



What is an Amendment?

Purpose: This lesson will ask students to explore what an amendment is by analyzing the Preamble to the United States Constitution. After defining the term amendment students will be presented with a case study and are asked to think critically about the amendment process. Students will also discuss ways in which the Constitution might be amended to make the phrase, *We the People* more accurate. This lesson plan complements YLI's lesson plans, *Amending the Constitution: Why Change?* and *Corresponding with Congressional Leaders*.

Objectives:

1. Students will define the term amendment in order to identify how each of the amendments to the Constitution demonstrates that definition.
2. Students will examine the Equal Rights Amendment in order to discuss reasons why the amendment may not have passed the amendment process.
3. Students will propose changes to the Constitution based on their knowledge of the amendment process.

Key Terms:

Amendment

Preamble

Ratification

Materials:

1. Overhead: *Preamble*.
2. Student handout: *Analyzing the Amendments*.
3. Overhead: *The Amendment Process*.
4. Student handout: *New Drive Afoot to Pass Equal Rights Amendment*. (Eilperin, Juliet. *The Washington Post*, March 28, 2007.)
5. Student handout: *Proposal for an Amendment*.

Procedure:

1. **Warm Up/Motivation:** Display the overhead, *Preamble*. Ask students to read the Preamble out loud and discuss the following questions.
 - ❖ What is the purpose of the Preamble?
 - ❖ What is the goal of the Constitution according to the Preamble?
 - ❖ Who is included in the phrase "*We the People...*" today? A hundred years ago? Two hundred years ago?
 - ❖ Why is the possibility of Constitutional change so important as described by Thomas Jefferson?

2. Place the term *Amendment* on the board or overhead and ask students to give their definition of the term. Answers might include a change, way to create new rules for the country, a way to establish rights for people. After reviewing their answers ask the students to think about the following statement.

An amendment is a change in the function or structure of government that extends the statement *We the People...* to all citizens.

3. Read the first amendment together as a class. Does this amendment fit our definition of Amendment? What is the purpose of the amendment? Does it seek to protect rights and allow us to be full members of our nation? Where do these rights come from?
4. Break the students into pairs and have them examine an amendment or several amendments. Using the student handout, *Analyzing the Amendments* students should explain the purpose of the amendment and how it makes the statement, *We the People* true. When students have completed the activity have them share their observations. Discuss the following questions:
 - ❖ How has the process of amendment made the phrase, *We the People* more accurate?
 - ❖ How does this amendment protect the natural rights of citizens?
 - ❖ Does this amendment change the structure or function of the government?
 - ❖ How do the amendments prove that the Constitution is a living document?

Note: Not all the amendments will fit the definition upon immediate inspection. Amendment XVIII doesn't fit the definition but its repeal does. Other difficult amendments include XVI, XXI and XXIII- you might assign those to more advanced students.
5. Display the overhead, *The Amendment Process*. Working in groups have the students discuss the cartoon. Distribute the student handout, *New Drive Afoot to Pass Equal Rights Amendment*. Review the definition of *amendment* as discussed earlier in the lesson. As a class read the focus questions for the article and make sure that students understand that they will be forming an opinion about the Equal Rights Amendment. Students should read independently and highlight information that will help them in answering the focus questions.

Sites for additional information about the Equal Rights Amendment: The list includes sites both for and against the Amendment.

www.equalrightsamendment.org – Site in support of the ERA
www.now.org/issues/economic/eratext.html- National Organization for Women
www.nrlc.org/Federal/ERA/ERASenateLetter032907.html National Right to Life, letter to the Senate against passing the ERA
www.4ERA.org 4 ERA- Pro-amendment group
www.eagleforum.org Conservative site opposed to the ERA



6. To assess student understanding of the term *amendment* and the amendment process, distribute the student handout, *Proposing an Amendment*. Using the criteria established earlier in the lesson, students will support a proposal for or against the Equal Rights Amendment by writing a letter to a Congressional representative. For additional help in writing to a representative see the YLI lesson plan, *Corresponding with Congressional Leaders*.

Extension Activity: Ask the students to make proposals for future amendments. Students should discuss the pros/cons of the proposals and try to identify possible unintended consequences of such amendments. Have students write letters to the editor of your local paper in support of the amendments or send your letters to YLI for inclusion in National Constitutional Convention in Washington, DC on October 19th.

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The Preamble



Thomas Jefferson's Quotes on the Constitution:

Nothing is more likely than that the enumeration of powers is defective. This is the ordinary case of all human works. Let us go on perfecting it by adding by way of amendment to the Constitution those powers which time and trial show are still wanting.

