

Amendments to the Constitution

Standard 5.2: Amendments to the Constitution

Explain the historical context and significance of changes in the Constitution, including key amendments.

(Massachusetts Curriculum Framework for History and Social Studies) [8.T5.2]



[1870 Print Celebrating Passage of the 15th Amendment](#), Public Domain

FOCUS QUESTION: How has the Constitution Been Amended and What has Been the Impact of Those Amendments?

[Article V of the Constitution](#) deals with how to **amend** (change) the laws of the land.

The authors of the Constitution recognized that change would be needed from time to time so they established a rigorous **amendment** process. While the Constitution has been changed over time, it is not easy to do, nor has it happened often.

Since 1787, [11,770 amendments have been proposed](#) but just [27 have been passed](#)—the first 10 were the [Bill of Rights](#).



[Watch on YouTube](#)

Here is an overview of [Amendments 11-27](#). The most well-known and impactful amendments have dealt with freedom of speech, the right to vote, civil rights for African Americans and women, and Prohibition and its repeal. However, most amendments have dealt with voting procedures, elections, and government administration ([Texas A&M University School of Law](#), 2019).

A [summary of all Amendments to the Constitution](#) is available from the National Constitution Center.

What amendment is most well-known and considered most important? A majority of Americans (77 percent) know the First Amendment and its protections of freedom of speech, religion, assembly, and the press; four in ten (41 percent) say it is the most important. One in four (27 percent) Republicans indicate the Second Amendment is most important ([Moore, 2016](#)). A case can be made for the significance of the 19th Amendment, for as journalist Lynn Sherr observed, "In 1872, Susan B. Anthony was arrested for the crime of voting while female. In 1920, that "crime" became a right" (quoted in Matchin, 2020, p. B8). How you rate your knowledge of the amendments and which ones do you regard as most important and/or most historically impactful?

Modules for this Standard Include:

1. [INVESTIGATE: Prohibition and the 18th and 21st Amendments](#)
 - MEDIA LITERACY CONNECTIONS: Prohibition in the Media
2. [UNCOVER: Alice Paul and the History of the ERA \(Equal Rights Amendment\)](#)
 - MEDIA LITERACY CONNECTIONS: [The Equal Rights Amendment on Twitter and other Social Media](#)
3. [ENGAGE: What New Amendments to the Constitution are Needed Today?](#)
 - SPECIAL TOPIC BOX: Constitution Rights Around the World

1. INVESTIGATE: Prohibition and the 18th and 21st Amendments

In 1919, the United States passed the [18th Amendment](#), prohibiting the manufacture, sale, and transportation of alcohol. It began a period in American history known as **Prohibition**.



[Prohibition agents destroying barrels of alcohol, 1921](#), Public Domain

The Prohibition era, noted historian Daniel Okrent (2011), is framed by a profound historical puzzle: “How did a freedom-loving people decide to give up a private right that had been freely exercised by millions upon millions since the first Europeans arrived in the New World?” (p. 3).

One answer is that the United States emerged from World War I with “deep seismic faults in its society,” giving rise to “clashes” between urban and traditional society that would reverberate through the decade and beyond. Exploring Prohibition is a way to “help students grasp the era’s great complexity and give them insights into different cultural attitudes that still exist in our society” (Gifford, 1996, p. 3).

Prohibition was repealed by the [21st Amendment](#) in 1933. For a brief overview of the entire period, see [Unintended Consequences](#) by Michael Lerner from the Ken Burns Prohibition website.

Media Literacy Connections: Prohibition in the Media

Prohibition and its repeal was a much more complex era of American history than has been typically understood. The support for and against Prohibition was created by a mix of social, economic, and political factors surrounding the use of alcohol. Some considered alcohol as a threat to traditional values, while others considered it just another commodity.

Individuals and groups (known as Wets and Drys) on each side of the issue used the media of the day (radio, newspapers, music) to influence public policy. But what media messages would people have created if they had access to modern-day social media?

In this activity, you will examine how individuals and groups used advertisements, cartoons, videos, and other media to spread messages for and against Prohibition and then you will create your own video advertisement for and against Prohibition.

