

CHAPTER 9

The Bill of Rights and Later Amendments

SS.7.C.2.4 Evaluate rights contained in the Bill of Rights and other amendments to the Constitution.

SS.7.C.2.5 Distinguish how the Constitution safeguards and limits individual rights.

SS.7.C.3.5 Explain the constitutional amendment process.

SS.7.C.3.6 Evaluate constitutional rights and their impact on individuals and society.

SS.7.C.3.7 Analyze the impact of the 13th, 14th, 15th, 19th, 24th, and 26th amendments on participation of minority groups in the American political process.

Names and Terms You Should Know

| | | |
|------------------------------------|-------------------------------|--------------------------------|
| Amendment | Probable cause | Unenumerated rights |
| Ratification | Grand Jury | Reserved powers |
| Bill of Rights | Double jeopardy | Equal protection under the law |
| Freedom of religion | Self-incrimination | "Equal Protection" Clause |
| Free speech | "Pleading the Fifth" | Poll taxes |
| Freedom of the press | Due process of law | Suffrage |
| Right of assembly | Eminent domain | Civil disobedience |
| Petition for redress of grievances | Property rights | Equal Rights Amendment |
| Right to bear arms | Trial by jury | Civil Rights Act of 1964 |
| Quarter soldiers | Right to confront witnesses | Voting Rights Act of 1965 |
| Search and seizure | Right to legal counsel | Civil Rights Act of 1968 |
| Warrant | Bail | |
| | Cruel and unusual punishments | |

Florida "Keys" to Learning

1. Amending the Constitution is more difficult than passing an ordinary law. It is a two-step process. First, an amendment must be proposed. This has always been done by a vote of two-thirds of each house of Congress. Then the proposed amendment has to be ratified by three-fourths of the state legislatures (or by separate state ratifying conventions).
2. The first ten amendments to the Constitution are known as the "Bill of Rights." They were passed to meet the demands of Anti-Federalists raised during the earlier debate over ratification of the Constitution.
3. The First Amendment establishes five freedoms. It commands Congress not to establish a state religion, not to prohibit the free exercise of religion, not to limit freedom of speech or the press, not to stop people from holding assemblies, and not to prevent people from petitioning the government to remedy their grievances.
4. The Second Amendment establishes the right to bear arms.
5. The Third Amendment prohibits the sending of soldiers to live in homes without the consent of the owners.
6. The Fourth Amendment protects individuals from unreasonable searches and seizures. In general, a warrant must be issued in advance, based on "probable cause" (reasonable grounds).
7. The Fifth Amendment states that a serious criminal case may not go forward to trial unless a Grand Jury has determined there is sufficient evidence; no person can be tried twice for the same crime ("double jeopardy"); no person shall be deprived of life, liberty, or property without "due process" (a process that is fair, just and reasonable); and government can take private property for public purposes but must provide fair compensation.
8. The Sixth Amendment gives those accused of a crime the right to a speedy and public trial by an impartial jury as well as the right to be informed of the charges, to face accusers and witnesses, to com-

pet witnesses to appear in court to testify, and to the help of an attorney.

9. The Seventh Amendment grants the right to a jury trial in many civil cases.
10. The Eighth Amendment forbids excessive bail and fines, and cruel and unusual punishments.
11. The Ninth Amendment states that the enumeration of specific rights in the Constitution does not mean that there are not also other rights.
12. The Tenth Amendment provides that any rights not granted to the federal government are reserved for the states or for the people.
13. The balance between limiting government power to protect individual rights and allowing government to have sufficient power to govern effectively is found in the separation of powers with checks and balances.
14. Several amendments to the Constitution extended the rights of American citizenship to minorities and women, giving them the ability to participate fully in the political process.
15. The Thirteenth Amendment abolished slavery.
16. The Fourteenth Amendment defined U.S. citizenship and provided that states could not limit the "privileges and immunities" of citizenship. It also required that states provide "due process of law" and the "equal protection of the laws" to all citizens.
17. The Fifteenth Amendment prohibited federal and state governments from denying the right to vote to any citizen on the basis of race or having previously been a slave.
18. The Nineteenth Amendment gave women the right to vote.
19. The Twenty-fourth Amendment prohibited any requirement to pay poll taxes to vote in federal elections.
20. The Twenty-sixth Amendment lowered the voting age to 18 years of age.

In this chapter, you will learn how the U.S. Constitution can be changed through the process of amendment, and how amendments have increased

the protection of our individual rights and expanded our democracy.

