



A Living Document



Explore These Questions

- What is the formal process for changing the Constitution?
- What is the purpose of the Bill of Rights?
- What informal changes have been made to the Constitution?

Define

- amendment
- precedent
- Cabinet
- judicial review

Identify

- First Amendment
- Fourth Amendment
- Sixth Amendment
- Elastic Clause
- Commerce Clause



The framers of the Constitution realized that the nation would grow and change. With this in mind, they created a living Constitution—one that could be altered and improved to meet new conditions and challenges as they arose. As George Washington commented:

“I do not think we are more inspired, have more wisdom, or possess more virtue than those who will come after us.”

Formal Changes to the Constitution

The framers spelled out a process for making **amendments**, or formal written changes, to the Constitution. Amending the Constitution is not easy, however. It requires two difficult steps: proposal and ratification. (See the chart on page 223.)

Proposing an amendment

Article 5 describes two methods for proposing amendments. Two thirds of each house of Congress can vote to propose an amendment. Or two thirds of the state legislatures can demand that Congress summon a national “convention for proposing amendments.”

So far, only the first method—a vote by Congress—has been used. As experts have pointed out, the Constitution does not give guidelines for a national convention. Who should set the agenda? How should dele-

gates be selected? Such questions probably would cause much delay and confusion.

Ratifying an amendment

Article 5 also outlines two methods of ratifying a proposed amendment. Either three fourths of the state legislatures or three fourths of the states meeting in special conventions must approve the amendment. Congress decides which method of ratification to use.

So far, only the Twenty-first Amendment was ratified by state conventions. All other amendments were ratified by state legislatures. In recent years, Congress has set a time limit for ratification. The limit today is seven years, but it may be extended.

The 27 Amendments

As you can see, the amendment process is a difficult one. Since 1789, more than 9,000 amendments have been introduced in Congress. Yet, only 27 amendments have been ratified!

The Bill of Rights

The original Constitution did not list basic freedoms of the people. In fact, several states refused to ratify the Constitution until they were promised that a bill of rights would be added. Those states wanted to ensure that the national government would not be able to take away people’s basic freedoms.

The Bill of Rights, the first 10 amendments to the Constitution, was ratified in 1791. (See the chart on page 215.)

You will recognize many of the freedoms in the Bill of Rights. The **First Amendment** protects your right to worship and speak freely and to hold peaceful meetings. The **Fourth Amendment** protects you from “unreasonable” search and seizure of your home and property. The **Sixth Amendment** guarantees you the right to a trial by jury.

The protections of the Bill of Rights extend into many areas of your life. Suppose that you sent a letter to a newspaper criticizing the governor. Without the First Amendment protection of free speech, the governor might order your arrest. Without the Sixth Amendment, you might even be imprisoned for years without a trial.

Amendments 11 through 27

Only 17 amendments have been ratified since 1791. Several of these amendments reflect changing ideas about equality.

Amendments 13 through 15—the so-called Civil War amendments—were passed

to protect the rights of former slaves. The Thirteenth Amendment ended slavery. The Fourteenth Amendment guaranteed citizenship and constitutional rights to African Americans. The Fifteenth Amendment guaranteed African Americans the right to vote.

Equality was also the goal of two later amendments. The Nineteenth Amendment gave women the right to vote. The Twenty-sixth Amendment set age 18 as the minimum voting age. The chart on page 215 lists Amendments 11 through 27. For more information about the amendments, refer to the page numbers shown on the chart.

Informal Changes

The language of the Constitution provides a general outline rather than specific details about the national government. Over time, this flexible language has allowed the government to adapt to the changing needs of the nation.