- [Activity: Make Media for and Against Prohibition](#)



[Watch on YouTube](#)

Suggested Learning Activities

- **Compose a Song**
 - Explore the [Prohibition Rap by Bob Maloy](#).
 - Read the article "[Songs of the Temperance Movement and Prohibition](#)."
 - Compose and record a rap, song, spoken word poem or musical piece about the 18th Amendment and 21st Amendments (check out Linda Johnson's [Composition Planning Template](#) to get started).
- **Argue For or Against:** Should the drinking age be lowered to 18?
 - 21 is the legal minimum age for drinking alcohol in the United States, although 45 states allow underage consumption under certain circumstances ([State-by-state rules](#))

Online Resources for the Prohibition Era

- [Traditionalism and Modernity in the 1920s](#)
- [Ken Burns' prohibition trailer](#) video
- [Explore a picture gallery](#) on Prohibition from the Discovery Channel
- "[The Lawless Decade](#)" - a companion site to the book by Paul Sann
- [Bet You Didn't Know: Prohibition | History](#) video
- [People of the Prohibition](#)

2. UNCOVER: Alice Paul and the History of the Equal Rights Amendment (ERA)

Suffragist, feminist, and women's rights activist, [Alice Paul](#) wrote the [Equal Rights Amendment \(or ERA\)](#) in 1923. Originally called the "[Lucretia Mott Amendment](#)" (1921), the ERA "seeks to end legal distinctions between men and women in terms of divorce, property, employment and other matters" ([EqualRightsAmendment.org, 2018, para. 1](#)).



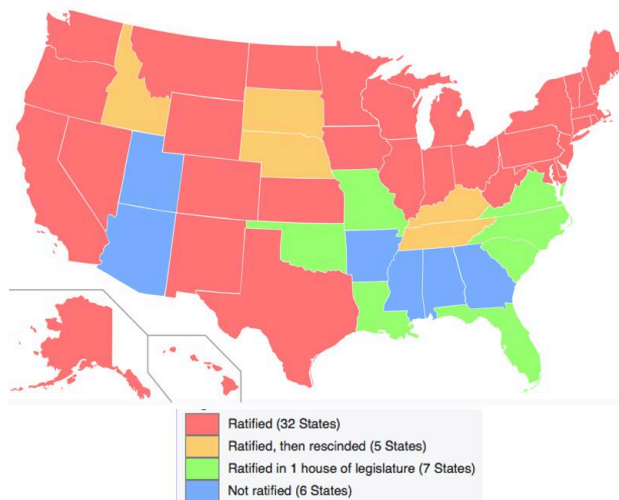
The ERA was widely opposed and remained so for 50 years until 1972 when it was passed by Congress and sent to the states for ratification. In the mid-1970s, [First Lady Betty Ford](#) was one of the amendment's leading supporters.



[Alice Paul in 1915](#), Public Domain

The ERA needed to be ratified by **38 states** within seven years in order to become a part of the Constitution. Conservative and Christian activists, notably [Phyllis Schlafly](#), led the movement opposing ratification of the ERA in the 1970s, claiming the amendment would lead to tax dollars being spent on abortion, civil rights for same sex couples, women being drafted into the military, and unisex bathrooms. The anti-ERA campaign was successful and the amendment was not passed by the 1982 deadline. Schlafly's daughter Anne Schlafly Cori is an anti-ERA leader today.

In 2018, Illinois became the 37th state to ratify the amendment; Nevada having done so in 2017 (NPR, 2017). That left the ERA one state short of the three-quarters of the states total needed for passage of a constitutional amendment. Virginia then passed the ERA in early 2020.



[Equal Rights Amendment Map](#), 2007 with States That Seek to Rescind Their Votes in Yellow/Public Domain

What happens now? The original deadline for ratification has long passed, although the [27th Amendment](#) was first proposed in 1789 and was not ratified until 1992. Congress would need to vote to void its earlier deadline in order to confirm the result. But in the meantime five states (Nebraska, Tennessee, Idaho, Kentucky, and South Dakota) that originally passed the ERA have attempted withdrawn their support. Are the votes of those states now null and void? The issue is likely to go the Supreme Court for resolution.

