



# THE AMENDMENT PROCESS



# QUICK FACTS

**Amendment Process** – Allows for changes to the Constitution

**“Living Document”**

**Corrected problem with Articles of Confederation**

## **27 Current Amendments**

- **I-X: Bill of Rights**
- **Added in 1791**
- **Federalists / Anti-Federalist**

**Amendments may overturn previous Amendments or nullify them**

# ELASTIC CLAUSE:

“Necessary and Proper Clause”

The Congress shall have power ...To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof

# PRECEDENTS

An earlier event or action that is regarded as an example or guide to be considered in subsequent similar circumstances.

S.C. looks back at previous cases to determine if (similar) rulings decided issues.

S.C. may set a new precedent

-Tradition establishes "new" ways of doing things.

-"Precedents" create an unwritten constitution - establishes ways things are done although not included in Constitutional text

The Cabinet - Washington establishes advisory group

Political Parties - Two party system has developed

Judicial Review - Supreme Court now has power to review state laws and actions (Marbury v. Madison)

# THE AMENDMENT PROCESS

Article V  
provides **FOUR**  
combinations



## Proposal

Proposal by **two-thirds** vote of both houses of **Congress**

Used successfully **twenty-six** times

## Ratification

Passage by **three-quarters** of state legislatures

Used **once** to repeal Prohibition (Amdt. 21)

Proposal by **two-thirds** vote of **national convention** called by Congress on request of **two-thirds** of state legislatures

Passage by **three-quarters** of **special state conventions**

# BILL OF RIGHTS

\*Take out “cheat sheet”

States demanded a Bill of Rights

- Modeled after English Bill of Rights
- Modeled after Virginia Declaration of Rights

## 13 American Arguments

- Are these *really* natural rights we should have?
- Has the government prevented or blocked these through legislation?
- What other rights should we have? Education? “Livable Wage?”
- Who do these rights apply to?



# 21<sup>ST</sup> CENTURY PROPOSALS

- Federal Marriage Amendment:** End same sex marriages
- Balanced Budget Amendment:** Congress must balance the budget
- Every Vote Counts Amendment:** Abolishes Electoral College to use popular vote
- Citizenship Amendment:** No citizenship unless 1 or more parents were born in US
- Equal Opportunity to Govern:** Naturalized citizens with 20 years of residency could become President (That's me!)
- Term Limits:** Limits Congress to two terms similar to President

# QUICK WRITE:

1) What is an amendment you would like to propose?

- It can be your own idea or one that was discussed in the PowerPoint
- How would this affect the nation for “the good of the people?”
- How might it affect your local community or family?

OR

2) Do you agree or disagree with the rights listed in the first ten amendments of the Constitution?

- What should be eliminated or added?
- Should the amendments be written more clearly?
- How far could the founding fathers have imagined they’d go (eg. Did they foresee AR-15s?)