

AMENDING THE UNITED STATES CONSTITUTION

SS.7.CG.3.5 Explain the amendment process outlined in Article V of the U.S. Constitution.

TABLE OF CONTENTS

Essential Teacher Content Background Information	2
Lesson Summary	5
Suggested Student Activity Sequence & Pace	7
Civics Content Vocabulary	9
Additional Resources, Answer Keys, and Sources	10

2023 BENCHMARK UPDATES

- Updated from SS.7.C.3.5
 - Changed from “Explain the constitutional amendment process.” to “Explain the amendment process outlined in Article V of the U.S. Constitution.”
- Depth of Knowledge Changes within Benchmark
 - No changes
- Benchmark Clarification Changes
 - Changed from “Students will recognize the significance of the difficulty of ~~formally~~ amending the U.S. Constitution.” to “Students will recognize the significance of the difficulty of amending the U.S. Constitution.”
- Vocabulary Changes
 - Addition of Article V

Essential Teacher Content Background Information

[Teacher Content Notes Not Appropriate For Student Use]

This section addresses the following topics:

1. Amendment Procedures Outlined in the U.S. Constitution
2. Significance and the Difficulty of the Amendment Process
3. Amendments to the U.S. Constitution
4. Amending the Florida Constitution

1. Amendment Procedures Outlined in the U.S. Constitution

Article V of the U.S. Constitution outlines two methods for introducing amendments to the U.S. Constitution. These methods are:

- A. Two-thirds of each house of Congress vote to amend the U.S. Constitution followed by three-fourths of the state legislatures (or conventions of the state legislatures) approving the amendment.
- B. A national convention where two-thirds of all states are represented votes to introduce an amendment followed by three-fourths of the state legislatures (or conventions of the state legislatures) approving the amendment.

Both circumstances require that three-fourths of the state legislatures (or their conventions) approve an amendment before it becomes part of the U.S. Constitution. The amendment procedure in many ways reflects a states' rights approach, where the state legislatures or their conventions are responsible for ratifying all amendments.

2. Significance and the Difficulty of the Amendment Process

The Framers included an amendment process so that the Constitution would be a “living document”. As a “living document”, the Constitution could be changed to reflect significant changes in the social and political landscape. While the Framers understood the need for an amendment process, they did not want the process to be easy. The Framers also wanted to insure “buy-in” from the national and state governments.

The amendment process requires “supermajorities” from the Congress and state governments. The requirement that 2/3 of each house of Congress approve any amendment exceeds the minimum 50%+1 required for votes on all bills. That three-fourths of the state legislatures must approve of any amendment plus requirements in Congress speaks to bringing together regional, political, ideological and demographic differences for the sake of common goals.

The Framers made the amendment process difficult because once an amendment is added to the Constitution it is part of it; no federal or state law may conflict with it. Once a proposed amendment is ratified, no part of it may be found unconstitutional because that amendment is now part of the Constitution. This means that federal and state laws may be challenged as unconstitutional because they are believed to conflict with the Constitution. And, the U.S. Supreme Court sets precedents in its decision making such that, should a challenged state or federal law be found unconstitutional, that decision will have a long term impact. Finally, reversing an amendment requires another amendment which means that the same difficult process for amending the Constitution is needed in order to repeal an amendment.

3. Amendments to the U.S. Constitution

The Constitution has been amended 27 times; the first 10 amendments, the “Bill of Rights”, were ratified in 1791. The Constitution was last amended in 1992.

Many constitutional amendments exhibit a theme or timeframe in which they were ratified such as the Bill of Rights which reflects the Anti-Federalists’ fears that the federal government would infringe on basic personal and political rights. The “Civil War Amendments”, the 13th, 14th and 15th Amendments (1865-1870) were part of the post-Civil War Reconstruction. These amendments eliminated slavery, defined citizenship, and prevented the states from denying male citizens the right to vote. Southern states were expected to ratify these amendments following the Civil War in exchange for monetary support from the federal government. Three 20th century amendments reflect concerns about a presidency growing too powerful; the 20th Amendment (1933), reduces the “lame duck period” between Election Day and Inauguration Day, the 22nd Amendment (1951) limits the presidency to two four year terms and the 25th Amendment (1967), which provides that the vice-president shall become “acting president” when the president is unable or unwilling to serve.

