Chapter 3: The Constitution
Section 2
Lecture Notes

AMERICAN GOVERNMENT

PEARSON
1. Identify the four different ways by which the Constitution may be formally changed.

2. Explain how the formal amendment process illustrates the principles of federalism and popular sovereignty.

3. Understand that several amendments have been proposed, but not ratified.

4. Outline the 27 amendments that have been added to the Constitution.
• **amendment**: a change to the written words of the Constitution

• **ratification**: the act of approving a proposed amendment

• **formal amendment**: one of four ways to change or add to the written language of the Constitution

• **Bill of Rights**: the name given to the first ten amendments to the Constitution, which guarantee many basic freedoms; all ten amendments were ratified in 1791
Introduction

- How has the Constitution been amended through the formal amendment process?
  - The majority of amendments have been proposed by a two-thirds vote of Congress and ratified by three-fourths of the state legislatures.
  - An amendment can also be ratified by state conventions held in three fourths of the states. This has only happened once.
The amendment process allows the Constitution to adapt to the changing needs of our nation and society.

- The United States has gone from a farming nation of less than 4 million people to a high-tech country with a population of more than 300 million.

- Portions of the Constitution have been added, deleted, or altered as a result of amendments.
• **Article V** of the Constitution describes the amendment process.

– Amendments may be proposed:

  • By a two-thirds vote of each house of Congress. [Done for 26 of 27 amendments.]

  • By a national convention called by Congress at the request of two-thirds of the state legislatures. [Done for the 21st amendment.]

NOTE FOR TEACHERS: Today, 2/3 of the states means that 34 must propose an amendment and ¾ of the states means that 38 states must ratify an amendment. In the past 40 years, Congress has come close to calling a national convention twice at the request of the states; once to change a Supreme Court decision about voting rights, and the other time to require a balanced federal budget except in times of war or national emergency.
Amendments can be ratified:

- By three-fourths of the state legislatures.
- By conventions in three-fourths of the states. [A method not yet used.]
Checkpoint Answer: *Amendments are proposed at the federal level and ratified at the state level, thus dividing the power to change the Constitution between the central government and the states.*
Popular Sovereignty

- The amendment process is based on popular sovereignty.
  - The people elect the representatives who vote to propose or ratify amendments.
  - Some critics argue that conventions are a better way to ratify amendments than state legislatures, because state legislators are rarely elected based upon their views on an amendment.
  - The Supreme Court has ruled that states cannot require a proposed amendment to be approved by popular vote before the state legislature can ratify it.
Checkpoint Answer: The Constitution might never have been ratified without
the promise that a bill of rights would be added to the document. Students
should also note that the Bill of Rights spells out many of the fundamental
liberties that Americans take for granted each day. If it were left solely to the
state constitutions to protect these rights, they might not be shared by all
American citizens.
Proposed Amendments

• Most suggested amendments are never proposed by Congress.
  – Congress has sent only 33 of some 15,000 suggested amendments to the states.

• Six proposed amendments were not ratified by the states.
  – Congress can set a “reasonable” time limit for ratification, usually around seven years.
    • Failed amendments include one declaring the equal rights of women (ERA) and one banning amendments dealing with slavery.
The 27 Amendments

Many of the 27 current amendments were proposed in response to legal disputes, social conflicts, or perceived constitutional problems.

– The 12th Amendment resolved a problem with the presidential election process.
– The 13th Amendment abolished slavery.
The 15th, 19th, and 26th Amendments each extended voting rights to a new segment of society:
- African Americans
- Women
- 18-year olds

Inez Milholland

NOTE TO TEACHERS: The above image depicts Inez Milholland, who fought to amend the Constitution to allow women’s suffrage.
NOTE TO TEACHERS: Above image shows a coin that was a symbol of the anti-slavery movement.
NOTE TO TEACHERS: Above image shows the first women to vote in Brooklyn, New York.

- 1913 - Amendment 16
  - Congress given the power to tax incomes
- 1913 - Amendment 17
  - Popular election of U.S. Senators
- 1919 - Amendment 18
  - Prohibition of alcohol
- 1920 - Amendment 19
  - Women’s suffrage
- 1933 - Amendment 20
  - Change of dates for presidential and congressional terms
- 1933 - Amendment 21
  - Repeal of prohibition (Amendment 18)
• 1951 - Amendment 22
  – Limit on presidential terms
• 1961 - Amendment 23
  – District of Columbia allowed to vote in presidential elections
• 1964 - Amendment 24
  – Ban of tax payment as voter qualification
• 1967 - Amendment 25
  – Presidential succession, vice presidential vacancy, and presidential disability
• 1971 - Amendment 26
  – Voting age changed to 18
• 1992 - Amendment 27
  – Congressional pay
Now that you have learned how the Constitution has been amended through the formal amendment process, go back and answer the Chapter Essential Question.

– How has the Constitution lasted through changing times?