



The Amendment Process

Adding a New Amendment to the United States Constitution

Not an Easy Task!

The United States Constitution was written "to endure for ages to come" Chief Justice John Marshall wrote in the early 1800s. To ensure it would last, the framers made amending the document a difficult task. That difficulty was obvious recently when supporters of congressional term limits and a balanced budget amendment were not successful in getting the new amendments they wanted.

The Constitution has been amended only 27 times since it was drafted in 1787, including the first 10 amendments adopted four years later as the Bill of Rights.

Not just any idea to improve America deserves an amendment. The idea must be one of major impact affecting all Americans or securing rights of citizens.

Recently, an amendment to outlaw flag burning may be gathering steam and President Clinton has endorsed the idea of a crime victims' rights amendment. Other amendment proposals that are popular with some congressional leaders would allow voluntary school prayer, make English the country's official language, and abolish the Electoral College.

Among amendments adopted this century are those that gave women the right to vote; enacted and repealed Prohibition; abolished poll taxes; and lowered the minimum voting age from 21 to 18.

The amendment process is very difficult and time consuming: A proposed amendment must be passed by two-thirds of both houses of Congress, then ratified by the legislatures of three-fourths of the states. The ERA Amendment did not pass the necessary majority of state legislatures in the 1980s. Another option to start the amendment process is that two-thirds of the state legislatures could ask Congress to call a Constitutional Convention.

A new Constitutional Convention has never happened, but the idea has its backers. A retired federal judge, Malcolm R. Wilkey, called a few years ago for a new convention. "The Constitution has been corrupted by the system which has led to gridlock, too much influence by interest groups, and members of Congress who focus excessively on getting reelected," Wilkey said in a published series of lectures.

But Richard C. Leone, president of the New York-based Twentieth Century Fund, a nonpartisan research group, says recent efforts to amend the Constitution go too far. "I think we're overreacting to some people's dissatisfaction with the government," Leone said. His organization hopes to balance the argument by publishing The New Federalist Papers, taking the name from the original Federalist Papers which were written to promote ratification of the Constitution.

Polsby, the Northwestern law professor, said the number of proposed amendments is not uncommon. But he agreed that political fixes do not necessarily belong in the Constitution - with Prohibition being the prime example.

Information Resource: Amendment Fever Grips Washington: by Laurie Asseo Â© - Associated Press - edited for html by Robert Hedges