

## 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]



## 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.

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](#)
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.

## Media Literacy Connections: One Minute Marketing For and Against Prohibition

Prohibition and its repeal was a much more complex era of American history than has been typically understood. Prohibition's support and opposition 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?

- **Activity 1:** Imagine you are a social media marketer, but the year is 1919. One manager of a pro-prohibition group and one manager of an anti-prohibition group have come to you asking to create a one minute video, supporting their cause for social media platforms. Create a one minute video for each group to get their message across to a variety of viewers. Make sure to include supporting context evidence for either side that covers the social, economic, historical, and political factors surrounding prohibition in 1919.
  - Video tools:
    - Apple iMovie
    - [Powtoon](#)
    - [TikTok](#)
- **Activity 2:** Provide students with a collection of anti-prohibition and pro-temperance advertisements from the Prohibition era (from alcohol advertisements, political organizations, religious organizations, etc.). Ask students to choose either the anti-prohibition or temperance movement, and collect 3-5 advertisements to evaluate for their efficacy. Ask students to create a slideshow that includes the chosen images, and an assessment of whether they support the anti-prohibition or temperance movements.
  - Slideshow tools:
    - [Google Slides](#)
    - [Buncee](#)
    - [Microsoft Sway](#)
    - Microsoft PowerPoint
- **Activity 3:** Ask students to create a political cartoon for or against prohibition. Provide [these examples to get started](#).
  - Optional Extension: Have students submit photos of their cartoons to Twitter with a project hashtag. Have the students review the cartoons within the hashtag and vote on their favorite cartoon.
- **Resources:**
  - [Why You Couldn't See a Liquor Ad on TV for Half of the 20th Century](#)
  - [The Twenties in Political Cartoons](#)
  - [Media Literacy Connections: Analyzing the Equal Rights Amendment in the Media](#)

## 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 EXPLAINED



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

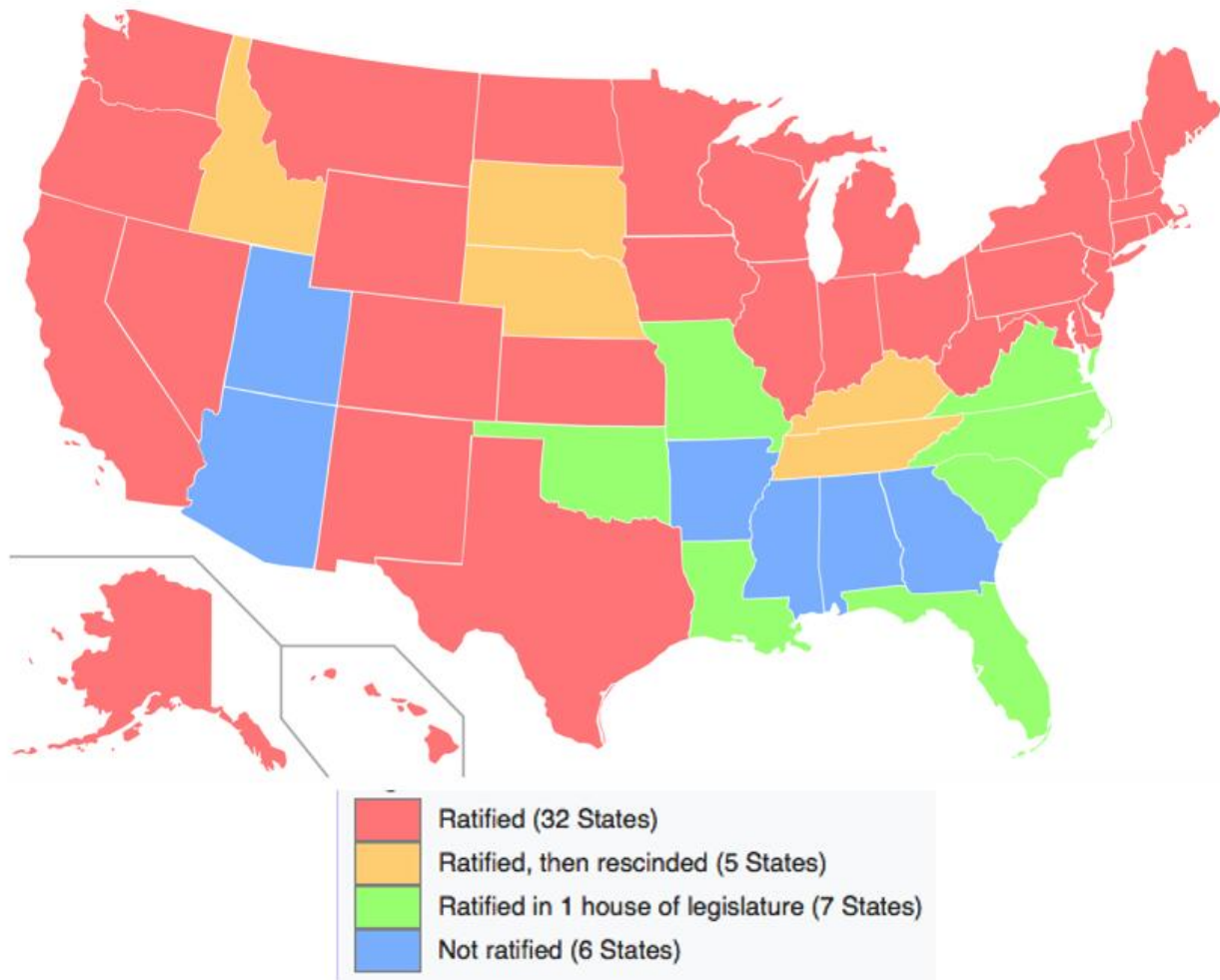
The ERA was widely opposed and remained so for 50 years until 1972 when it was passed by Congress and sent to the states for ratification. In the mid-1970s, [First Lady Betty Ford](#) was one of the amendment's leading supporters.



