

EDITORIAL

CONSTITUTIONAL AMENDMENTS.

By DANIEL DE LEON

THE amendment, proposed by Congress, to the Constitution on the matter of the election of Senators has elicited a dozen or more questions regarding the present procedure to amend the constitution. Rather than answer these questions separately we shall here explain the regulations which the Constitution provides.

There are two heads under which to consider the subject—first, the head of initiative; and, second, the head of ratification.

As to the initiative to amend the constitution, it can come from two different sources—Congress and the State Legislatures. Either Congress, by a two thirds vote proposes a constitutional amendment, or the proposal comes from the Legislatures of two thirds of the several States.

As to the ratification, that is provided for in a number of ways:

If the initiative is taken by Congress, then the ratification is done either by three fourths of the Legislatures of the several States, or by conventions in three fourths thereof, according as Congress may prefer and direct.

If the initiative is taken by the Legislatures, then the method for ratification is, in one respect, more involved, in another, more direct. A sufficient number, two thirds, of the Legislatures of the several States having applied to Congress, the Congress thereby receives a mandate to call a convention for proposing amendments, and the amendments proposed by such a national convention become valid when ratified, either by three fourths of the Legislatures of the several States, or conventions in three fourths thereof, as one or the other mode of ratification may be prescribed by Congress in the call for such national convention.

In other words—

Either Congress itself proposes an amendment, and then the amendment is

simply sent to the States to be ratified either through their Legislatures, or through conventions.

Or, the Legislatures themselves take the bull by the horn, demand of Congress that it call a national convention, present their wishes to the said convention, and then the amendatory decisions of the convention are submitted to the ratification of the several States, either by their Legislatures, or by conventions thereof.

Obviously, the procedure to amend the Constitution sins against all the cardinal principles stated by Jefferson—it makes hard the amendment of the country's organic law—it throws upon the succeeding generation a harder task to amend than the original generation had to enact—it sets a premium upon laxness and submission, and it mulcts alterners.

In the language of Jefferson, constitutions should expire automatically at stated times; a nation worthy to be free should be put to it, at frequent intervals, to re-adopt or remodel their organic law.

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