

Amending the Constitution

AP US HISTORY PROJECT 2018-19



The Founding Fathers created a Constitution that could be adapted to a future they could not foresee.

One way they provided for change was to describe how Congress and the states could amend the Constitution.



Even though amendments may be proposed and ratified, only twenty-seven amendments have been added to the Constitution, the first ten being the Bill of Rights.

Twenty-seven amendments to the Constitution is not a very large number. Why have there been so few amendments made to the Constitution? Is it still a valid document?

Formal Amendment

- ▶ What are the different ways to formally amend, or change the wording of, the Constitution?
- ▶ How many times has the Constitution been amended?
- ▶ What is the Bill of Rights?

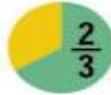
Amending the Constitution

- ▶ The Constitution provides for its own **amendment**, that is, for changes in its written words.
- ▶ **Article V** sets out two methods for the proposal and two methods for the ratification of constitutional amendments, creating four possible methods of **formal amendment**.

Formal Amendment Process

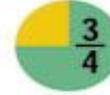
Step 1 Amendment Is Proposed

Proposed by Congress by
a $\frac{2}{3}$ vote in both houses



Step 2 Amendment Is Ratified

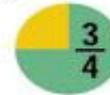
Ratified by the State
legislatures of $\frac{3}{4}$ (38)
of the States



Proposed at a national convention
called by Congress when
requested by $\frac{2}{3}$ (34) of
the State legislatures



Ratified by conventions held
in $\frac{3}{4}$ (38) of the States



These are the ways by which amendments may be added to the Constitution.

Amendments to the Constitution

Amendment	Subject	Year	Time Required for Ratification
1st–10th	Bill of Rights	1791	2 years, 2 months, 20 days
11th	Immunity of States from certain lawsuits	1795	11 months, 3 days
12th	Changes in electoral college procedures	1804	6 months, 6 days
13th	Abolition of slavery	1865	10 months, 6 days
14th	Citizenship, due process, equal protection	1868	2 years, 26 days
15th	No denial of vote because of race, color, or previous enslavement	1870	11 months, 8 days
16th	Power of Congress to tax incomes	1913	3 years, 6 months, 22 days
17th	Popular election of U.S. Senators	1913	10 months, 26 days
18th	Prohibition of alcohol	1919	1 year, 29 days
19th	Woman suffrage	1920	1 year, 2 months, 14 days
20th	Change of dates for start of presidential and Congressional terms	1933	10 months, 21 days
21st	Repeal of Prohibition (18th Amendment)	1933	9 months, 15 days
22nd	Limit on presidential terms	1951	3 years, 11 months, 6 days
23rd	District of Columbia vote in presidential elections	1961	9 months, 13 days
24th	Ban of tax payment as voter qualification	1964	1 year, 4 months, 27 days
25th	Presidential succession, vice presidential vacancy, and presidential disability	1967	1 year, 7 months, 4 days
26th	Voting age of 18	1971	3 months, 8 days
27th	Congressional pay	1992	202 years, 7 months, 12 days

The first ten amendments are known as the **Bill of Rights**. They set out many of our basic freedoms.

Informal Amendment

- ▶ How has basic legislation changed the Constitution over time?
- ▶ What powers do the executive branch and the courts have to amend the Constitution?
- ▶ What role do party politics and custom have in shaping the Federal Government?

Informal Amendment Processes

Informal amendment is the process by which over time many changes have been made in the Constitution which have not involved any changes in its written word.

The informal amendment process can take place by:

- (1) the passage of basic legislation by Congress;
- (2) actions taken by the President;
- (3) key decisions of the Supreme Court;
- (4) the activities of political parties; and
- (5) custom.

The passage of basic legislation by Congress

Acts or Laws passed by Congress

Congress adds 'flesh to the bones' of those sections of the Constitution the framers intentionally left skeletal.

Example:

The many departments, agencies and offices have been set up by Congress (CIA, FBI, Housing Authority, etc.)

Executive Action

Presidential actions have produced a number of important informal amendments, such as the use of the military under the power of commander in chief.

Examples:

The Vietnam War

The “War” on Terrorism

An **executive agreement** is a pact made by the President directly with the **head of a foreign state**.

Court Decisions

The United States Supreme Court **interprets** and applies the Constitution in many cases they hear.

Examples:

- ❑ “Brown v Board of Education”
Ended segregation
- ❑ “Roe v Wade”
Made abortion legal in the U.S.

The Activities of Political Parties

Political parties have played a major role in shaping the government.

Example:

- Neither the Constitution nor any law provides for the nomination of presidential candidates

- Both houses in Congress are organized and conduct business on the basis of party.

Custom or Tradition

Unwritten custom may be as strong as written law.

Example:

The Presidential Cabinet

George Washington made 2 term limits a custom.

Essay Topic: Amending the Constitution

Write a well-constructed essay answering the following questions:

1. What is the Constitution? Is it still a valid document?
2. In what ways can amendments be proposed and ratified?
3. Name one amendments proposed to Congress that was **unsuccessful**. Explain why you think it **should** or **should not** have been ratified.
4. Describe **an amendment** you would like to see made to the Constitution. Justify your proposal by mentioning and explaining at least **three actual facts** and/or **court cases** that justify your argument and your reasons why your amendment should be ratified. **Include your references.**
5. Make sure your argument and position are very strong and that you convince in your conclusion.



The essay must be no shorter than five paragraphs and no longer than 10. It must be sent by e mail to ruthiegarciavera@gmail.com ONLY on Wednesday, November 28 before midnight and **handed in print** on Thursday, November 29 , 2018, even if we do not have class.