

# Toward Reform: Methods of Amending the U.S. Constitution

2.6

Distinguish between the methods for proposing and ratifying amendments to the U.S. Constitution.



The Framers did not want to fashion a government subject to the whims of the people. Therefore, they made the formal amendment process a slow one to guard against impulsive amendment of the Constitution. In keeping with this intent, only seventeen amendments have been added since the Bill of Rights. However, informal amendments, prompted by judicial interpretation, cultural and social change, and technological change, have had a tremendous impact on the Constitution.

## Formal Methods of Amending the Constitution

Article V of the Constitution creates a two-stage amendment process: proposal and ratification. The Constitution specifies two ways to accomplish each stage. As illustrated in Figure 2.2, amendments to the Constitution can be proposed by: (1) a vote of two-thirds of the members in both houses of Congress; or, (2) a vote of two-thirds of the state legislatures specifically requesting Congress to call a national convention to propose amendments.

The second method has never been used. Historically, it has served as a fairly effective threat, forcing Congress to consider amendments it might otherwise never have debated.

The ratification process is fairly straightforward. When Congress votes to propose an amendment, the Constitution specifies that the ratification process must occur in one of two ways: (1) a favorable vote in three-fourths of the state legislatures; or, (2) a favorable vote in specially called ratifying conventions in three-fourths of the states.

The Constitution itself was ratified by the favorable vote of nine states in specially called ratifying conventions. The Framers feared that the power of special interests in state legislatures would prevent a positive vote on the new Constitution. Since ratification of the Constitution, however, only one ratifying convention has been called. The Eighteenth Amendment, which outlawed the sale of alcoholic beverages nationwide, was ratified by the first method—a vote in state legislatures. Millions of people broke the law, others died from drinking homemade liquor, and still others made their fortunes selling bootleg or illegal liquor. After a decade of these problems, Congress

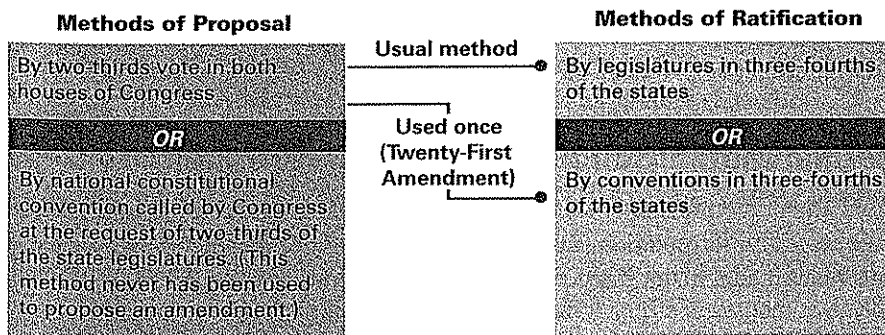


FIGURE 2.2 HOW CAN THE U.S. CONSTITUTION BE AMENDED?

There are two stages to the amendment process: proposal and ratification. An amendment can be proposed by two-thirds of either both houses of Congress or the state legislatures. It can be ratified by three-fourths of the state legislatures or special ratifying conventions called in each of the states.