

Chapter 3: The Constitution

Section 2

Lecture Notes

The title 'AMERICAN GOVERNMENT' is centered on the page. 'AMERICAN' is in a white, serif font with a thin black outline. 'GOVERNMENT' is in a larger, bold, yellow, sans-serif font with a thick black outline. The text is set against a background of a stylized American flag with blue stars and red and white stripes.

AMERICAN
GOVERNMENT

PEARSON

► Objectives

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.

▶ Key Terms

- **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.

▶ Changing with the Times

- 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.

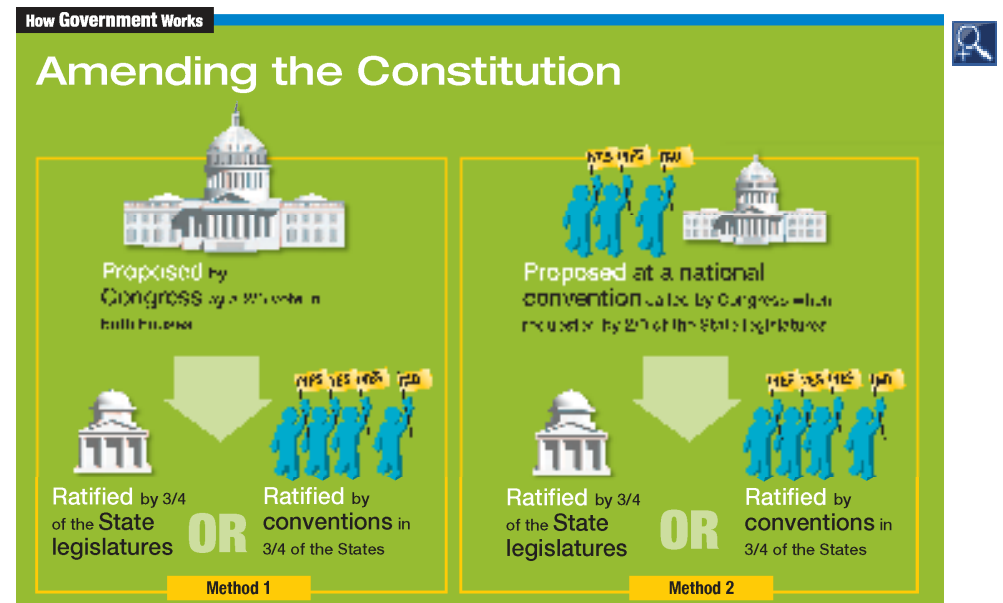
▶ The Amendment Process

- **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.]

▶ The Amendment Process, cont.

- Amendments can be ratified:

- By three-fourths of the state legislatures.
- By conventions in three-fourths of the states. [A method not yet used.]



▶ Federalism

- Checkpoint: How does the federal amendment process reflect the concept of federalism?
 - Amendments are proposed at the national level and ratified at the state level by legislatures or conventions.
 - A state can reject an amendment and later decide to ratify it.
 - But a state cannot change its mind after it votes to ratify an amendment.
 - The President cannot veto proposed amendments.

▶ 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.

▶ 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 Bill of Rights

- Checkpoint: What is the purpose of the Bill of Rights?
 - They spell out many basic rights and liberties.
 - Many people would not support the Constitution until a Bill of Rights was promised.

▶ 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 27 Amendments, cont.

- The **15th, 19th, and 26th Amendments** each extended voting rights to a new segment of society:
 - African Americans
 - Women
 - 18-year olds



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▶ The 27 Amendments, cont.

- 1791 - Amendments 1-10
 - Bill of Rights
- 1795 - Amendment 11
 - States immune from certain lawsuits
- 1804 - Amendment 12
 - Changes in electoral college procedures
- 1865 - Amendment 13
 - Abolition of Slavery
- 1868 - Amendment 14
 - Citizenship, equal protection, and due process
- 1870 - Amendment 15
 - No denial of vote because of race, color or previous enslavement



▶ The 27 Amendments, cont.

- 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)



▶ The 27 Amendments, cont.

- 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



▶ Review

- 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?