

# Chapter 1: The Living Constitution

# Introduction

- Constitutions endure when flexible.
- Long-lasting success of American Constitution.
- Qualification of Constitution.

# The Amendment Process (1 of 5)

- Fear of the Anti-Federalists
- Publius articles.
- Ratification drives: Ordinary politics.
- Fundamental and inalienable rights.

# The Amendment Process (2 of 5)

- Philosophical statement post revolution.
- Changed views on including bill of rights.
- New Congress drafts bill of rights.
- Capacity for amending charter.

# The Amendment Process (3 of 5)

- Mechanics of adding the Bill of Rights.
- Permanence with flexibility.
- Article V: Two-stage process.



# The Amendment Process (4 of 5)

Proposed By	Ratified By	Used For
Two-thirds vote in both houses of Congress	State legislatures in three-fourths of the states	26 amendments
Two-thirds vote in both houses of Congress	Ratifying conventions in three-fourths of the states	Twenty-first Amendment
Constitutional convention (called at the request of two-thirds of the states)	State legislatures in three-fourths of the states	Never used
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# The Amendment Process (5 of 5)

- Presidents investigate amendments.
- Supreme Court: Instigator of constitutional amendments.

# Constitutional Change and the Supreme Court (1 of 2)

- Meaning of the Constitution.
- Provisions that can be understood in multiple ways.



# Constitutional Change and the Supreme Court (2 of 2)

- Interpretation of commerce clause.
- Passage of the Fourteenth Amendment in 1868.
  - Selective incorporation.