Amending the Constitution

The authors of the Constitution knew that they could not anticipate all future circumstances. Times and society change. If the Constitution were to succeed, it would have to be able to adapt to new realities and circumstances.

The authors therefore provided procedures for the Constitution to be **amended** (*added to or changed*). However, this was to be made more difficult than passing an ordinary law. Article V established a two-step process for amendments. The first step was to introduce an amendment proposal. The second step was to **ratify** (*approve*) it.

Step 1. Proposing the Amendment

This can be accomplished in either of two ways:

1. By a two-thirds vote of both houses of Congress. All amendments of the Constitution so far have used this method.

or

2. There is a second way of introducing a proposal. On the request of two-thirds of the state legislatures, Congress can call for a national convention to amend the Constitution. Amendments introduced by a majority vote at the national convention are considered ready for the next step.

Step 2. Ratifying the Amendment

There are also two ways to ratify the amendment:

1. Ratification by three-fourths of the state legislatures.
- or
2. Ratification by special ratification conventions in three-fourths of the states.

For each proposed amendment, Congress will select one of these methods for ratification—usually the first. The amendment process has been used successfully just 27 times since 1791. Perhaps it is the degree of difficulty in amending the Constitution that has led the federal government to find additional means of flexibility to adapt to changing needs. Supreme Court decisions have often applied the Constitution to new circumstances. For example, through judicial review, the Court expanded individual rights during the struggle for civil rights in the second half of the twentieth century. The “Elastic” Clause has enabled Congress to increase its implied powers to meet new situations, while Presidents have used their roles as chief executive, Commander in Chief, and moral leader to expand the powers of the federal government in national emergencies.

The Active Citizen

In Great Britain, the “unwritten constitution” can be changed by the passage of an ordinary law. Did the authors of the Constitution make it too hard to amend? Hold the following debate in your classroom: “Resolved: That the process of amending the Constitution should be made the same as passing an ordinary law.”

The Bill of Rights: Our First Ten Amendments

In the debate over ratification of the Constitution, Elbridge Gerry of Massachusetts, Patrick Henry of Virginia, and other Anti-Federalists loudly raised the criticism that the Constitution needed a bill of rights to protect the American people from a central government that might abuse its power. Massachusetts, Virginia, and New York voted for ratification but only on the condition that suggested amendments protecting individual and states' rights be added to the Constitution. Rhode Island and North Carolina refused to ratify unless such amendments were made beforehand. By June 1788, the approval of the nine states needed for ratification was obtained. A year later, on June 8, 1789, James Madison, one of the leading Federalists, introduced 22 amendments in Congress. After some deletions and with many changes, these became the first ten amendments to the Constitution, known as the Bill of Rights.

The First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

The First Amendment set the tone for the Bill of Rights. It was a constitutional command telling Congress what it could **not** do. This amendment placed a limit on the new government's exercise of power. The amendment actually establishes **five freedoms**:

1. Congress cannot establish a state religion. At a time when England and other countries in Europe had established churches, this was interpreted to mean that there could be no law creating a national religion.
2. Congress also cannot prohibit the free exercise of religion by individual citizens. Americans are free to worship any faith or religion, or to have no religion at all.

3. Congress cannot abridge (cut short) freedom of speech or freedom of the press. People may express themselves in any manner they choose by speaking, making signs, or putting words in print. Even symbolic speech is protected, such as wearing armbands or burning the American flag to protest American foreign policy. However, there are limits to free speech when public safety and civil disorder are involved. As Supreme Court Justice Oliver Wendell Holmes said in the case of *Schenck v. United States* (1919), one cannot "falsely shout fire in a crowded theatre." Speech is limited where it poses a clear and present danger.

4. Congress also cannot prevent people from exercising their right to **assemble** peaceably. Without this right, the value of free speech is greatly diminished. It is especially with an audience that political speech can maximize its effectiveness. Speakers can influence others, such as in election campaigns, or when public policies are challenged. Of course, there are again limits to this right, especially if angry crowds threaten to riot and pose a danger to other people and themselves.

5. Government cannot deny people the right to **petition** their government to seek **redress** (remedy) for their grievances. If the government is to serve the people, the people must be able to communicate their concerns to government officials and leaders.

