3.2

Amending the Constitution



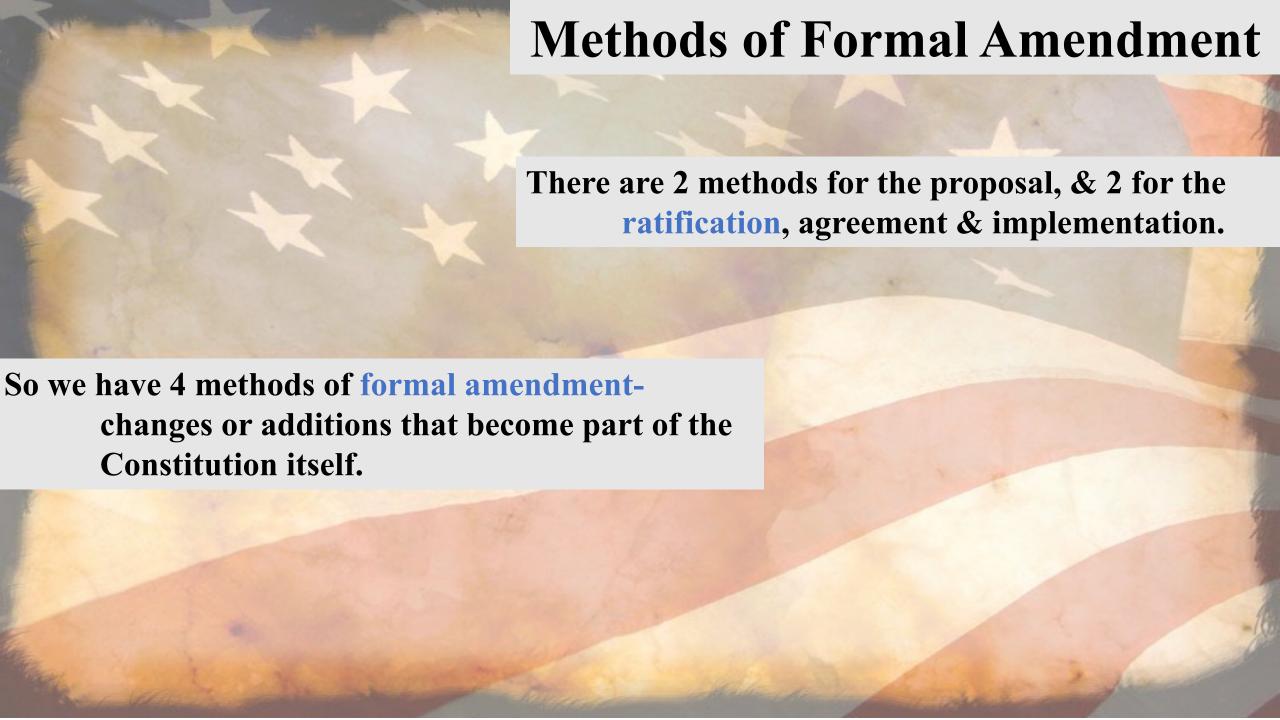
As a Young Political Scientist, I will be able to...

- Describe the constitutionally prescribed procedures by which the Constitution may be formally changed.
- Explain how the formal amendment process illustrates the principles of federalism and popular sovereignty.
- Understand the 27 amendments that have been added to the Constitution, and that several amendments have been proposed but not ratified.
- Identify how basic legislation has added to our understanding of the Constitution over time.
- Analyze how interpretation of the Constitution has changed over the years through the actions of the executive and judicial branches, and by party practices and customs.



The Constitution has had words changed, eliminated, added, & meanings have been modified.

One of these ways we change the Constitution is by creating an amendment- changes in its written words



