

5.2. 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 being the **Bill of Rights**. Here is an overview of [Amendments 11-27](#). A [summary of all Amendments to the Constitution](#) is available from the National Constitution Center.

Modules for this Standard Include:

1. [INVESTIGATE: Prohibition and the 18th and 21st Amendments](#)
2. [UNCOVER: Alice Paul and the History of the ERA \(Equal Rights Amendment\)](#)
3. [ENGAGE: What New Amendments to the Constitution are Needed Today?](#)

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).



Watch on YouTube <https://edtechbooks.org/-ZkiZ>

Prohibition was repealed by the [21st Amendment](#) in 1933.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.

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
- **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](https://www.equalrights.org/2018/01/26/equal-rights-amendment-25th-anniversary/)).

THE ERA EXPLAINED



Watch on YouTube <https://edtechbooks.org/-VefZ>

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](https://www.firstladybettyford.com/) was one of the amendment's leading supporters.

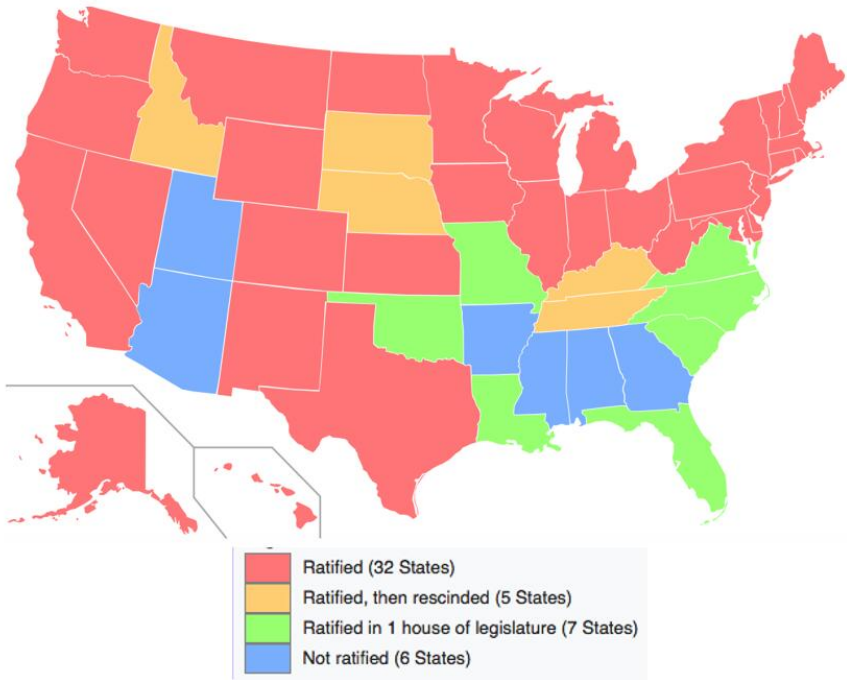


[Alice Paul in 1915](#), Public Domain

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.

Suggested Learning Activities

- **Design**

- Create a infographic or drawing that compares and contrasts the pros and cons of the Equal Rights Amendment.
- Then, design a poster urging for or against the passage of the Equal Rights Amendment.

- **Research**

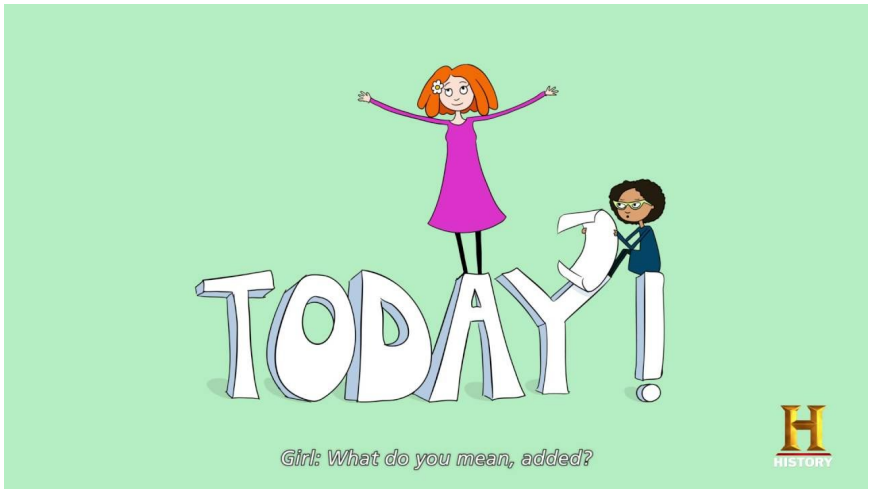
- Research Alice Paul's life and curate a collection of information about Alice in a wiki page, [Wakelet wake](#), or Google slide deck. Include a least one primary source, one multimedia source, one interactive web resource, and one secondary source.
 - [Biography of Alice Paul](#) from the National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

Online Resources for the Equal Rights Amendment

- The [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
- The [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?

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 the left) to repealing the 16th Amendment's federal income tax (from the right).



Girl: What do you mean, added?

Watch on YouTube <https://edtechbooks.org/-ZcL>

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](#)).

Suggested Learning Activities

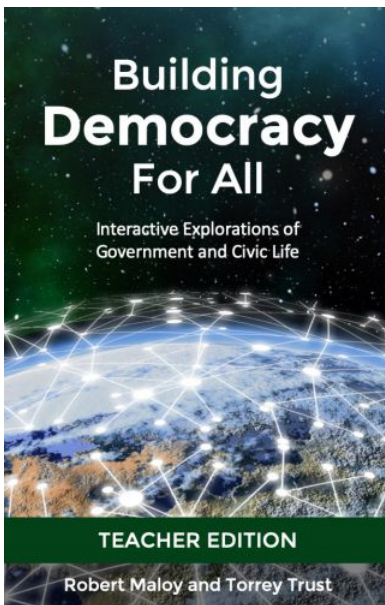
- **Propose an New Amendment**
 - What new amendment would you propose to the government?
 - Why is that amendment needed in today's society?
- **Make an Argument**
 - Discuss and debate: Should There Be Another Constitutional Convention?
 - Although it has never happened in U.S. history, Article V of 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.



Maloy, R. W. & Trust, T. (2020). *Building Democracy for All: Interactive Explorations of Government and Civic Life*. EdTech Books. Retrieved from <https://edtechbooks.org/democracy>