

Amending the Constitution

Ratified over two hundred years ago, the United States Constitution has many enduring qualities. It laid the essential framework for the American government and established the fundamental rights of American citizens.¹ The Constitution's resilience throughout more than two centuries demonstrates² the prudence of the constitutional framers; however, the document is imperfect. By not guaranteeing rights for *all* citizens, the Constitution marginalized³ everyone who was not a white male. The framers intended for the Constitution to be vague and difficult to change. While these properties have greatly contributed to the document's endurance, they have also forced the nation to amend it on various occasions. Article V of the Constitution stipulates that two-thirds of both chambers of congress and three-fourths of the state legislatures must vote in favor of an amendment in order for it to be implemented. In a polarized government, one might wonder whether any amendment is worthy of this arduous process, but there have indeed been certain moral and political imperatives that have lengthened the body of America's founding document. In his 1821 decision on *Cohens v. Virginia*, Chief Justice John Marshall contended that "the people made the Constitution, and the people can unmake it. It is the creature of their own will, and lives only by their will."⁴ Such has been the case in times of national

¹ By making a few general, connecting statements, writers can easily signal to the professor that they have a fundamental understanding of the topic.

² Note the use of the present tense. In a paper like this, use the present tense when discussing enduring themes and other concepts that are still true in the present day. When discussing past events, use the past tense.

³ Here is an appropriate use of the past tense, as the Constitution *no longer* marginalizes such a large percentage of the population.

⁴ John Marshall, *Cohens v. Virginia*, 6 Wheaton (19 U.S.) 264, 389 (1821).

Direct quotes are by no means required in an essay like this, but if the writer feels as though a certain quotation will contribute an important perspective, then it is perfectly fine to add. Note the Chicago Style citation. MLA would also be acceptable.

tumult. The people spoke, and the Constitution changed. Throughout its history, the United States has amended its constitution to ensure a stronger democracy for all of its citizens.⁵

After amending the Constitution twelve times between 1791 and 1804, it took congress another sixty years to successfully amend it again—this, of course, was the result of the Civil War.⁶ Following the Civil War, three new constitutional amendments allowed America to begin to absolve its original sin of slavery.⁷ The Thirteenth Amendment was ratified in 1865 and successfully abolished the practice of slavery. It also permitted congress to enforce abolition when necessary, which brought Union troops into the South to make sure that slaves were being freed. The Thirteenth Amendment was a vital first step in the process of ameliorating civil rights for African Americans; however, an amendment specifically detailing the equal protection of newly-freed slaves quickly became necessary. Ratified in 1868, the Fourteenth Amendment finally guaranteed equal protection under the law for all citizens of the United States.⁸ Referencing the Lockean model of equality, this amendment demands that the State shall not “deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”⁹ Over a hundred and fifty years later, courts still regularly interpret the implications of the civil rights amendment. The Fourteenth Amendment exposed and sought to mitigate institutionalized racism in the United

⁵ Even in brief exam essays, it is strongly recommended that the student include a thesis statement. A thesis in a POLS 021 paper should be straightforward. This paper is particularly broad, so the thesis should allow the writer to make specific points within the scope of the prompt.

⁶ This transitional sentence, often called a “signpost,” allows for a coherent topic sentence to follow.

⁷ The topic sentences in this essay categorize the constitutional amendments by historical trends. The first category is the Reconstruction Era. Topic sentences are especially important in exam-based essays, as they call the professor’s attention to the subject of each paragraph.

⁸ The analysis of each amendment is formulaic. The need for the amendment is identified and its context is explained.

⁹ U.S. Const. amend. XIV, §1.

This is the only amendment that is directly quoted. The direct wording emphasizes the Enlightenment Era roots of this amendment, as reflected in the reference to Locke.

States, for the emancipation of slaves did not reach nearly far enough in the direction of equality. Even still, this amendment did not provide African Americans the right to vote.¹⁰ In 1870, the states ratified the Fifteenth Amendment, which gave African American men the right to vote. Forbidding the denial of the right to vote based on race, the Fifteenth Amendment proved to be another strong step in a long fight toward equality. The three amendments that directly followed the Civil War illustrate the reluctant, yet persistent power of the Constitution and its ability change in the context of national strife and frustration.

