AMENDING THE CONSTITUTION

Unit 1

INFORMAL AMENDMENT

• Basic Legislation
  – Congress can pass laws that spell out some of the Constitution’s brief provisions.
  – Congress can pass laws defining and interpreting the meaning of constitutional provisions.

• Executive Action
  – Presidents have used their powers to delineate unclear constitutional provisions, for example, making a difference between Congress’s power to declare war and the President’s power to wage war.
  – Presidents have extended their authority over foreign policy by making informal executive agreements with representatives for the Senate to approve formal treaties.
INFORMAL AMENDMENT

• Court Decisions
  – The nation’s courts interpret and apply the Constitution as they see fit, as in *Marbury v. Madison*.
  – The Supreme Court has been called a “constitutional convention in continuous session.”

INFORMAL AMENDMENT

• Party Practices
  – Political parties have been a major source of informal amendment.
  – Political parties have shaped government and its processes by holding political conventions, organizing Congress along party lines, and injecting party politics in the process of presidential appointments.

INFORMAL AMENDMENT

• Custom
  – Each branch of government has developed traditions that fall outside the provisions of the Constitution.
  – An example is the executive advisory body known as the President’s cabinet.
FORMAL AMENDMENT

• First Method – Amendment is proposed by Congress by a two-thirds vote in both houses, then ratified by three-fourths of the State legislatures.
• Second Method – Amendment is proposed by Congress by a two-thirds vote in both houses, then ratified by special conventions in three-fourths of States.

FORMAL AMENDMENT

• Third Method – Amendment is proposed at a national convention when requested by two-thirds of the State legislatures, then ratified by three-fourths of the State legislatures.
• Fourth Method – Amendment is proposed at a national convention called by Congress when requested by two-thirds of the State legislatures, then ratified by special conventions held in three-fourths of the States.

27 AMENDMENTS

• The first 10 amendments are called the Bill of Rights because they set out the great constitutional guarantees of freedoms for the American people.
27 AMENDMENTS

- The Civil War Amendments (13th, 14th, and 15th) combined to end slavery, define American citizenship, proclaim the rights of due process and equal protection of the law, and outlaw restrictions on the right to vote based on race, color, or previous condition of servitude.

27 AMENDMENTS

- Other amendments further define the workings of government, empower the government in certain ways, or deal with important issues.