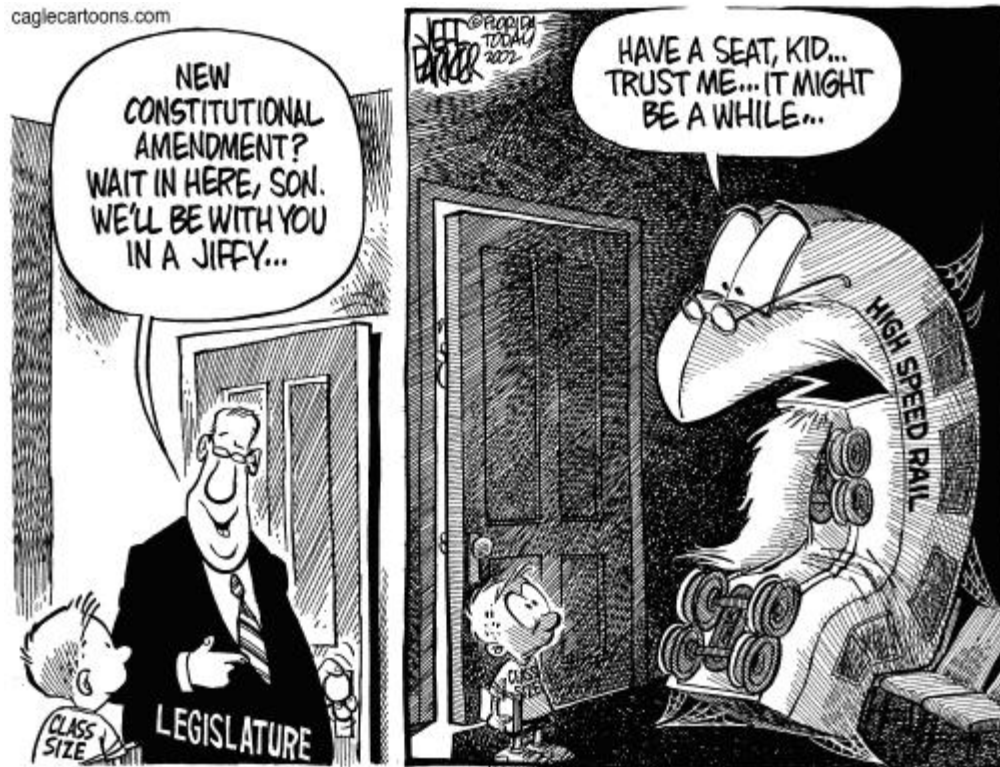
-To Wilson Nicholas, 1803

No Society can make a perpetual constitution, or even a perpetual law.

-To James Madison, 1789

- ❖ In what ways would the United States Constitution have been “defective” in 1789?
- ❖ How has the use of Constitutional amendment promoted the extension of freedom described in the Declaration of Independence?

The Amendment Process



Jeff Parker, 2002. *Florida Today*. www.caglecartoons.com

- ❖ What does the boy in the cartoon represent? The train?
- ❖ What is the cartoonist saying about the amendment process?
- ❖ Why does the amendment process take so long? What are the advantages and disadvantages of such a long process?
- ❖ According to our discussion of the term “amendment” would either of the amendments waiting for passage in this cartoon fit our definition? Why or why not?



Analyzing the Amendments

Amendment	Purpose	Does it change the function or structure of government?	Does it make the statement, <i>We The People...true?</i>

New Drive Afoot to Pass Equal Rights Amendment

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New Drive Afoot to Pass Equal Rights Amendment

By Juliet Eilperin, Washington Post Staff Writer

Federal and state lawmakers have launched a new drive to pass the Equal Rights Amendment, reviving a feminist goal that faltered a quarter-century ago when the measure did not gain the approval of three-quarters of the state legislatures.

The amendment, which came three states short of enactment in 1982, has been introduced in five state legislatures since January. Yesterday, House and Senate Democrats reintroduced the measure under a new name – the Women’s Equality Amendment – and vowed to bring it to a vote in both chambers by the end of the session.

The renewed push to pass the ERA, which passed the House and Senate overwhelmingly in 1972 and was ratified by 35 states before skidding to a halt, highlights liberals’ renewed sense of power since November’s midterm elections. From Capitol Hill to Arkansas, legislators said they are seizing a political opportunity to enshrine women’s rights in the Constitution.

“Elections have consequences, and isn’t it true those consequences are good right now?” Sen. Barbara Boxer (D-Calif.) asked a mostly female crowd yesterday at a news conference, as the audience cheered. “We are turning this country around, bit by bit, to put it in a more progressive direction.”

The amendment consists of 52 words and has one key line: “Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.” That sentence would subject legal claims of gender discrimination to the same strict scrutiny given by courts to allegations of racial discrimination.

Although more states are considering ratifying the ERA now than at any other time in the past 25 years, activists still face serious hurdles. Every statewide officeholder in Arkansas endorsed the amendment this year, but the bill stalled in committee last week after Eagle Forum President Phyllis Schlafly came to Little Rock to testify against the measure.

In the 1970s, Schlafly and others argued that the ERA would lead to women being drafted by the military and to public unisex bathrooms. Today, she warns lawmakers that its passage would compel courts to approve same-sex marriages and deny Social Security benefits for housewives and widows.