The Second Amendment

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

The Second Amendment gives individuals the right to own and carry firearms. Some have asserted that this right is older than the Constitution itself. In the

case of the District of Columbia v. Heller (2008), the U.S. Supreme Court ruled that the Second Amendment confirmed the right to use arms for "traditional purposes," such as the defense of one's home.

The Third Amendment

No soldier shall, in time of peace be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

The Third Amendment was prompted by bitter memories of the British government's practice of sheltering British troops in the homes of American colonists without their consent before and during the Revolutionary War. This grievance was one of those listed in the Declaration of Independence.

The Fourth Amendment

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

This amendment involves people's reasonable expectation of privacy. It seeks to protect their homes, the places where they work, their possessions, and their persons from unreasonable searches and seizures by police and other government authorities. Should police officers seek to make a search or seizure, they must first apply, under oath, to obtain a **warrant**. This is a document, signed by a judge, that permits police officers to conduct a search. Their request for the warrant must show "**probable cause**"—reasonable grounds for having suspicions and making the request. The Fourth Amendment protects citizens against "unreasonable" searches and seizures, but not against reasonable ones.

There are some exceptions, where searches and seizures are permitted without a warrant. For example, if a policeman is in "hot pursuit," chasing a suspect

who is fleeing the scene of a robbery in a car, it would be unreasonable to expect the policeman to find a judge and obtain a warrant before continuing the chase.

If evidence in a criminal case is gathered by the police in violation of this amendment, that evidence cannot be used in a court of law. This is called the "Exclusionary Rule."

The Fifth Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury ... nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Like the First Amendment, the Fifth Amendment actually provides five separate rights. Four of these concern the rights of the accused:

1. A person cannot be charged for murder without an indictment by a **grand jury**. The Grand jury, usually made up of 16 to 23 jurors (in Florida, 15 to 21), provides a screening process to determine if there is sufficient evidence to make criminal charges and send a case to trial. The grand jury can call witnesses, examine evidence, and make an investigation to assist in its determination. If there is insufficient evidence, the case is dropped.
2. No person can be tried twice for the same crime. This is known as "**double jeopardy**" because the accused's liberty and life would be placed in danger twice.
3. No one can be forced to testify against himself or herself. This is known as **self-incrimination**. People accused of crimes have the right not to testify against themselves. This is to prevent authorities from using pressure to

intimidate suspects into false confessions or false testimony. Refusing to answer questions because the answers may be self-incriminating is sometimes called "pleading the Fifth."

4. No one can have life, liberty, or property taken away by government without "due process of law." Due process means fairness. It means that one cannot lose life, liberty or property unless the procedures in the case and the law applied to the case are both fair. Among other things, this means that a person's rights under the Bill of Rights have not been violated.

5. The last part of the Fifth Amendment is also related to "due process" but focuses on **property rights** (the right to be secure in the possession of property) rather than the rights of the accused. This provision states that government can take private property for a valid public use, (such as building a major highway), but the property owner must be fairly compensated. "Just compensation" means that the property owner is paid what the property is truly worth. The process by which government takes over private property for public purposes is called **eminent domain**.

The Sixth Amendment

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed ... and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

The Sixth Amendment again provides a person accused of a crime several rights. In this case, these rights are focused on the trial itself:

1. The right to both a **speedy** and **public** trial.

The key words here are, "speedy and public."

If one is accused of a crime and placed in jail, unless the case proceeds quickly to trial, the accused may have to wait in jail a long time before guilt or innocence is determined.

The accused must not be tried in an isolated, secret court, but in a place where the public can see that the accused is fairly treated. Too often in dictatorial regimes, innocent people are detained while their cases are delayed for years without trial. Even if there is a trial, it is held in a hidden or secret place where no one can witness the unfair procedures that may result in sentencing the accused to long years of imprisonment or even death.

2. The right to trial by an **impartial** jury.

The accused is entitled to a trial by a group of "**peers**" or equals, known as **jurors**. They should be impartial and not biased (*prejudiced*).

3. The right "to be informed of the nature and cause of the accusations."

In some countries, people are arrested for political reasons or because government officials may profit in some way from their arrest. No charges or reasons are given for the arrest or their **forced internment** (*captivity or imprisonment*). This part of the Sixth Amendment forbids this practice.

4. The right to "**confront**" witnesses against the accused.

We have the right to face and question our accusers, in order to prove our innocence.

5. The right to compel witnesses to appear in court for the accused.

We also have the right to use the power of the court to require our witnesses to come forward.

6. The right to have the assistance of **counsel** (*attorney*) for the **defendant** (*the person accused of committing the crime*).

