U.S. Government Name:

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Amending the Constitution

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The framers never meant for the Constitution to provide a complete and detailed blueprint for government. As Alexander Hamilton noted in 1788, “Constitutions should consist only of general provisions: The reason is, that they must necessarily be permanent, and that they cannot calculate for the possible changes of things.”

In general, the framers made broad statements and left it to political leaders to work out many of the specific details of governing. They also built in an amendment process, in Article V, that would allow for formal changes to the Constitution. They hoped that this flexibility would allow the Constitution and the government to endure.

**The Amendment Process Is Not Easy**

Although the framers understood that amendments might be necessary, they did not want such changes to be taken lightly. For that reason, they made the amendment process difficult. More than 11,000 amendments have been introduced in Congress over the years, but only 33 have been sent on to the states for ratification, and of these, only 27 have been ratified.

Article V lays out a two-step amendment process. Amendments can be proposed and ratified in four ways. However, one method has been used almost exclusively over the years. In this typical method, an amendment is first proposed by a two-thirds vote in both houses of Congress. The proposed amendment is then sent to the states, where it must be ratified by the legislatures of at least three-fourths of the states. Only one amendment, the Twenty-first, which ended prohibition, was ratified in a different way. It was approved not by state legislatures, but by special conventions in three-fourths of the states.

The president has no formal role in the amendment process. The chief executive can support or oppose a proposed amendment, but has no power to approve or block its passage. That power lies exclusively with Congress and the states.

Only one provision of the Constitution—the equal representation of states in the Senate—is not open to amendment. This point is made explicit in Article V: “no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.” This prohibition was meant to ensure that all states—even the smallest and least populated—would always have two seats in the Senate. This was a key compromise worked out during the writing of the Constitution.

Some critics contend that the equal-representation provision is undemocratic. They point out that today over half the U.S. population lives in just nine states: California, Texas, New York, Florida, Illinois, Pennsylvania, Ohio, Michigan, and Georgia. Yet just 18 out of 100 senators represent this half of the population.

Adapted from TCI*Government Alive!*

Follow Up Questions: (answer on a separate sheet of paper)

1. Which Article of the Constitution deals with the amendment process?
2. What is an amendment?
3. How many total Amendments to the Constitution are there?
4. What is the typical process for passing an Amendment?
5. What is another way an amendment can be passed (HINT: explain the method used with the 21st Amendment)
6. What role does the president have with the amendment process?