Following another long stretch without any constitutional amendments, the American government of the Progressive Era issued four new amendments between 1913 and 1920 that attempted to foster a more prudent and direct American democracy.¹¹ Both ratified in 1913, the Sixteenth and Seventeenth Amendments allowed for greater authority and sustainability within the federal government.¹² The Sixteenth Amendment gave congress the collect income tax, and the Seventeenth Amendment established the distribution and term length of US Senators. Although these amendments may not appear as earth-shattering as those of the Reconstruction Era—because they aren't—they still helped institute a more effective federal government. These two amendments are indicative of the Progressive Era devotion to direct democracy, for they promote a more direct relationship between the populace and national government. Two other amendments were ratified during the Progressive Era—one in 1919 and the other in 1920. One is infamous for its massive failure; the other is famous for its long overdue inclusion of a major demographic in the political process. Ratified in 1919, the Eighteenth Amendment called for the

¹⁰ This transition signals to the professor that the writer understands that connections between the amendments. Although this essay prompt is straightforward, the writer must go beyond making a list.

¹¹ This topic sentence identifies both the historical scope of this category of amendments and the theme that connects them.

¹² The explanations of each of the Progressive Era amendments follow the same formula as those from the Reconstruction Era.

prohibition of alcohol. A result of the successful lobbying of temperance societies and the Progressive Era attempt to dismantle the saloon-based power of political bosses, Prohibition quickly became the greatest failure in constitutional history. Just fourteen years later in 1933, the Twenty-first Amendment repealed Prohibition. The last of the Progressive Era amendments, The Nineteenth Amendment, was ratified in 1920 and gave American women the right to vote. As half of the population, women are by far the largest group of marginalized citizens in American history. The Nineteenth Amendment was the resounding exclamation mark of early twentieth century progressivism. It was the first act of many in the long process toward the resocialization of women in the American political system. Though they exist in varying degrees of success, the four Progressive Era amendments all demonstrate the democratic idealism of the Progressive Era zeitgeist.

Since the 1930s, few constitutional amendments have been ratified; however, the continued presence of the amendment process has provided valuable insight into the relevance of the Constitution and its role in American society.¹³ The second half of the twentieth century provided six new amendments. In 1951, the Twenty-second Amendment instituted the presidential term limit. A republican-controlled congress sought to prevent another figure like Franklin D. Roosevelt from ever achieving such a long presidential tenure. In 1964, the Twenty-fourth Amendment dismantled the poll tax, which had been used as a tactic to lower African American voter turnout. This amendment reflected the rising strength of the Civil Rights Movement and became one of the last steps towards universal suffrage. That last step came in 1971, when the Twenty-sixth Amendment was ratified. The Twenty-sixth amendment gave suffrage to persons between the ages of eighteen and twenty. This 1971 amendment was also

¹³ For this grouping of amendments, there is not a specific common thread. Given the short length of this paper, it makes more sense to categorize them broadly than narrowly.

illustrative of the youth activism of the 1960s, for this amendment can largely be attributed to the widespread student activism during the Vietnam War. Though these most recent amendments are not as commonly discussed and closely connected as their predecessors in the Constitution, they all indicate the preserved constitutional power of the American voice.¹⁴

The amendment process of the Constitution suggests that the document genuinely is, as Marshall suggests, the people's Constitution.¹⁵ When the United States amends its constitution, it admits to its imperfectness and looks toward the future. A constitutional amendment is perhaps the ultimate engaging force in a politically disengaged populace; however, in the ultra-polarized climate of modern American politics, it is hard to imagine that two-thirds of the government will ever agree on anything of that scale.¹⁶ The Constitution is in fact the property of the American people, but it may only stay alive as long as there are enough engaged citizens to breathe life back into it.

¹⁴ This sentence, however broad, ties together the loosely-connected constitutional amendments from the second half of the twentieth century,

¹⁵ The first sentence of the concluding paragraph directs the reader back to the thesis and highlights the new insights provided in the paper.

¹⁶ Much like the introduction, the conclusion of a POLS 021 paper does not need to be particularly involved. Even still, the discussion of contemporary issues and their relevance to the topic demonstrates to the professor that the writer has a deeper understanding of the material.