



AP[®] Government and Politics: United States 2001 Sample Student Responses

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~~One~~ ^{Two} formal ways of amending the Constitution are one having the amendment proposed by $\frac{2}{3}$ of both houses of Congress and $\frac{3}{4}$ of state legislatures ratify the amendment. This way has happened 26 times. ~~The~~ The second way is having the amendment proposed by $\frac{2}{3}$ of both houses and $\frac{3}{4}$ of special state conventions ^{ratifying} ~~ratify~~, as with the repeal of prohibition.

Two informal ways to change the Constitution are by using the elastic/"necessary and proper" clause or by Supreme Court decisions. The elastic clause was used in expanding the role of Congress in interstate commerce. Congress can now regulate anything that crosses state borders. Supreme Court decisions have been used to change the ~~scope of~~ meaning of the Constitution like in ~~many~~ cases where they nationalized the Bill of Rights through the 14th Amendment. ^{The elastic clause states that Congress ~~can~~ do anything necessary + proper to carry out the expressed powers.}

Informal methods are used most often because it takes much less work than formal methods. A lot of support is needed to add on an amendment to the Constitution. It is much less difficult to change the Constitution with the elastic clause or Supreme Court decisions.

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①

①

The United States Constitution has endured for more than two centuries as the framework of government. However, the meaning of the Constitution has been changed both by formal and informal methods.

FORMAL

a) TWO METHODS FOR ADDING AMMENDMENTS TO THE CONSTITUTION:

1. With a $\frac{2}{3}$ vote in the Congress to ~~propose~~ an ammendment to the Constitution and a $\frac{3}{4}$ vote of the State Legislatures to ratify the ammendment to the Constitution.
2. The second way is done by calling a convention by $\frac{2}{3}$ of the states with a $\frac{3}{4}$ vote to ratify

b) TWO INFORMAL METHODS TO CHANGE MEANING OF CONSTITUTION:

1. Court Cases: In an effect, the Courts, Primarily the Supreme Court has changed the meaning of the Constitution informally by deciding in favor of a certain issue or striking down an unconstitutional issue. For example, the Warren Court issued in Brown vs. Board of Education that the "Separate but equal" clause of the Plessy vs. Ferguson case to be unconstitutional and thus overturned. This in affect ammended the Constitution informally by establishing Precedent for the future.

2. Evaluate wording in Constitution: Since the Constitution was written so that there weren't thousands and thousands of rules and guidelines, it opens the meaning of words to be open for discussion. Therefore, the President or Congress can informally change the Constitution by impling their definition of the Constitution. For example, The President is allowed to do what is "Necessary and Proper" in order

Finish ① Start ②

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to ensure ~~the~~ liberty and justice. Presidents will conceal information to the public because they feel it is "Necessary" the public doesn't know for the good of the nation. This informally changes the Constitution because it doesn't specifically list this Presidents Power.

a)

Informal methods are used more often than formal amendment processes because it is very difficult to get an amendment passed formally. A second reason is that ~~the~~ the Founding fathers wanted the Constitution to remain relatively constant with very little Amendments as possible.

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One formal method to add an amendment to the Constitution is to go through the process of getting the amendment passed through the Congress and through the President.

One informal method of changing the meaning of the Constitution is the perspective of interpretation. First is strict interpretation. This is taking the ~~same~~ meaning of the Constitution word for word for what it means. For example, there is a Supreme Court judge who does not believe in the "right to privacy" because ~~there is no~~ the word privacy is in no place mentioned as a right in the Constitution.

The second ~~part~~ perspective, or method of interpretation, is the loose interpretation of the Constitution. This refers more to the "spirit" of the law rather than the "letter of the law". It is applying the Constitution as its meanings as they have evolved in a society that has evolved. Examples are in the arguments of "implied powers" and "powers reserved to the states". What those phrases mean are up to the interpreter. An example is ~~the~~ the case with Nixon and the tapes he had. He had interpreted that he had the right to keep his tapes but the courts decided he couldn't because it was a threat to justice not being served correctly.

Informal methods are much easier to apply than formal methods of the amendment process. Formal methods could take months and years, ~~hours~~ and cost money, time, and resources. For the informal amendment to take place one must only change his/her perspective.