

Constitutional Amendments

A. Introduction

§ 1. In General

Article V of the Constitution provides as follows:

“The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; . . .”

It is thus that the Constitution provides the methods by which that governing document may be amended.

Although States have from time to time submitted memorials requesting a constitutional convention for the purpose of discussing amendments on specified subject matters,⁽¹⁾ no convention has been

held under Article V. This chapter therefore focuses on precedents regarding proposed constitutional amendments originating in the Congress.⁽²⁾

Some States have submitted memorials rescinding prior applications for conventions. See, *e.g.*, 149 CONG. REC. 11131, 108th Cong. 1st Sess., May 9, 2003 (memorial from Arizona rescinding all of the State’s previous calls for a constitutional convention); 135 CONG. REC. 19782, 101st Cong. 1st Sess., Sept. 7, 1989 (memorial from Alabama rescinding a previous call for a constitutional convention to propose an amendment requiring that Federal spending not exceed estimated Federal revenues). See also 145 CONG. REC. 18782, 106th Cong. 1st Sess., July 30, 1999 (memorial from Oregon urging Congress to disregard calls for a constitutional convention on the subject of a balanced Federal budget out of concern that such a convention might intrude into other constitutional revisions).

2. For discussion in the House on the method of amending the Constitution by convention, see 76 CONG. REC. 124-134, 72d Cong. 2d Sess., Dec. 7, 1932. See also hearing of the Subcommittee on the Constitution, Committee on the Judiciary, *Proposing an Amendment to the Constitution of the United States to Provide a Procedure by which the States*

1. See, *e.g.*, 147 CONG. REC. 6129, 107th Cong. 1st Sess., Apr. 24, 2001.