

ARTICLE V

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; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

★ One of the objections to the Articles of Confederation had been that they could only be amended by the unanimous consent of all states, a barrier that proved impossible. The framers lowered the bar. Once an Amendment to the Constitution has been okayed by a two thirds majority of both houses of Congress, it needs to be approved only by three quarters of the states, either through their legislatures or through special state conventions. (The 21st Amendment, which repealed Prohibition in 1933, is so far the only one to have relied on the convention process.) The clause that specifies that before 1808 no amendment can interfere with portions of Article I, Section 9 was included to appease South Carolina and Georgia. It was designed to prevent changes that would penalize slavery or shut off the slave trade before that year. To satisfy the smaller states, the final clause guarantees that the Senate, where each state has two senators (no matter what its population), cannot be abolished by amendment.