile begins the book by describing the Constitutional Convention of 1787 and its subsequent ratification process. He describes the deliberations and processes of the Founding Fathers as they determined how the newly proposed Constitution would be amended in the future. It was agreed that the Constitution would be amended through two separate processes as described in Article V. The first process would be the legislative proposal of amendments supported by two-thirds majorities of both chambers of Congress, followed by ratification of three-fourths of the existing states. It would be up to Congress to determine whether states would ratify through their respective state legislatures or by state conventions. The second process of proposing amendments would be through a convention convened on the application of two-thirds of the existing states. Of the current twenty-seven amendments to the Constitution, all have been passed through the legislative proposal mechanism. To date, an Article V convention has never been called.

¶96 In the next portion of the book, Vile addresses the existing literature from both scholars of the founding generation and current constitutional scholars. The debate surrounding Article V conventions centers on the scope of a proposed convention. Some scholars think an Article V convention should be limited to the subject matter that Congress called it to address. Therefore, if two-thirds of the states apply for a convention dealing with passing a balanced budget amendment, Congress would call an Article V convention limited to the specific balanced budget topic. However, other scholars argue that once an Article V convention has been called, the convention itself will be a general convention in which delegates can address any topic they desire.

¶97 Upon studying the existing literature behind the scope of an Article V convention, Vile concludes that an Article V convention can be limited or general. He identifies four convention models that are ideal types for an Article V convention. The first type is the single-issue referendum convention. In this type, states would convene to take an up-or-down vote on a specific amendment or set of amendments that the states had applied for Congress to call the convention to address. Vile contends this type of convention is unwise since it lacks deliberations among the delegates. The second type is the single-issue deliberative convention. In this type, states would convene to deliberate a particular issue or set of issues, and the delegates would propose an amendment or set of amendments in the process. As this

---

\* © Justin R. Huckaby, 2017. Research, Instructional Services, and Circulation Librarian, Mississippi College School of Law Library, Jackson, Mississippi.

type mirrors the legislative proposal process of Article V, Vile thinks this type of convention would be wise when Congress as a whole is malfunctioning, congressional rules are effectively blocking all amendments, or when institutional interests are blocking needed amendments.

¶98 The third type is the limited constitutional restructuring or updating convention. This type of convention would be used to remedy systematic problems in the operation of government or to update the language of the Constitution to the public's current understanding of it. The last type is a convention to rewrite or replace the Constitution. Vile explains how this type of convention would mirror the Convention of 1787, but the convention would be called under the authority of Article V.

¶99 Vile concludes by exploring the literature behind selecting delegates for an Article V convention and considers who should or should not serve. In addition, he looks at the literature behind the process of calling the convention and how it should operate. Through this study, Vile suggests that Congress pass legislation addressing all of these aspects of an Article V convention in advance of a convention being called. He concludes with his own proposed legislation, which is similar to Senator Orrin Hatch's proposed Constitutional Convention Implementation Act of 1985 that died on the floor of the Senate.<sup>33</sup>

¶100 *Conventional Wisdom* would be an excellent addition to any academic law library. No prior constitutional knowledge is required outside of a basic understanding of American governance. Vile does a superb job of evaluating the existing literature behind Article V conventions and addressing both the attributes and apprehensions in his proposed legislation for implementing an Article V convention. Though an Article V convention has never occurred, *Conventional Wisdom* makes the possible process seem a lot less daunting.

Wolff, Lutz-Christian, and Jenny Chan. *Flipped Classrooms for Legal Education*. Singapore: Springer, 2016. 138p. \$54.99.

*Reviewed by Louis M. Rosen\**

¶101 Most law librarians who teach legal research classes have been using a flipped (or inverted) classroom method for years. Assigning a combination of reading and video or audio lectures for students to watch or listen to before class frees up valuable classroom time for interactive, hands-on activities to simulate real-world practice scenarios; makes abstract concepts from the reading and lectures more concrete; encourages collaboration; and allows instructors better opportunities to assess students' progress.

¶102 But for much of the legal academy, professors accustomed to years or even decades of lecturing throughout classes and relying on the Socratic method, the flipped classroom model of teaching may be unfamiliar or even intimidating. It is often up to us, my fellow law librarians, to introduce professors to the latest technological innovations for teaching and assessment, and Lutz-Christian Wolff and Jenny Chan's new book, *Flipped Classrooms for Legal Education*, would definitely be

---

33. Constitutional Convention Implementation Act of 1985, S. 40, 99th Cong.

\* © Louis M. Rosen, 2017. Reference Librarian and Associate Professor of Law Library, Euliano Law Library, Barry University School of Law, Orlando, Florida.