

TEACHING AMERICAN HISTORY PROJECT – 2009-2012

Amendments to the US Constitution in the 20th Century

By Melissa Szych

Grade - 8

Length of class period – 50 minutes

Inquiry – (What essential question are students answering, what problem are they solving, or what decision are they making?)

What were some Amendments made to the Constitution in the 20th Century and why were they enacted?

Objectives (What content and skills do you expect students to learn from this lesson?)

-As part of the Decade Unit, students will need to identify 3 Laws or Amendments enacted during their assigned decade. This lesson will help students to better understand the reasons behind why new Laws and Amendments are made, how they are made and get a better understanding of how the Constitution evolved during the 20th Century.

Materials (What primary sources or local resources are the basis for this lesson?) – (please attach)

**-Copies of Amendments made to the Constitution from 1900-2000
-Internet access**

Activities (What will you and your students do during the lesson to promote learning?)

**-Review the Constitution from our previous unit on American Government
-Read some background information on what Amendments are
-Give each pair of students an Amendment enacted during the 20th Century and bring them to the computer lab to research their assigned Amendment.
-Each pair will answer questions about their Amendment on the sheet provided
-Students will present their findings to the class
-A follow-up discussion by the teacher on the fact that not all proposed Amendments are ratified. An example to use would be the Equal Rights Amendment that almost became part of the Constitution, but was not ratified by enough states (*see description below)**

How will you assess what student learned during this lesson?

**-Observing students while they are researching information
-Presentations students give about what they learned
-Collect their questions**

Connecticut Grade Level Expectations-

- **Evaluate the impact of the US Constitution on the lives of US citizens**
- **Assess primary and secondary sources, including internet sources, to determine accuracy and validity.**
- **Orally present information on social studies events or issues and support with primary and secondary evidence.**

***Equal Rights Amendment:**

“These simple words comprise the entire text of the Equal Rights Amendment (ERA), affirming the equal application of the U.S. Constitution to both females and males.

The ERA was written in 1923 by Alice Paul, suffragist leader and founder of the National Woman's Party. She and the NWP considered the ERA to be the next necessary step after the 19th Amendment (affirming women's right to vote) in guaranteeing "equal justice under law" to all citizens.

The ERA was introduced into every session of Congress between 1923 and 1972, when it was passed and sent to the states for ratification. The seven-year time limit in the ERA's proposing clause was extended by Congress to June 30, 1982, but at the deadline, the ERA had been ratified by 35 states, leaving it three states short of the 38 required for ratification. It has been reintroduced into every Congress since that time.

In the 110th Congress (2007 - 2008), the Equal Rights Amendment has been introduced as S.J. Res. 10 (Sen. Edward Kennedy, MA, lead sponsor) and H.J. Res. 40 (Rep. Carolyn Maloney, NY, lead sponsor). These bills impose no deadline on the ratification process in their proposing clauses. The ERA Task Force of the National Council of Women's Organizations supports these bills and urges groups and individuals to advocate for more co-sponsors and passage.”
(<http://www.equalrightsamendment.org/overview.htm>)

Name: _____ SS _____ Date: _____

After reading the Background information on Amendments, you and your partner will research a particular Amendment made to the US Constitution during the 20th Century.

Background information:

Amendments

“When the Constitution was written, the Framers knew their creation was not perfect. They knew that other people would have good ideas for the Constitution, that future generations would want to make changes. They wanted to make it possible to change the Constitution without needing to resort to revolution. They wanted to be sure that it wasn't too hard to make changes, but they also wanted to be sure that it wasn't too easy.

The Framers added an amendment process. An amendment to the Constitution is a change that can add to the Constitution or change an older part of it. An amendment can even overturn a previous amendment, as the 21st did to the 18th. There are a few methods to amend the Constitution, but the most common is to pass an amendment through the Congress, on a two-thirds vote. After that, the amendment goes to the states, and if three-quarters of the states pass the amendment, it is considered a part of the Constitution — it has been ratified.

One of the biggest reasons a lot of people opposed the original Constitution was because it lacked a bill of rights. A bill of rights is a list of rights that belong to the people that the government is not allowed to break. Some of these rights might sound familiar: the right of free speech, the right to practice your own religion, and the right to be silent if the police accuse you of a crime. The original Constitution had no bill of rights. Many of the Framers did not think it was necessary. But to get the Constitution to pass in some of the states, promises were made to add a bill of rights once the new government was up and running.