Three amendments deny states the right to limit voting rights to certain populations including the 15th Amendment (1870) protecting racial minorities, the 19th Amendment (1920) protecting women and the 26th Amendment (1971) which extended voting rights to 18 to 21 year olds. Before the 15th and 19th Amendments were ratified, states could deny citizens voting rights based on race and sex. Before 1971, some states allowed only those 21 and older the right to vote.

The last constitutional amendment denies Congress the right to raise its own pay (Congress may vote to raise the pay of the next Congress; Congresses last two years), was originally approved by Congress in 1789 but was not ratified until 1992. This amendment had no ratification deadline. When Congress introduces an amendment, it may include a ratification deadline (typically seven years) although one is not required.

Only one amendment has been rescinded. The 18th Amendment that prohibited the “manufacture, sale, or transportation” of alcohol was ratified in 1919. It was rescinded with the 21st Amendment in 1933. Since then, there has been some debate about rescinding other amendments, such as the 22nd Amendment which limits presidential terms.

In addition to the U.S. Constitution providing no ratification timeline, it is also worth noting that the U.S. Constitution is silent on two other matters critical to amendment ratification. First, there is no provision for states rescinding their votes. A state legislature may ratify a federal amendment and then decide later, during the amendment ratification window, to rescind its vote. For example, during the Equal Rights Amendment ratification period (originally 1972-1979, and then extended to 1983), four states that had ratified the amendment later reversed their votes. Questions have arisen as to whether a state has a right to take such action. Further, while Article V requires that three-fourths of the legislatures ratify amendments, the U.S. Constitution is silent on what constitutes legislative support. This means that some states may require 50%+ 1 for passage while others may require higher percentage thresholds such as 60% or more. In Illinois, for example, the state Senate voted 59% approval for the ERA while the House of Representatives voted 64% to ratify; however, the Illinois constitution required at least 60% of the vote in both houses for ratification. The same percentages in other states, such as Florida (which required 50% + 1 at the time), would have insured ratification.

Article V of the U.S. Constitution provides for a state-centered amendment ratification process. While over 11,000 amendments have been introduced, the U.S. Constitution has been amended 27 times, including one rescission. Further, all 27 amendments were introduced in Congress. In one instance of the 27 have the

states ratified an amendment through ratifying conventions of the state legislatures (the 21st Amendment); otherwise, all amendments have been ratified by state legislatures.

4. Amending the Florida Constitution

Amending the Florida constitution is a process quite different from amending the U.S. Constitution. Unlike the two processes for amending the U.S. Constitution, amendments to the Florida may be submitted using one of five different methods. At the national level, only elected state and federal legislators may vote on constitutional amendments; in Florida, all registered voters may vote on amendments. One final difference is that the process for amending the U.S. Constitution has never changed; in Florida, many procedures have changed, including several in the 21st century (listed below).

The following table is adapted and updated from “Vote Smart Florida” (Available at: <http://www.votesmartflorida.org/mx/hm.asp?id=waystoamendconstitution>) which outlines the ways that amendments to Florida’s constitution are introduced.

Method Name	What it Means
Ballot Initiative Process:	According to Article XI, Section 3 of the Florida Constitution, a committee must register with the Secretary of State. The committee must collect a number of signatures equal to eight percent of the votes cast in the most recent presidential election from at least one-half of the congressional districts in the state. One-half of the congressional districts is equal to 14.
Constitutional Convention:	Florida voters may call a constitutional convention by collecting a designated amount of signatures and then gaining a majority of the vote to the question "Shall a constitutional convention be held?"
Constitutional Revision Commission:	Composed of 37 members, this commission meets every 20 years to examine the constitution of the state and propose the amendments deemed necessary.
Legislative Joint Resolution:	The Florida Legislature can pass a joint resolution supported by three-fifths of the membership of each house of the legislature.