Media Literacy Connections: The Equal Rights Amendment on Twitter and other Social Media

The Equal Rights Amendment (ERA) continues to be a sharply contested constitutional topic. An [Associated Press/NORC Center for Public Affairs Research poll](#) in 2020 found that 3 in 4 Americans support the amendment, but that support has not translated into making the ERA part of the Constitution.

Meanwhile, proponents and opponents make extensive use of the media, particularly social media, to build support for their side of the issue.

In these activities, you will explore how the ERA is being discussed on social media and then you will design a social media campaign to convince politicians to vote for the passage of the ERA.

- [Activity 1: Evaluate how the ERA is Discussed on Twitter](#)
- [Activity 2: Design a Social Media Campaign for the ERA](#)



[Watch on YouTube](#)

Suggested Learning Activities

Design & Create

- **Activity 1:**
 - Create an infographic or drawing that compares and contrasts the pros and cons of the Equal Rights Amendment.
- **Activity 2:**
 - Imagine you are a campaign manager for a politician in your state. Create a 1-2 minute political advertisement for or against the ERA. Use the claims from either side of the ERA debate over the past 100 years to support or oppose ratification of the ERA.
- **Activity 3:**
 - Pretend you are contacting a politician in your state, urging them to take action in support of the ERA. Create a 1-2 minute political advertisement for or against the ERA. Use the claims from either side of the ERA debate over the past 100 years to support or oppose ratification of the ERA.

Research & Curate

- Research Alice Paul's life and curate a collection of information about Alice and the Equal Rights Amendment in a wiki page, [Wakelet wake](#), or Google slide deck. Include at least one primary source, one multimedia source, one interactive web resource, and one secondary source.
 - [Biography of Alice Paul](#) from the National Women's History Museum
 - [Alice Paul](#) from Belmont-Paul Women's Equality National Monument, District of Columbia
 - [The Women's Movement of the 1960s and 1970s](#)

Online Resources for the Equal Rights Amendment

- [History of the Equal Rights Amendment](#) from the Alice Paul Institute
- A [chronology of the Equal Rights Amendment](#)
- [HipHughes' History video on the ERA](#)
- [What happened to the Equal Rights Amendment](#) - a video on the ERA and why it has repeatedly failed
- [Website of Congresswoman Carolyn B. Maloney](#) (New York's 12th District) for more information on her efforts to reintroduce the Equal Rights Amendment.

3. ENGAGE: What New Amendments to the Constitution Are Needed Today?

In our country, every state as well as the federal government has a constitution and these documents are being amended (changed) all the time.

More than **40 constitutional amendments are introduced in Congress every year**. They range across the political spectrum from overturning the Citizens United Supreme Court decision (from progressive and liberal groups) to repealing the 16th Amendment's federal income tax (from conservative groups).

Amendments to balance the federal budget, implement campaign finance reform, punish flag desecration, and institute the direct election of the President have been the ones most often introduced since 1999. Hardly any of these proposed

amendments get voted on, but the ideas of the amendments are added to the overall public dialogue about national and state policy ([Desilver, 2018](#)).

Proposals for a 28th Amendment to the Federal Constitution

There are active proposals for a 28th Amendment to the federal Constitution that would put into law, including:

- Gun Safety Measures and Ending Gun Violence. [Link to June 8, 2023 announcement by California governor Gavin Newsom](#).
- Overturn Citizens United Supreme Court decision and set limits on corporate campaign contributions. [Link to statement by Congressman Adam Schiff](#).
- Laws Applying Equally to U.S. citizens and members of Congress. [Link to statement from Moveon.org](#)
- Right to be Born into a Healthy Environment. [Link to the 28th Amendment Project](#), University of California San Diego.

Changes to State Constitutions

At the state level, constitutional change happens much more often. Voters have approved [733 changes to state constitutions between 2006 and 2020](#). The 2022 mid-term elections saw voters in Michigan, California and Vermont approving amendments to those state constitutions to affirm and protect abortion rights. In the same election, voters in Kentucky rejected an anti-abortion amendment to their state constitution ([The New York Times](#), November 9, 2022).

