

Explain, with examples, why it is difficult to amend the US constitution. (20)

The American constitution was introduced by the Founding Fathers in 1787. It was intended by its founders to be a difficult process in amending it in order to protect the people from amendments passed by politicians to enhance their own power. Therefore proposals for constitutional amendments is based on a two stage process; the stage of proposals, backed by a majority and later ratification also backed by a majority.

Proposals for constitutional amendments introduced by congress require a $\frac{2}{3}$ majority in both houses and at the ratification stage require a $\frac{3}{4}$ majority of the state legislature. However, there is also an alternative method where amendments can also be introduced by a National Constitutional Convention. This is called by congress at the request of $\frac{2}{3}$ of the state legislature, whereby $\frac{3}{4}$ of the states have to hold conventions and vote to ratify it. Consequently proposals have to have a 'super majority' to get through the first stage let alone the second. Most of the amendments have been introduced by congress; a National Constitutional Convention has never been held but was close to being held in 1992. 32 state legislatures had wanted congress to propose a convention on a Balanced Budget Amendment; however, it was unsuccessful as it was only 2 states short of the required $\frac{2}{3}$ majority.

At one stage in politics, when the Republicans dominated both houses of congress over a duration of 6 years (1995-2001) 17 constitutional amendments were proposed. As they required a $\frac{2}{3}$ majority to be successful, the House of Representatives agreed to the Balanced Budget Amendment (1995) and the Flag Desecration Amendment (1995, 97, 99) but the senate didn't agree. The Balanced Budget Amendment was short of one vote to complete the $\frac{2}{3}$ majority and the Flag Desecration Amendment only 4 votes. Therefore the procedure is strictly controlled and is somewhat difficult to amend the constitution, even in the stages of proposition let alone gaining a majority for ratification.

If the amendment is successfully proposed it is sent to the states for ratification which is achieved with a $\frac{3}{4}$ majority of the state legislature or by a Constitutional Convention in $\frac{3}{4}$ of the states. Only one amendment has been ratified by the Constitutional Convention out of the 27 added to the Constitution; the 21st amendment re-pealing the 18th amendment to prohibit alcohol. Out of 33 amendments passed for ratification by congress 27 have successfully been ratified. Therefore, once an amendment has successfully been proposed by congress it stands a good chance of ratification. However, only 6 amendments proposed by congress have failed ratification, one of them being Equal rights for women (1972) which was 3 short of the required $\frac{3}{4}$ majority. This illustrates the difficulty faced when attempting to propose a successful amendment.

Over the years, over 5000 amendments have been proposed, which of only twenty seven have ever been passed, of which the first ten are generally considered to be a part of the original constitution. The 19th amendment(right for women to vote) was introduced in congress 118 times before it eventually passed and the 27th amendment was not passed

until over 200 years after it was originally introduced, which happened to have been found by a student (its focus was on financial corruption of congressman.)

It seems from the successes and failures of constitutional amendments that the successful are those amendments which intend to 'tidy up' the political process, or extend the rights previously denied, whilst unsuccessful amendments attempt to impose a set of views or values on the entire country. Therefore, the intentions of the founding fathers were met by the two stage process they set up, as it does serve its purpose of making it difficult impose changes to the constitution and therefore does ultimately protect the people of America.