After the new government started to meet, Congress proposed the Bill of Rights. A list of twelve changes was sent to the states, and a few years later, in 1791, ten of those changes were accepted by enough of the states that they were added to the Constitution. These ten changes are called the "Bill of Rights."

Other changes to the Constitution are discussed below. The last change to the Constitution was made in 1992. The 27th Amendment is actually one of the two left-over amendments from 1791. It is very unusual for an amendment to take that long to be accepted, but it is possible. Some, like the 26th Amendment, are accepted very quickly, in just 100 days. Most, though, take a little over a year to be ratified.” (<http://www.usconstitution.net/constkids.html>)

Name: _____ SS _____ Date: _____

Directions: Using the following websites, or ones you find on your own, answer the questions below and prepare to present your findings to the class.

- **The Constitution For Kids:** <http://www.usconstitution.net/constkids.html>
- **Cleverley.org:** <http://www.cleverley.org/areopagus/docs/usconst/usamend4.html>
- **Congress for Kids:**
http://www.congressforkids.net/games/amendments/2_amendments.htm
- **Info please:** <http://www.infoplease.com/ipa/A0749825.html>

Questions:

1. When was your Amendment enacted?
2. Why was it enacted? Why did people find it necessary to make this change?
3. What group(s) of people were affected by the creation of this Amendment; who did it benefit?

Copy and cut-up to pass out assigned Amendments

20th Century Amendments

Amendment XVI (1913)

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census of enumeration.

Amendment XVII (1913)

The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided, that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct. This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

This would have been a triumph for the Jeffersonian wing of the Constitutional convention, whose opponents did their best to ensure rule by "the great and the good" by requiring that Senators be appointed by the state legislatures and not by the people. This was the closest they could come, if not to the House of Lords that many of them hankered for, then to the Roman Senate: a chamber that represented the sober (i.e. comfortably off) members of society, rather than the unruly and passionate mob. Now they had finally lost out. It may seem trivial incidentally, but is actually worth noting, that the recent film 'Gladiator' assumes that the Roman Senate was elected and worked for the good of the people. It may have sometimes done the second but it was never the first. The Roman Senate represented the patrician families of Rome, not the people, and that was what the Founding Fathers (barring the Jeffersonians) felt their Senate should also do.

Amendment XVIII (1919)

Section 1

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2

The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

Section 3

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the Congress.

This amendment is not of any constitutional importance, but it is interesting to note, from the current situation with regard to drugs and tobacco, that its horrendous consequences for the "domestic tranquillity" sought by the Founding Fathers in the preamble failed to teach most Americans any lasting lesson.

Amendment XIX (1920)

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.
Congress shall have power to enforce this article by appropriate legislation.

Again no-one could quarrel with this, but in the light of contemporary preoccupations, perhaps they should have said "gender".

Amendment XX (1933)

Section 1

The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in

which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission.

Amendment XXI (1933)

Section 1

The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2

The transportation or importation into any state, territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the Congress.

Amendment XXII (1951)

Section 1

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this article shall not apply to any person holding the office of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the

date of its submission to the states by the Congress.

Amendment XXIII (1961)

Section 1

The District constituting the seat of government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a state, but in no event more than the least populous state; they shall be in addition to those appointed by the states, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a state; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXIV (1964)

Section 1

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXV (1967)

Section 1

In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President

pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office.

Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

This plugged a gap in the Constitution, which had failed to consider that a President might become unfit to serve. It only became of interest in the period of the Clinton impeachment, when at least some people were saying he should be impeached because he was "unfit to govern". A President who is unfit to govern is not subject to impeachment but to the procedure laid out above - which effectively says that his own natural supporters must take the action, not his opponents.

Amendment XXVI (1971)

Section 1

The right of citizens of the United States, who are 18 years of age or older, to vote, shall not be denied or abridged by the United States or any state on account of age.

Section 2

The Congress shall have the power to enforce this article by appropriate legislation.

Amendment XXVII (1992)

No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.