

## SECTION 3



SS.7.C.2.4; SS.7.C.3.5; SS.7.C.3.6; SS.7.C.3.7; SS.7.C.3.12;  
LA.7.1.6.1; LA.7.1.7.1

# An Enduring Document

## BEFORE YOU READ

### The Main Idea

The Constitution is an enduring document that has met the needs of a changing country for more than 200 years.

### Reading Focus

1. How did the framers envision change when writing the Constitution?
2. What are two ways in which the Constitution may be changed?

### Key Terms

amendment, p. 100  
repeal, p. 100  
cabinet, p. 101



Use the graphic organizer online to take notes on the U.S. Constitution.

*We the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do hereby adopt this Constitution for the United States of America.*

The framers of the Constitution of the United States knew that we the people might need to change the Constitution. Therefore, they included ways for us to amend the document.

The Constitution of the United States



Our nation has changed greatly since 1787, when the Constitution was written. However, the framers of the Constitution planned a system of government that could adapt to meet changing conditions and changing needs. The U.S. Constitution is truly an enduring document.

## Envisioning Change

The authors of the Constitution sat at wooden desks, dipping a quill pen into a bottle of ink to scratch notes on paper made of pressed animal skin. When they finally finished the document, it was copied on wooden

printing presses. It took days or weeks for the copies to be delivered, on horseback or by carriage, to the 13 states.

The Constitution has traveled in time for more than two centuries to the legislators of the present. Today's lawmakers ride in cars and airplanes, talk on cellular phones, and get email on portable electronic devices. Their discussions in Congress appear instantly to millions of people worldwide on television and the Internet. Lawmakers wrestle with issues unimaginable to the nation's founders: What steps should the nation take to protect against nuclear terrorism? How should the government spend its *trillions* of dollars?



## FOCUS ON

Like the U.S. Constitution, Florida's constitution includes a list of rights guaranteed to its citizens. However, the Florida constitution lists them first, in Article I. Also, amendments to the constitution work a little differently. Instead of being listed at the end, changes to the Florida constitution are made to the text of the official document, often with explanatory notes.

The framers realized that Americans might someday want or need to change the Constitution. Therefore, they included in the Constitution a process for making changes to it. The framers wrote the document to be adaptable to situations they could never have imagined.

### READING CHECK

#### Drawing Inferences and

**Conclusions** What are some changes in modern times that the framers could not have foreseen?

## Changing the Constitution

Altering the Constitution is difficult. The framers wanted the Constitution to endure the influence of politics and temporary changes of public opinion. The Constitution can be changed in two ways: formally by amendment and informally by government acts or by custom.

### The Amendment Process

An **amendment** is a written change made to the Constitution. Article V of the Constitution outlines the process for making amendments. Proposed amendments must be approved by three-fourths of the states. The process can take a long time, and success is never certain. Lawmakers have succeeded in changing the document only 27 times, a small number considering how much the nation has grown and changed.

An amendment may be proposed in two ways:

- Congress can propose an amendment by a two-thirds vote in both houses.
- The legislatures of two-thirds of the states—34 out of 50—can ask Congress to call a national convention to propose an amendment.

After an amendment has been proposed, it must then be ratified, or approved, by the states. There are two ways an amendment may be ratified. The method of ratification must be described in each proposed amendment.

- The proposed amendment can be sent to the state legislatures for approval. All but one of the amendments to the Constitution were approved this way.
- The proposed amendment can be sent to state conventions for consideration.

After an amendment has been ratified by three-fourths (38) of the states, it becomes part of the written Constitution. If the people do not like the effects of an amendment, another amendment can be passed to **repeal**, or cancel, it. The most famous repeal occurred in 1933, when the Twenty-first Amendment was passed to repeal the Eighteenth Amendment, which had banned the production and sale of alcohol.

## The Constitution Endures

### QUICK FACTS

The framers of the Constitution recognized that as society changed, there had to be a way to make sure that the Constitution endured as the foundation of democracy. These amendments helped expand voting rights.

