**Constitutional Amendment Study – 2015**

**League of Women Voters United States**

**I Basic information**

Constitution of the United States <http://constitutioncenter.org/constitution/full-text>

* Proposed Constitution was signed by George Washington and his fellow members of the Constitutional Convention on September 17, 1787. (*Note: This is the only constitutional convention we have had*.)
* The Constitution became the law of the land with the convening of the first session of Congress on March 4 and the inauguration of President Washington on April 30, 1789.

Outline of the Constitution

* Article I Legislative Department – Congress (House of Representatives and Senate)
* Article II Executive Department – President
* Article III Judicial Department – Supreme Court, etc.
* Article IV Relations of States
* Article V Provisions for Amendment
* Article VI Public Debts; Supremacy of Nat’l Law; Oath
* Article VIII Ratification of the Constitution
* Amendments
  + 1st -10th = The Bill of Rights (Adopted as a package Dec. 15, 1791)
  + 11th -27th include:
    - 13th, 14th and 15th = Civil War Amendments [end slavery; citizenship; right to vote] (1865, 1868, 1870)
    - 19th = Right of Women to vote (Aug. 18, 1920)
    - 26th = Right of 18-year-olds to vote (July 1, 1971)

Article V – Provisions for Amendment

* Four ways to amend the Constitution of the U.S.
  + Proposed by Congress, two-thirds vote in each house; Ratified by three-fourth of state legislatures. *Twenty-six of present 27 amendments adopted this way.*
  + Proposed by Congress, two-thirds vote in each house; Ratified by conventions called for the purpose in three-fourths of the states. *The 21st Amendment, which repealed the 19th (prohibition), adopted this way.*
  + Proposed by a national convention: “Congress [at request of two-thirds of state legislatures] shall call a convention for proposing Amendments….” Ratified by three-fourths of state legislatures. *Between 1963-1969, came within one state of a convention to amend the Constitution to erase the Supreme Court’s “one-man, one-vote” decision. Between 1975-1991 came within two states of a convention to amend the Constitution to require a balanced budget.*
  + Proposed by a national convention, as above, and ratified by conventions in three-fourths of the states.
* Chart



Basic Question: If 2/3 of the States (34) call for a convention “for proposing Amendments,” is there any way to control what such a convention would be able to do to our Constitution?

“[T]here is no way to effectively limit or muzzle the action of a Constitutional Convention… Congress might try to limit the Convention to one amendment or one issue, but there is no way to assure that the Convention would obey.”

*Former Supreme Court Chief Justice Warren Burger*

“I certainly would not want a constitutional convention. Whoa! Who knows what would come of it?”

*Supreme Court Justice Antonin Scalia*

“[M]ulti-colony and multi-state conventions [in the 1700s] were governed by universally-accepted convention practices and protocols [which] shaped the meaning of Article V.” These practices and protocols would prevent a “runaway” convention today.

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