

Amending The Constitution

S3-C2-P2

Informal Amendment Process

- ❖ An informal amendment is the process by which over time many changes have been made to the Constitution which have not involved any changes in its written words.
- ❖ Informal amendments are the result of government actions under the constitution.
- ❖ There are 5 methods of informally amending the Constitution

First Method

- ❖ The passage of legislation by Congress
 - ❖ Congress has defined several provisions outlined in Article I Section 8 of the Constitution through the passage of basic laws
 - ❖ Congress has created a line of succession for the office of the President

Second Method

- ❖ Actions taken by the President
 - ❖ Presidents cannot declare war without the approval of Congress. However, many Presidents have ordered military actions as commander in-chief, without a formal war declaration.

Third method

❖ Decisions of the Supreme Court

- ❖ This is the most prevalent method used today.
- ❖ Courts at all level make decision using the Constitution. With every judgement may also come an informal amendment to the Constitution

Fourth Method

- ❖ Activities of Political Parties
 - ❖ The Constitution does not provide for a method of nominating candidates for the Presidential elections
 - ❖ Political Parties have adopted methods of electing candidates outside of the Constitution

Fifth Method

❖ Customs

- ❖ Senatorial Courtesy provides for the approval of the State senator(s) for any presidential appointee of the same State
- ❖ Cabinet members by position are not prescribed in the Constitution