[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: Analyzing the Equal Rights Amendment in the 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 this activity, we explore how the ERA is being discussed and portrayed in the media.



- **Activity 1**
  - Curate a collection of social media accounts and/or posts in support or opposition to ratification of the ERA (or more broadly, legal protections for women). Choose at least 3 posts and explain how they convey their message and if they are effective in doing so.
- **Activity 2a:**
  - 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 2b:**
  - 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.
- **Activity 3**
  - Watch episode 18, Season 2 (“17 People”) of West Wing on Netflix. Choose either the pro or anti ERA storyline and rewrite the script for the side you have chosen. Add at least 3 new details about the point of view you have chosen to the script.
- **Activity 4**
  - On Twitter, review how politicians discuss their opinions on passing the ERA. Start by looking into hashtags like #passtheERANow #equalrightsamendment and #ERANow and consider the following:
    - Are there more individual politicians or organizations that are using social media to promote their message?
    - Is there more support or opposition present for the passage of the ERA on social media?
    - What kind of language makes up an effective political hashtag?
  - Then, choose a hashtag that is not listed above that effectively supports or opposes the ERA and defend your choice.

**Additional Resources:**

- For Teachers
  - [ERA Social Media Kit](#) (National Organization for Women Foundation)
  - [Not For Ourselves Alone: The Story of Elizabeth Cady Stanton and Susan B. Anthony](#) (PBS)
- For Students
  - [Vote Equality US](#) (Twitter)
  - [ERA Coalition](#) (Twitter)

## 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?

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).



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

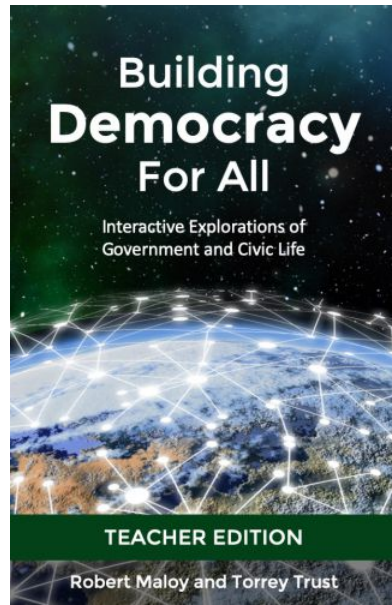
- **Lesson Plan:** [Lesson 5: What Makes an Amendment?](#) Scholastic. Justice by the People: A Civics, History, and Language Arts Program
- [Amending America: How Do We Amend?](#) (video)
- [Adding a New Amendment to the U.S. Constitution. Not an Easy Task!](#) from the Harry S.

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*. EdTech Books.  
<https://edtechbooks.org/democracy>



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