

Why has the Constitution been able to survive for over 200 years?

The Constitution of the United States is the longest lasting written plan of government in the world today. Many factors have enabled the document to meet the needs of a changing society. Those factors are listed below. Answer the question that follows each.

1. The Elastic Clause

Congress shall have the power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

- **How has the Elastic Clause allowed the Constitution to adapt to changing times? Give an example of how it's been used.**

2. Amendments

- **13th Amendment** -- *Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their [jurisdiction](#). (1865)*
- **22nd Amendment** -- *No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. (1952)*
- **26th Amendment** -- *The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age. (1971)*

- **For ONE of the Amendments listed above, explain the changes, event or issue that it was a response to.**

3. Judicial Interpretation – The Supreme has ruled differently on the same issue, reflecting changes in society’s attitudes towards that issue.

Plessy v. Ferguson (1896)

We disagree with Plessy’s argument that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to interpret it in this way. . . . Plessy’s argument also assumes that social prejudices may be overcome by legislation, and that equal rights cannot be secured to the negro except by an enforced commingling of the two races. We cannot accept this proposition. If the two races are to meet upon terms of social equality, it must be the result of natural affinities, a mutual appreciation of each other's merits, and a voluntary consent of individuals.

Brown v. Bd of Education (1954)

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone. Segregation of white and colored children in public schools has a detrimental effect upon the colored children.

The impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of a child to learn.

We conclude that, in the field of public education, the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal.

- **What issue is being ruled on in both cases?**
- **How is the reasoning of the Court in the Brown decision different than in the Plessy decision?**
- **Why do you think the Court came to a different conclusion in 1954 than it had in 1896?**