Lesson Summary

ESSENTIAL QUESTION		
How can the United States Constitution be amended? Why is the amendment process difficult?		
BENCHMARK		
SS.7.CG.3.5 Explain the amendment process outlined in Article V of the U.S. Constitution.		
CIVICS EOC REPORTING CATEGORY		
N/A		
OVERVIEW		
In this lesson, students will learn about amending the U.S. Constitution and ratifying proposed amendments, including the sequence, importance, and difficulty of the process.		
BENCHMARK CLARIFICATIONS		
<ul style="list-style-type: none"> Students will recognize the methods used to propose and ratify amendments to the U.S. Constitution. Students will identify the correct sequence of each amendment process. Students will identify the importance of a formal amendment process. Students will recognize the significance of the difficulty of amending the U.S. Constitution. 		
BENCHMARK CONTENT LIMITS		
N/A		
CIVICS CONTENT VOCABULARY		
<ul style="list-style-type: none"> amendment, Article V, caucus, ratify, rescind 		
INSTRUCTIONAL STRATEGIES		
Close reading of complex text	Cooperative learning	Inquiry with primary source
MATERIALS		
<ul style="list-style-type: none"> Poster paper/copy paper Markers or colored pencils A Closer Look At The 19th Amendment activity sheet I Did Not Raise My Girl To Be A Voter image National Archives Cartoon Analysis Worksheet (external link; optional) Bad Romance: Women's Suffrage video (external link) U.S. Constitution: Article V (external link) The Amendment Process reading Amending the Constitution activity sheet Women's Rights Case Study: The Difficulty of Amending the U.S. Constitution reading Women's Rights Case Study Graphic Organizer 		

B.E.S.T. STANDARDS
<ul style="list-style-type: none">● ELA.7.R.2.1- Explain how individual text sections and/or features convey a purpose in texts.● ELA.7.R.3.2- Paraphrase content from grade-level texts.● ELA.V.1.3- Apply knowledge of context clues, figurative language, word relationships, reference materials, and/or background knowledge to determine the connotative and denotative meaning of words and phrases, appropriate to grade level.● ELA.K12.EE.1.1- Cite evidence to explain and justify reasoning.

Suggested Student Activity Sequence & Pace

DAY	ACTIVITY SEQUENCE
DAY 1	<ol style="list-style-type: none"> To begin this lesson, pass out the “A Closer Look At The 19th Amendment” activity sheet. Project the “I Did Not Raise My Girl To Be A Voter” image. Pose the following questions for discussion: What do you think is going on in this cartoon? What is the issue on which it is focusing? How do you know? Instruct students to complete page 1 of their activity sheet. Teacher Note: If your students require additional direction for analyzing this cartoon, please use the National Archives Cartoon Analysis Worksheet. Teacher Note: ‘I did not raise my girl to be a voter’ political cartoon: An anti-suffragist sings in the foreground, directed by a political boss and accompanied by a procurer, a dive keeper, a child labor employer, a grafter, a cadet, and a sweat-shop owner. Caption: ‘I did not raise my girl to be a voter’; soprano solo with vociferous supporting chorus of male voices.’ (1915) As a whole group, review student answers. Next, show students the “Bad Romance: Women’s Suffrage” video from Soomo Publishing about women’s suffrage based on Lady Gaga’s song, ‘Bad Romance’. Instruct students to fill out the ‘video’ section of the student activity sheet while watching the video. Teacher Note: If you have not already taught SS.7.CG.2.3, students will need background knowledge on women’s suffrage. Discuss with students the following key points (can do this by replaying the video and pausing at key points also): <ul style="list-style-type: none"> The video depicts the struggle for women’s suffrage in the early 20th century, resulting in the passage of the 19th Amendment that gave women the right to vote. The U.S. President was a silent observer of the events because the President does not vote on constitutional amendments. The video depicts methods of civil disobedience used by women’s suffrage activists and the treatment to which they were subjected. The video also references passage of the 14th and 15th Amendments as part of the evolution of voting rights in the United States. The video depicts a group of Tennessee state legislators arguing before they voted on the amendment; this is an example of a caucus. Reinforce to students that the political cartoon and video represent a specific amendment and they will examine the methods to propose and ratify amendments to the United States Constitution. To wrap up the lesson, have students share their responses to question 4 from the video section of the activity sheet.
DAY 2	<ol style="list-style-type: none"> To begin the lesson, ask students: Why is it important to have a process to change, or add amendments, to the U.S. Constitution? Have students share answers with a partner or in a whole group. Project the “U.S. Constitution: Article V” and explain to the students that Article V of the Constitution describes ways that the Constitution can be changed, or amended, explaining the two possible processes for amending the Constitution.

