

# AMENDING THE U.S. CONSTITUTION

## Discussion Questions and Web Links

### **Q . What are amendments? Why did the framers make it possible to amend the Constitution?**

Amendments are formal changes to the Constitution.

The framers understood that they could not foresee issues that would face the nation in the future, but they did not believe that every generation should write a new constitution. They wanted to create a living document with the capacity to evolve with the times. Therefore, the framers included a formal amendment process so that future generations could change the Constitution to meet the nation's needs.

### **Q . Who is responsible for amending the Constitution?**

Article V of the Constitution gives the responsibility for amending the Constitution to Congress and to the states. The president has no formal role in amending the Constitution, although he or she may exert political influence in order to get amendments proposed and ratified. The president does not have the power to veto a constitutional amendment.

### **Q . How is the Constitution amended?**

Article V of the Constitution outlines a two-stage amendment process. The first stage is the proposal. An amendment can be proposed by either a two-thirds vote of both houses of Congress or by a constitutional convention called by Congress at the request of the legislatures in two-thirds of the states. The constitutional convention method has never been used to propose an amendment.

The second stage in the amendment process is ratification. For a proposed amendment to be ratified, it must be approved by legislatures in three-fourths of the states or by special ratifying conventions in three-fourths of the states. All amendments but the 21<sup>st</sup> have been ratified using the state legislature method. Congress determines which ratification method is used, but in either case, the power of ratification lies solely with the states.

### **Q . How many amendments have been made to the Constitution?**

While more than 10,000 have been suggested, just **27** have been both proposed by Congress and ratified by the states.

### **Q . Are amendments permanent changes to the Constitution?**

Yes, unless another amendment is made repealing the former amendment. For example, the 21<sup>st</sup> Amendment is the repeal of the 18<sup>th</sup> Amendment, which prohibited the manufacture and sale of alcohol.

## **Q . How long does it take for the states to ratify an amendment?**

The amount of time necessary for ratification varies from amendment to amendment. For example, while the 26<sup>th</sup> Amendment, granting all citizens 18 years and older the right to vote, was ratified in a mere 100 days, it has taken years for other amendments to achieve ratification. An amendment must be ratified within a reasonable time so that it continues to reflect the will of the people. To make this possible, Congress has begun to specify a ratification time limit of seven years in the text of proposed amendments.

## **Q . What is the Bill of Rights? Why was the Constitution amended so soon after its ratification?**

The Bill of Rights, the first ten amendments to the Constitution, lists the rights that cannot be taken away from the people. For example, the First Amendment establishes freedom of speech, free exercise of religion, freedom of the press, the right to assembly and much else. A large portion of the Bill of Rights speaks to one's guaranteed rights in court proceedings.

During the debate over the ratification of the Constitution, many argued for a list of rights that could not be taken away by the new government. They feared that without an enumeration of these rights the new government would trample individual freedoms. In the end, the states ratified the Constitution without a bill of rights but with an understanding that the very first session of Congress would add these amendments. Congress did so, and the Bill of Rights was ratified December 15, 1791.

## **Web Sites**

- **<http://www.usconstitution.net>**
  - Information on the Amendment process and amendment history
  - 139 questions and answers to frequently asked questions about the Constitution
- **<http://www.law.cornell.edu/constitution/constitution.overview.html>**
  - Full text of the U.S. Constitution
    - Links to Articles and Amendments
- **<http://findlaw.com/casecode/constitution/>**
  - Annotated and searchable version of the Constitution
    - Explanation of the intricacies of the Constitution
- **<http://www.billofrightsinstitute.org>**
  - Full text of the Bill of Rights
  - Free electronic lesson plans
    - Includes Constitution Day activities
- **<http://www.firstamendmentcenter.org>**
  - Daily First Amendment news
    - Includes analyses by legal specialists
  - Reports on the State of the First Amendment
  - First Amendment electronic library