*If the right to vote is expanded or extended today to include more citizens, to whom do you think the right to vote might be given?*



### Thirteenth, Fourteenth, and Fifteenth Amendments

Ratified 1865, 1868, and 1870 Passed as a result of the Civil War and gave African Americans full citizenship in the United States



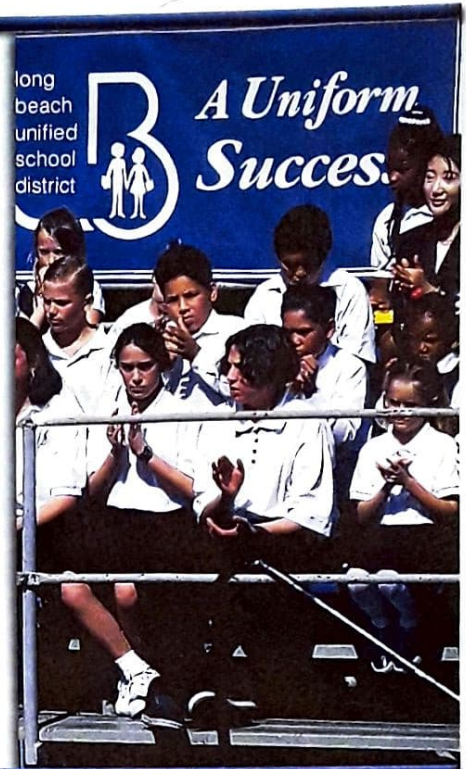
## Are Public School Uniforms Constitutional?

In his 1996 State of the Union address, President Bill Clinton said, "If it means that teenagers will stop killing each other over designer jackets, then our public schools should be able to require their students to wear school uniforms."

After President Clinton's speech, public schools began to require uniforms. They wanted to improve discipline and reduce gang violence. However, critics of the idea, including many teens, argue that students have the right to express themselves through their dress.

The closest Supreme Court case related to this issue is *Tinker v. Des Moines*. There the Court ruled that students had the right to wear black armbands to school to protest the Vietnam War. The Court specifically noted that this quiet protest did not interfere with school operations or the rights of others. Today, some people believe that the *Tinker* decision supports a constitutional right to dress how they want to (within limits). Others believe it protects expression of beliefs, not clothes.

Do you think students are less able to express themselves if they have to wear uniforms? Why?



## Interpreting the Constitution

The Constitution does not attempt to cover every possible situation. It sets broad guidelines for governing. A number of changes in the federal government have come about simply through custom and tradition. For example, the Constitution does not call for regular meetings of the executive branch. However, President George Washington

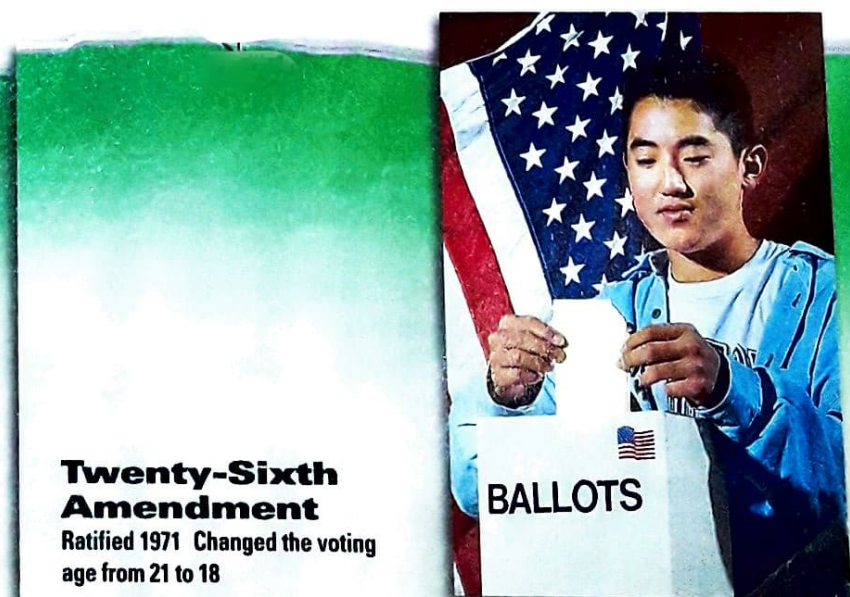
brought these leaders together regularly to serve as his advisers. They are known as the president's **cabinet**. Since those early days, meetings between the president and the cabinet have been an accepted practice.