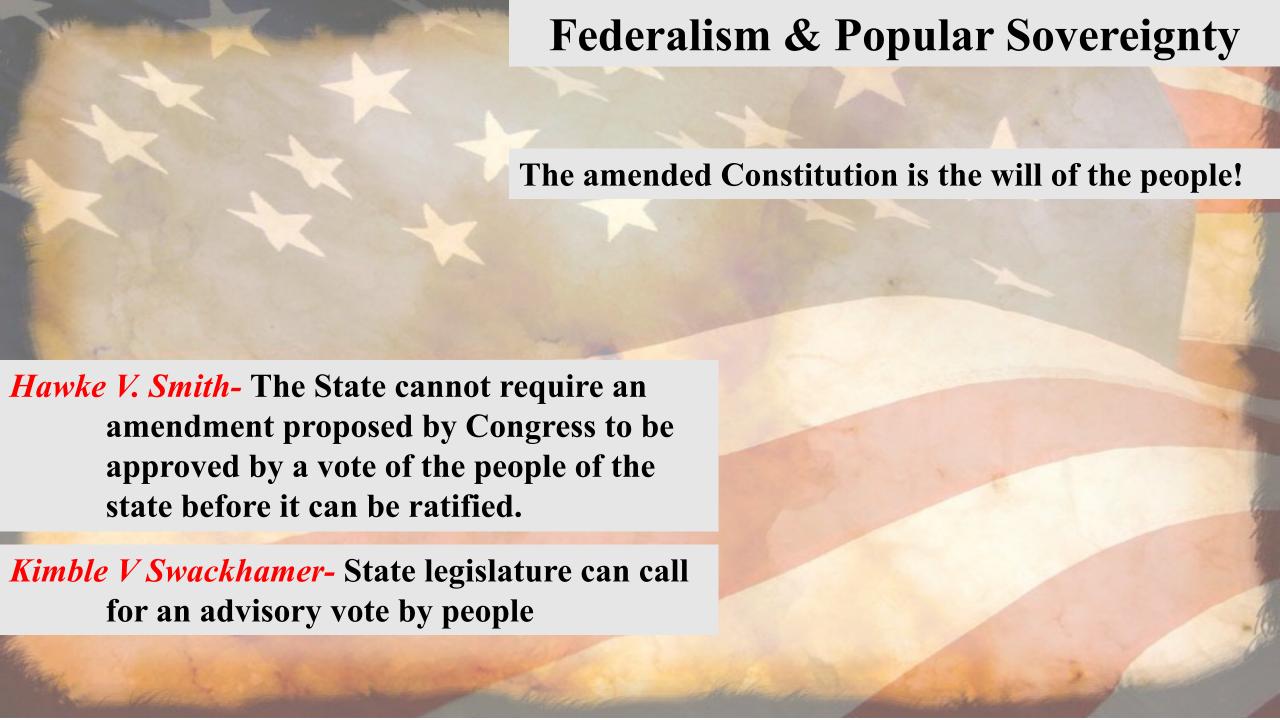
What Are Those 4 Methods?

First- Proposed by 2/3 vote in both houses of Congress & ratified by 3/4 of the State legislatures

Second- Proposed by Congress & ratified by conventions in 3/4 of the States.

Third- A National Convention called by Congress at the request of 2/3 of the State Legislatures, then ratified by those states.

Fourth- Proposed by a national convention & then ratified by conventions in 3/4ths of the States



Proposing an Amendment

"No State, without its Consent, shall be deprived of its equal Suffrage in the Senate."

A proposition for an amendment does not need to go to the President because it is not making a law.

Of 12,000 joint resolutions for an amendment, only 33 have been sent to the States & only 27 have been ratified.

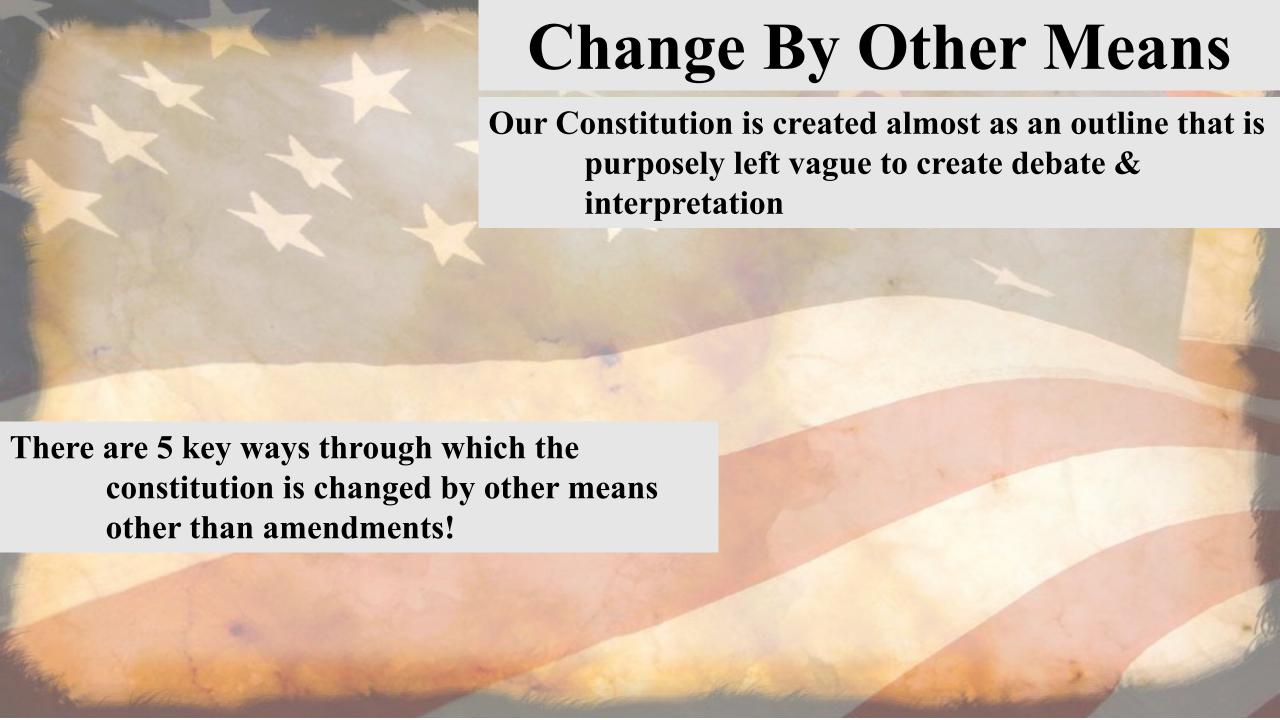
Congress proposes an amendment & it must be ratified within a "reasonable time-limit"

