

Main Idea

The Constitution is both a product of its time and a document for all time. It can be changed as society's needs change.

Reading Focus

1. How did Jefferson and Madison differ in their views on amending the Constitution?
2. Why might the Constitution be called a document for all time?
3. By what processes can the Constitution be amended?
4. What types of amendments have been added to the Constitution over the last 220 years?

Key Terms

supermajority
repeal

Jefferson and Madison on Amending the Constitution

(pg. 79)

In letters to friends, Thomas Jefferson expressed his belief that the Constitution should be able to be changed as society and the country changed. Jefferson thought that change was bound to happen and that the Constitution would need to keep up with how society changed.

Many of Jefferson's arguments were made in letters to fellow Virginian James Madison. Madison worried about Jefferson's views on amending the Constitution. He believed that laws and constitutions increased in authority and acceptance the longer they went unchanged. He also thought that changing the Constitution too often would cause the country to become divided into factions, or groups with competing viewpoints.

Reading Check Contrasting What were Jefferson's and Madison's views on amending the Constitution?

A Document for All Time (pg. 79)

The few changes the Constitution has undergone over more than 220 years show the document's wisdom. However, as Jefferson said, the document was not perfect. For example, it allowed many injustices in American society to go unchanged for many years. As you read in Chapter 2, the Framers made compromises that allowed slavery and the slave trade to continue. Women, nonwhites, and poor people were denied the right to vote for many years. These decisions reflected the beliefs of many in society at the time.

It would be up to future generations to amend the Constitution to take care of these problems. It is the Constitution's ability to add the changing ideas of freedom and liberty that has helped make the document still important today.

Reading Check Identifying Supporting Details Why have changes to the Constitution occasionally been necessary?

The Amendment Process (pg. 79–82)

The process for amending the Constitution is described in Article V. Amendments must be proposed, or suggested, and then ratified, or approved. Article V provides two ways of proposing an amendment and two ways of ratifying it. The Framers made the process difficult so that unimportant amendments would not be added to the Constitution. The Framers also required that each step in the process—proposal and ratification—needed a supermajority. A **supermajority** is a majority—such as three-fifths, two-thirds, or three-fourths—that is larger than a simple majority.

Proposing an Amendment

Amendments to the Constitution may be proposed in two ways:

1. by Congress, with the approval of at least two-thirds of the House and two-thirds of the Senate
2. by delegates at a national convention that is called by Congress at the request of at least two-thirds of the state legislatures

So far, all the amendments to the Constitution have been proposed the first way, by Congress.

Ratifying an Amendment Once an amendment has been formally proposed by either method, Congress sends the proposed amendment to the 50 states for ratification. States can ratify an amendment in one of two ways—but it is Congress that determines which method of ratification is to be used for an amendment. The two methods for ratification are:

1. The proposed amendment is voted on by state legislatures. Legislatures in at least three-fourths of the states must approve an amendment before it is added to the Constitution. In 1978 the Supreme Court ruled that a state legislature may also

ask citizens to vote on an amendment before the legislature votes on it.

2. Citizens elect delegates, or people to represent them, to conventions called in each state specifically to consider the amendment. Passage requires approval by conventions in at least three-fourths of the states.

The fight over prohibition—a ban on the production, transportation, and sale of alcoholic beverages—shows the different ways amendments can be ratified.

Responding to a public demand for outlawing the use of alcohol, Congress proposed a prohibition amendment in 1917. By 1919 enough state legislatures had ratified the proposal to make it the Eighteenth Amendment to the Constitution.

Despite the law, a widespread illegal trade in alcohol sprang up. The law made it illegal to make, transport, or sell alcohol, but drinking alcohol was still legal. Because the illegal trade in alcohol was very profitable, crime surrounding the alcohol trade grew. Prohibition became very unpopular. In 1933 Congress responded by proposing the Twenty-first Amendment to repeal prohibition and to give states the power to regulate the transportation and distribution of alcoholic beverages. To **repeal** a law is to cancel or revoke it by a legislative act—in this case, the Twenty-first Amendment. Supporters of the amendment in Congress thought it had a better chance of being ratified by state conventions of delegates elected specifically to vote on the issue. The strategy worked—36 states ratified the Twenty-first Amendment within the year.

Only 33 amendments have been passed by Congress and sent to the states for ratification. Of those, 27 amendments have been adopted, and the 6 others were rejected.

Reading Check Summarizing What are the four ways of amending the Constitution?

More than 200 Years of Amendments (pg. 82–83)

The process of adding to the Constitution began almost immediately with the passage of the first 10 amendments, known as the Bill of Rights. Another 17 amendments have been added since then.

The Bill of Rights Because many states had concerns about the original Constitution because it lacked a bill of rights, many offered suggestions for amendments after ratification. James Madison drafted 12 amendments to be considered. Congress passed them and sent them to the states. Ten of the 12 were ratified. The Bill of Rights was adopted in 1791.

The First Amendment was created to restrict the power of the national government to interfere with an individual's certain basic freedoms. These include a person's right to practice religion freely. The First Amendment also protects freedom of expression.

The Bill of Rights also contains other specific guarantees. For example, the Second Amendment gives citizens the right to bear arms. The Third Amendment

prevents the government from forcing citizens to provide shelter for soldiers in their homes. The Bill of Rights also includes amendments that prevent the national government from taking rights that belong to the states or to the people.

The Other Amendments Many of the amendments ratified since the Bill of Rights were proposed during periods of crisis or of social or political change. For example, after the Civil War Congress passed the Thirteenth, Fourteenth, and Fifteenth Amendments, which banned slavery, recognized all African Americans as U.S. citizens, and gave African American men various rights, including the right to vote.

The Seventeenth Amendment extended democracy by providing for the popular election of senators—originally state legislatures chose senators. The Nineteenth Amendment gave women the right to vote.

The Framers could never have imagined the changes in the United States in the last 220 years. Yet throughout the growth from young nation to a nation with great power around the world, the Constitution has provided a stable, flexible government.

Reading Check Summarizing What are five issues that constitutional amendments have addressed?

SECTION 2 ASSESSMENT

- 1. Describe** Why did Thomas Jefferson believe that the Constitution should be amended every generation or so?
- 2. Recall** What is a constitutional amendment?
- 3. Identify** What are the ways in which an amendment can be added to the Constitution?
- 4. Explain** What are some of the reasons that amendments have been added to the Constitution?