

The Flexibility of the Constitution

Amendments

- amend – to change by adding or taking away from something
- **U.S. Bill of Rights** – the first 10 amendments to the Constitution. Many of our most famous rights are in the Bill of Rights.
- civil rights – personal freedoms
- The Constitution has only been changed 27 times in our history. (See amendment ditto.)

The “Unwritten Constitution” (Implied Powers)

Court Decisions

The U.S. Supreme Court has allowed the Congress to interpret the Constitution in such a way as to allow Congress to do more than the Constitution says they can do.

Example 1 – “Elastic Clause”

Article 1, sec. 8, cl. 18

Congress can make any law that they think is “necessary and proper” to fulfill their duties.

Example 2 – “Commerce Clause”

Article 1, sec. 8, cl. 3

Congress can make laws about things that are “related” to commerce: air traffic, the internet, etc.

Tradition/Custom

If the national government is allowed to do something that is not written in the Constitution, it sets a **precedent** (an example to be followed) and is considered constitutional.

Example 1 – The Presidential Cabinet

The Constitution doesn’t say anything about a president having advisers, but GW appointed advisers and the Senate confirmed them. It became a custom and therefore constitutional.