“It’s very retro. It had 10 years of debate, very passionate debate for 10 years, and it was defeated,” Schlafly said in an interview yesterday. “Anytime you get a fair forum where both sides are heard, we win.”



The ERA, originally introduced in Congress in 1923, gained popularity in the mid-1960s. In March 1972, it cleared the first of two hurdles: passing both chambers of Congress by the required two-thirds vote.

Thirty state legislatures ratified it the next year. Congress extended by three years its seven-year deadline for ratification, but the decade passed without approval by the required 38 states. ERA backers have since introduced the resolution in every Congress, but only now do they believe they have a realistic chance of success.

Legal scholars debate whether the 35 state votes to ratify the amendment are still valid. In 1997, three professors argued in the *William and Mary Journal of Women and the Law* that the ERA remained viable because in 1992 the Madison Amendment – which affects congressional pay raises – became the 27th constitutional amendment 203 years after it first won congressional approval. Under that precedent, advocates say, the ERA should become part of the Constitution once three-quarters of the states ratify it, no matter how long that takes.

Even backers of the amendment such as Rep. Jerrold Nadler (D-N.Y.) expect a legal battle on that question. They are reintroducing the amendment in Congress and hope to start the ratification process again from scratch.

Idella Moore, executive officer of Atlanta-based 4ERA, said she and other supporters are trying to convince Americans that it makes sense to adopt the amendment, even though people have not focused on the issue for years.

“It’s a hell of a challenge,” Moore said. “We’re trying to reposition it back into the mainstream.”

ERA backers have enjoyed limited success so far – Florida’s House speaker has yet to assign the bill to committee and the Arkansas House Committee on State Agencies and Governmental Affairs deadlocked 10 to 10. But the drive has sparked a new national discussion on women’s rights.

“I think we’ve made a lot of people think about this and say, ‘Yes, this is the right thing to do,’” said Arkansas state Rep. Lindsley Smith (D), who sponsored the ERA and has vowed to bring it up again when the legislature reconvenes in 2009. “The question I get most frequently is ‘Lindsley, I thought this already was in the Constitution.’”

Jay Barth, a professor of politics at Hendrix College in Conway, Ark., said the recent debate shows both the advances the women’s movement has made in the South and its limitations.

“Gender equity has definitely become a no-brainer aspect of Democratic Party ideology, even in Southern states. Thirty years ago, that was not the case,” Barth said. But he added that when it came to ratifying the amendment this year, “it certainly wasn’t a priority for Democratic Party officials.”



Opponents warn that enacting the amendment could produce unintended consequences. Arkansas state Rep. Dan Greenberg (R) said he opposes the measure because courts in two states have ruled that equal-rights amendments in state constitutions justify state funding for abortion.

“The more general language you have in a constitutional amendment, the more unpredictable the policy impact will be,” Greenberg said.

Caroline Fredrickson, who directs the Washington office of the American Civil Liberties Union, said that “it’s hard to predict” how courts would interpret the amendment. But she said it is more likely the ERA would allow women to sue for higher pay and other benefits. “It has really hampered women’s ability to get fair treatment in the workplace and other aspects of their lives,” she said.

It remains unclear whether the amendment – which has 194 House co-sponsors and 10 Senate co-sponsors and no longer includes a deadline for ratification – can get a two-thirds vote in Congress. Nadler, who chairs the Judiciary subcommittee on the Constitution, civil rights, and civil liberties, said the bill will receive its first hearing in more than two decades and “is going to be one of the items at the top of the agenda.”

In many ways, yesterday’s news conference on Capitol Hill underscored how much has changed since Congress last voted on the ERA. As Digital Sisters Inc. chief executive Shireen Mitchell announced that her online site is working to marshal support for the bill, Feminist Majority President Eleanor Smeal quipped: “The last time around, we didn’t have Digital Sisters.”

Staff researcher Rena Kirsch contributed to this report.
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Purpose for reading questions:

1. What is the Equal Rights Amendment (ERA)? When was it introduced?
2. What obstacles have kept the ERA from being added to the Constitution?
3. Why is there renewed interest in passing the ERA?
4. What are the arguments against the Equal Rights Amendment?
5. Do you think that the amendment process should begin anew or should the amendment be added when the necessary numbers of states accept the amendment? Justify your response with evidence from the article.
6. Based on your understanding of the term amendment, do you think the ERA should be added to the Constitution?

Proposing an Amendment

Directions: Using your knowledge of the term *amendment* and the amendment process write a letter to your congressional representative either in support of or against the passage of the Equal Rights Amendment. Use YLI's *SpeakOut!* resource (www.youthleadership.net/speakout) to find the address and political affiliation of your representative. Your letter should contain the following details and be in correct business letter format.

Criteria:

- ❖ A definition of the term *amendment*
- ❖ An example and an explanation of an amendment that fits the definition.
- ❖ A position about the Equal Rights amendment that either offers support for or against passage of the amendment.

Extra Credit: Your ideas for a future amendment or changes in the Constitution along with a detailed explanation as to why they are necessary.