Unratified Proposed Amendments

DATE	PURPOSE	STATUS
1789	To set mandates for the distribution of seats in the House of Representatives	Unratified
1810	To void the citizenship of anyone accepting any foreign title or other honor	Approved by 12 states in 1812; unratified
1861	To prohibit forever any amendment relating to slavery	Approved by 2 States; unratified (the 13th Amendment abolished slavery)
1924	To give Congress the power to regulate child labor	Approved by 28 States; unratified
1972	To give equal rights to women (ERA)	Approved by 35 States; deadline extended beyond the seven-year limit to 1982; unratified
1978	To grant the District of Columbia representation in Congress	Approved by 16 States; unratified

SOURCE: Authenticated U.S. Government Information, Proposed Amendments Not Ratified by the States; Library of Congress, Ratification of Amendments to the U.S. Constitution, David C. Huckabee

Many proposed amendments fall short of the 38 State approval requirement for ratification. Analyze Charts How might the number of States approving each amendment reflect society at that time?

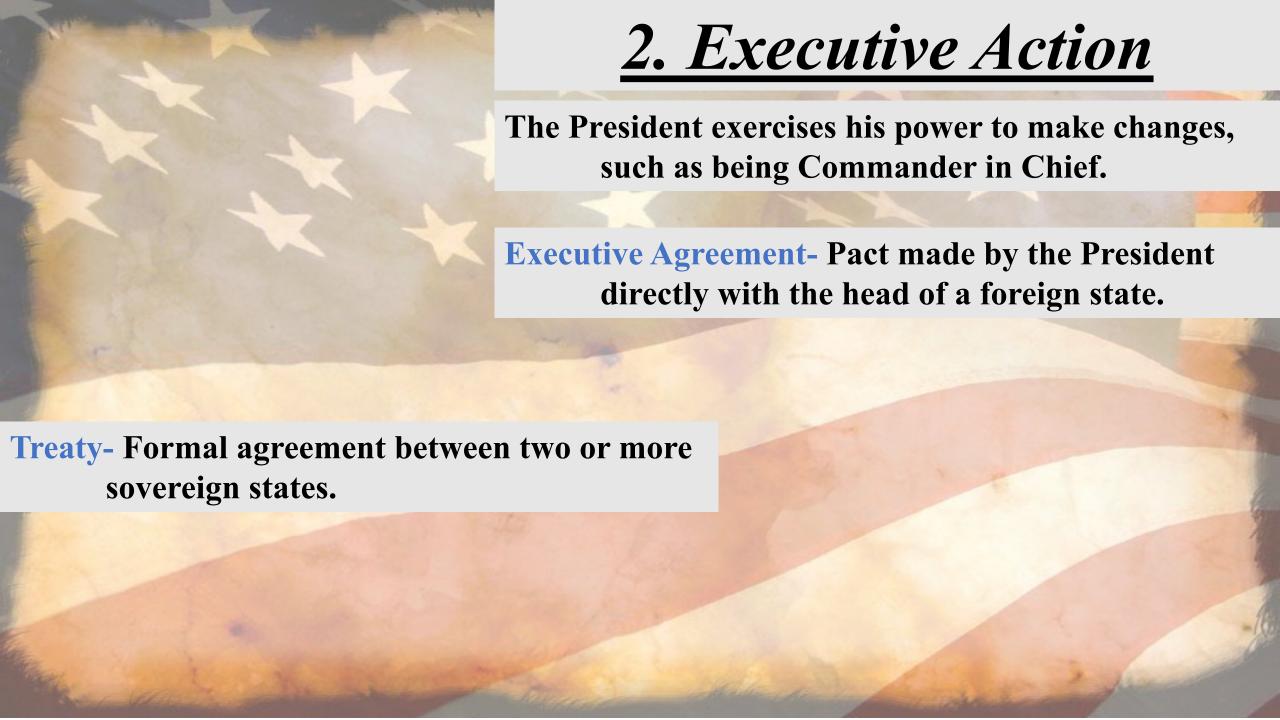


1. Basic Legislation

There are two ways that Congress can do this!

First, passages of a number of laws to clarify several of the Constitution's brief provisions

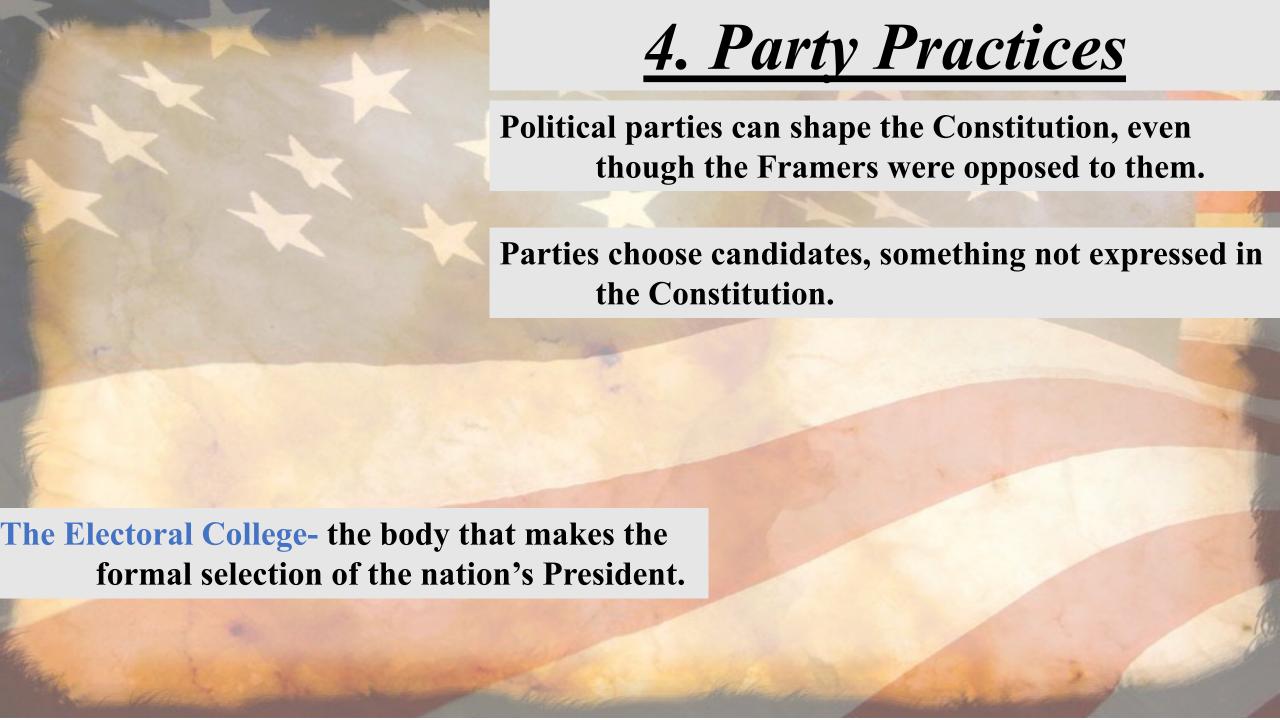
Second, by way Congress uses its powers to define words in the Constitution





Marbury V. Madison- States & Federal courts can strike down laws that are "unconstitutional"

The Supreme Court holds judicial review & can declare what is and is not constitutional!



5. Custom & Usage

Changes developed by custom rather than written law.

Such as the Cabinet- an advisory body to the President.

Senatorial Courtesy- An unwritten rule followed closely by the Senate.

*Such as the order of who takes the Presidency in emergency before we had an amendment.