Such traditions are seldom written down or passed into law. For this reason, they are sometimes referred to as the "unwritten Constitution."



### Nineteenth Amendment

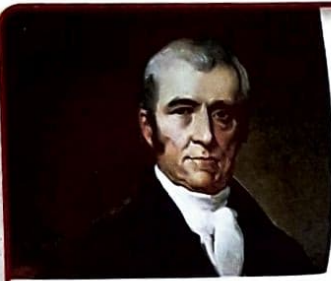
Ratified 1920 Gave women the right to vote



### Twenty-Sixth Amendment

Ratified 1971 Changed the voting age from 21 to 18





## FOCUS ON John Marshall (1755–1835)

John Marshall was a prominent Federalist. President John Adams appointed Marshall as chief justice of the Supreme Court in

1801. As chief justice, Marshall played a key role in cases such as *Marbury v. Madison*. It established the principle that the Court was an equal branch of government. In the *McCulloch v. Maryland* case, the Court declared that Congress had powers beyond those specifically listed in the Constitution. Marshall's actions and decisions made him one of the most influential Supreme Court justices in U.S. history.

**Summarizing** How did Marshall increase the power of the Supreme Court?

**SS.7.C.3.12** Analyze the significance and outcomes of landmark Supreme Court cases including, but not limited to, *Marbury v. Madison*, *Plessy v. Ferguson*, *Brown v. Board of Education*, *Gideon v. Wainwright*, *Miranda v. Arizona*, *In re Gault*, *Tinker v. Des Moines*, *Hazelwood v. Kuhlmeier*, *United States v. Nixon*, and *Bush v. Gore*.

### Congress and the Constitution

Congress often applies the Constitution to a particular issue in society. It does this by interpreting whether some passage, or clause, in the Constitution gives Congress the authority to pass a particular law.

For example, the Constitution says nothing about whether all workers should earn a minimum wage. However, the Constitution does give Congress the power to

control trade among the states. Goods made by workers usually travel from one state to another. So Congress decided that the Constitution gives it the power to pass laws affecting working conditions nationwide. This includes wage rates. It then wrote laws establishing a minimum wage.

The Supreme Court has the power to decide if Congress has interpreted the Constitution correctly. The Court's interpretation is final. If the Supreme Court rules that a law is unconstitutional, the law is dead. If the Court upholds the law, it remains in effect.

If the Supreme Court declares an act of Congress unconstitutional, Congress may rewrite the law. If Congress overcomes the Court's objections, the new law will stand. For example, Congress may not pass bills of attainder (laws that punish a person without a jury trial) or ex post facto laws (which make an act a crime after the act has been committed). Congress also may not suspend the writ of habeas corpus. This is a court order requiring the government to bring a prisoner to court and explain why he or she is being held.

**READING CHECK** **Analyzing Information** How can the Constitution be changed?

## SECTION 3 ASSESSMENT

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ONLINE QUIZ

### Reviewing Ideas and Terms

- a. Explain** Why is it important that the framers wrote the Constitution to include a process for changing the Constitution?

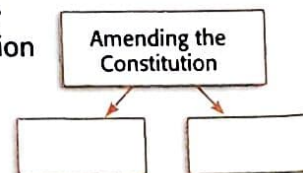
**b. Elaborate** How have changes in daily life since 1787 changed the problems that lawmakers deal with today?
- a. Define** Write a brief definition for the terms **amendment**, **repeal**, and **cabinet**.

**b. Explain** What are the two ways that an amendment to the Constitution may be proposed?

**c. Predict** What might happen if it were easier to amend the Constitution?

### Critical Thinking

- 3. Categorizing** Draw a graphic organizer like this one on your own sheet of paper. Then, use your notes to summarize the two ways in which the Constitution can be amended.



### FOCUS ON WRITING

- 4. Supporting a Point of View** Imagine that you are a delegate to the Constitutional Convention in Philadelphia in 1787. Write a short speech that will convince the other delegates that it is important to make the Constitution an enduring document.