What new amendments should be added to the U.S. constitution or to your state's constitution? Which ones are essential for life in the 21st century?

You can read what different scholars think about changes to the Constitution in a [New Constitutional Amendments](#) interactive from the *New York Times* (August 4, 2021).

Special Topic Box: Constitution Rights Around the World

What countries in the world guarantee the most rights for the people who live there? The answer may surprise you. It is not the United States, but Ecuador, Bolivia, and Serbia (see the [Comparative Constitutions Project rankings](#)).

Ecuador's constitution guarantees 99 rights and Bolivia and Serbia list 88 rights, while the U.S. Constitution guarantees only 35 rights.

In early September 2022, voters in Chile rejected a new constitution that would have been the most progressive in the world - guaranteeing more than 100 rights. Which of the following rights proposed in the rejected document (as reported by [the New York Times, September 4, 2022](#)) would you adopt if you were rewriting or amending the U.S. Constitution?

Right to:

- Freedom of expression, religion and worldview
- Housing, health, and education
- Free time
- Physical activity
- Sex education
- Cybersecurity
- Free and full legal advice
- Adequate, healthy, sufficient, nutritionally complete and culturally relevant food
- Develop your personality, identity, and life projects
- Live in safe and violence-free environments
- Equitable, fair, and sufficient pay
- Choice of identity in all its dimensions and manifestations
- Voluntary interruption of pregnancy
- To form unions and to strike
- Allow animals to live free from mistreatment
- Protect and respect nature

Suggested Learning Activity

What do you see as the most fundamental rights on the list? Universal health care? Abortion rights? Rights for Nature? What additional rights would you add? What are the 3 most important rights to you? Why?

Design a social media campaign to motivate local, state, and national legislators to add one of your top selected rights to the Constitution.

Suggested Learning Activities

- **Propose an Amendment to the Student Code of Conduct at a school**
 - The term amendment and the concept of amending a rule, a law, or a constitution are unfamiliar ideas for many students so the challenge is how to make this real for them. Ask students how they would amend the Student Code of Conduct at their school. A school's code is like the Constitution and the Bill of Rights in the U.S. Government. It sets forth rights and responsibilities for both students and adults.
 - Exploring a school's current code of conduct and how students might amend it to better ensure that it protects and expands everyone's rights and privileges could be an opener to learning about amendments to the Constitution. Students would have a topic they are interested in (the code of conduct), ideas they care about (their suggestions for change), and working knowledge of what amendments are all about (how amendments happen).
- **Make an Argument**
 - Discuss and debate: Should There Be Another Constitutional Convention?
 - Although it has never happened in U.S. history, Article V of the Constitution allows states to initiate new amendments by holding a constitutional convention.
 - Here are resources to learn about the process:
 - [Do We Need Another Constitutional Convention?](#)
 - [Doing the Math for a Constitutional Convention](#)
 - [Article V Convention to Propose Constitutional Amendments](#)

Online Resources for Amendments to the Constitution

- **Lesson Plan:** [Lesson 5: What Makes an Amendment?](#) Scholastic. Justice by the People: A Civics, History, and Language Arts Program
- [Amending America: How Do We Amend?](#) (video)
- [Adding a New Amendment to the U.S. Constitution. Not an Easy Task!](#) from the Harry S. Truman Presidential Library
- For more on the amendment process, see [Article V: Amending the Constitution](#) from the Exploring Constitutional Conflicts website from the University of Missouri Kansas City
- [Article V: Amendment Process](#)
- [Amending the Constitution](#), National Conference of State Legislatures

Standard 5.2 Conclusion

The amendment process has produced highly consequential changes to the United States Constitution. INVESTIGATE looked at the Prohibition Era that began with the 18th Amendment and ended with the 21st Amendment. UNCOVER explored the long history of the Equal Rights Amendment (ERA) that began with Alice Paul and continues to be supported and opposed today. ENGAGE asked students what new amendments to the Constitution do they think are needed today.



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