

'The US constitution is now very different from what was originally created'. Discuss.

The US constitution is a written, codified document and has survived for over 200 years. This has been possible because it has changed and adapted to take into account developments in US society. It was agreed in Philadelphia that proposals for amendments were to be made by either a two thirds vote from both Houses of Congress, or by a national convention called by Congress at the requests of 2/3's of state legislatures. An amendment could not be effective until ratified, by either the legislatures or by special conventions in $\frac{3}{4}$ of states. There have been over 10,000 suggested amendments to the Constitution since 1787, but fewer than 40 have been submitted to the states for consideration and only 27 have actually been ratified. Of the ten proposed amendments to come to a vote in the chamber in the last 25 years two have become part of the Constitution, the 25th amendment on vice-presidential succession and the 26th amendment granting 18 year olds the right to vote. This testifies to the fact that the framers introduced a system which could only be successful if an overwhelming number of people were behind the change. This is called government by consent. The amendment procedure was therefore deliberately difficult by the founding fathers in an effort to preserve political stability.

The first eight amendments set out restrictions on the federal government, specifically limiting its authority over the individual citizen. The first amendment set out to guarantee freedom of speech, assembly and press, as well as the rights of petitioning government and the free exercise of

religion. The second amendment proclaims the right of the people to keep and bare arms. This has been a controversial provision as supporters of gun control and those groups opposed to legislation restricting the ownership of fire-arms have disagreed fiercely over how it should be interpreted. The third and fourth protect against government quartering soldiers in private homes and against unreasonable searches and seizures of people, their homes or papers.

The next four amendments are concerned with the rights of accused persons, and include the right not to testify against oneself, the right to trial by jury for major crimes and the provision that no one shall be deprived of 'life, liberty and property without due process of law'. There is the right to a speedy and public trial and the banning of excessive fines or bail, and 'cruel and unusual punishments'. These basic rights are, of course, fundamental to a free society and they retain important for individuals rights in US society to this day, although the wording of the amendments has been interpreted by the courts to fit in with present day conditions. The tenth amendment was important to the states accepting the new Constitution as it provides that, apart from the enumerated powers of federal government and those specifically denied to the states, all other government powers are retained by or reversed to, the states or the people. It was supposed to guarantee the states that, although they had given up some powers in comparison with the Articles of Confederation, they were still major participants in the new federal system.

The fifteenth amendment, passed after the civil war, laid down that no one should be denied the right to vote on the grounds of race or colour or previous conditions of servitude. This was not effective for decades, and in 1964 the 24th amendment prohibited the poll taxes as a qualification, as this had been used in the Southern states to prevent blacks from voting. In 1920, the 19th amendment ensured that women could not be denied voting rights on the grounds of their gender and the 26th amendment guaranteed all citizens over 18 years the right to vote. The 23rd amendment also extended voting rights by allowing citizens living in Washington DC to participate in the electoral process for president and vice-presidential election.

The constitution guarantees other rights of the individual, as well as voting. In the original document there was no restriction on slavery, as the Southern states would not ratify it. After the Northern victory in the civil war, the 13th amendment abolished slavery. The 14th amendment was a very important and major alteration in the Constitution, because it extended the limitations on the federal government. It says that states must not 'deprive any person of life, liberty or property without due process.'

As the nation developed, so did the need to change some of the institutions and their powers, as set out in the original constitution. Some amendments were passed to make the system more democratic as the country became more mature; others were necessary as a result of experience which showed the need for improvements and modifications. The twelfth made the electoral college vote for presidential elections and vice presidential elections separate, to prevent deadlock. The 16th amendment allowed the

federal government to raise revenue by a graduated individual income tax. In the same year, the 17th amendment changed the nature of the Senate by making it a directly-elected chamber. The 22nd amendment restricted any individual to two four-year terms in the Whitehouse after FDR's fourth election victory. The 25th amendment lays down the procedure for filling the post of Vice-President if it becomes vacant between elections.

Need to show what the nuts and bolts of the constitution remain in place.

Also, that the Supreme Court has through the ages, interpreted and re-interpreted the constitution to suit the times.

It is not the Constitution which has changed and become very different, it is how it has been interpreted which is different.