	<ol style="list-style-type: none"> 4. Pass out “The Amendment Process” reading from iCivics and the “Amending the Constitution” activity sheet. 5. As a class, read “The Amendment Process”. While reading Article V (the step graphics in the text), instruct students to circle or mark any numbers they see. (Examples include, two thirds or three fourths) Have students share out some of the numbers they identified. 6. Direct student attention to the activity sheet and model a think-aloud to complete the first amendment proposal box on the activity sheet. Teacher Note: Using the sample answers, model for students how to use the text on the infographic to think through the information and complete the two sentences in the box. 7. Divide the class into small groups of 2-3. Instruct each group to complete the activity sheet using the information from the reading. Circulate from group to group to check for accuracy and to ensure that students have solidified their understanding of the correct sequence for each method for amending the U.S. Constitution. 8. Review the activity sheet as a whole class. 9. In the same groups, have students create a poster explaining the Amendment Process. Using their reading and information from class, students should be explaining the process to someone that has never heard of the process. These posters should be created to hang in libraries and/or schools.
--	--

DAY 3	<ol style="list-style-type: none"> 1. To begin the lesson, have students brainstorm why amending the U.S. Constitution could be difficult. 2. Distribute the “Women’s Rights Case Study: The Difficulty of Amending the U.S. Constitution” reading and the “Women’s Rights Case Study Graphic Organizer”. 3. Read “Women’s Rights Case Study: The Difficulty of Amending the U.S. Constitution” and review the case study and graphic organizer with students to facilitate activity completion. Teacher Note: The reading provides two stories, one about a successful attempt to get an amendment ratified and added to the Constitution (19th) and about another attempt that was unsuccessful in regards to amending the Constitution (ERA). 4. Checking for Understanding (Formative Assessment): Instruct students to write a well-crafted informative response using the following prompt: <u>Prompt</u> The U.S. Constitution has been amended 27 times out of over 11,000 proposals introduced. Based on what you have learned and citing specific examples from the “Bad Romance Women’s Suffrage” video, the “Amendment Process” reading and activity sheet, and the “Women’s Rights Case Study,” write to explain why there is a low success rate of amending the U.S. Constitution. <p>Extension Activity: Conduct a short research project, utilizing multiple sources and proper citations to complete the following task: Select an amendment and trace the journey of the amendment from proposal to ratification. Include the social, economic, or political issues that impacted the amendment process at each phase of ratification.</p>
-------	--

Civics Content Vocabulary

Word/Term	Definition
amendment	a change to a constitution (e.g., U.S. Constitution, Florida Constitution)
Article V	describes how the U.S. Constitution can be changed
caucus	a meeting to select a candidate or promote a policy
ratify	to confirm by expressing consent or approval
rescind	to officially cancel or overturn

ADDITIONAL RESOURCES

[Civics 360 Resources](#)

Florida Department of Education's Civic Literacy Reading List

- *Words We Live By: Your Annotated Guide to the Constitution* by Linda R. Monk

ANSWER KEYS

Sample Answers: A Closer Look At The 19th Amendment activity sheet

Sample Answers: Amending the Constitution activity sheet

Sample Answers: Women's Rights Case Study Graphic Organizer

Sample Poster Rubric

Written Response: Sample Scoring Rubric

SOURCES

"I did not raise my girl to be a voter" political cartoon from the Library of Congress:

<https://www.loc.gov/pictures/resource/cph.3b49096/>

Article V of the U.S. Constitution: <https://constitutioncenter.org/the-constitution/articles/article-v>

"The Amendment Process, from iCivics:

https://www.icivics.org/sites/default/files/lesson_plan/Anatomy%20of%20Constitution_StudentDocs_0.pdf

"Bad Romance" video: <https://www.soomolearning.com/suffrage>

Women's Rights case study: <http://www.equalrightsamendment.org>