In Chapter 10, you will learn how the U.S. Supreme Court interpreted this right in two cases: *Gideon v. Wainwright* and *Miranda v. Arizona*.

The Seventh Amendment

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved...

This amendment guarantees the right to a jury trial in many civil (non-criminal) cases.

The Eighth Amendment

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

There are three parts to this amendment:

1. The first part deals with the right of an individual accused of crime who does not want to remain in jail while awaiting trial. In most cases, a defendant may remain outside of prison before trial by posting **bail** (some thing of value, usually money, that the defendant

places with the court to guarantee the defendant's appearance when the court requires it). The Eighth Amendment requires that the bail not be "excessive" (too high in proportion to the criminal charges against the defendant).

2. The second part provides that any fines on the defendant should also not be excessive.
3. The third part establishes the right of an individual not to have to suffer any "cruel and unusual punishments" for having committed a crime. The U.S. Supreme Court has ruled that the execution of a mentally retarded man and the execution of a man who committed a capital crime when he was a minor were prohibited as examples of "cruel and unusual punishment." Some courts have argued that the use of the death penalty under any circumstances now constitutes "cruel and unusual punishment"; others courts disagree.

The Active Citizen

Do you think that capital punishment should be prohibited as a "cruel and unnatural punishment" in today's society? Write a persuasive essay with four paragraphs giving your point of view. In the first paragraph, write your introduction. In the second and third paragraphs, give your arguments with evidence to back them up. In the fourth paragraph, write your conclusion. Then exchange your persuasive essay with a partner from your class. After you read each other's papers, see if you influenced your partner's point of view. Which arguments did you both feel were most persuasive? Which arguments needed more support?

The Ninth Amendment

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

When someone makes a list, others may think that whatever is not on the list is deliberately excluded. The Ninth Amendment makes it clear that this is not the case for the individual rights listed in the Constitution and Bill of Rights. Other rights *not* listed or

enumerated in the Constitution may still exist and remain with the people. In cases concerning the "right to privacy," the Supreme Court has cited the Ninth Amendment as one basis for this right.

The Tenth Amendment

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

This amendment further affirms the fact that all rights and powers not specifically granted to the federal government by the Constitution are "reserved" to the states and to the American people. You will

learn more about this amendment in Chapter 11 on **federalism**—the sharing of power between the federal government and the states.

The Active Citizen

- Select your favorite amendment and draw your own political cartoon illustrating that amendment.
- Make a poster showing the rights of an accused person provided by the Bill of Rights.
- You may be surprised by how many of the rights in the Bill of Rights concern individuals accused of crimes. How are these rights about criminal procedure actually important safeguards of our political freedoms and our democratic system of government?

How the Constitution Both Safeguards and Limits Our Individual Rights

The Constitution seeks to strike a balance that allows our government authorities to have sufficient power to govern effectively and yet protects our individual rights and liberties. This balance is found in our constitutional structure, which includes the separation of powers, the system of checks and balances, the division of power between the federal government and the state governments, and the guarantees of individual rights found in the Constitution, the Bill of Rights and the state constitutions. The Constitution, Bill of Rights and several later constitutional amendments define boundaries of individual rights into which governments, both federal and state, may not cross. The result is a government with limitations that acts to preserve individual rights and liberties. At the same time, the creation of a stronger federal govern-

ment necessarily limited individual rights in some ways. We must obey the law, pay taxes, defend the nation, and fulfill our other obligations as citizens (see Chapter 12). Moreover, courts have both upheld individual rights and also placed certain common-sense restrictions on our exercise of them. Courts have held, for example, that free speech does not permit us to create a danger or to tell lies about others; freedom of religion does not allow us to interfere with others' rights. You will learn more about some of these court interpretations of the Bill of Rights in the next chapter.

The limits that we place on ourselves and the powers that we grant our government to safeguard our rights and liberties are, in fact, closely related. We cannot have one without the other.

The Impact of Later Amendments on American Democracy

One key to the success of American democracy has been the involvement of citizens in the political process. At first, however, many groups were excluded

from American political life: African Americans, women, those who could not pay poll taxes, and those under 21 years of age could not vote. In order

participate fully in American life, these groups needed to assume the rights and responsibilities of citizenship, including the right to vote.

The ability of our Constitution to change through the power of amendment opened the door to the granting of equal political rights to all these groups. The amendments described below made it possible for these groups to enter into the political process.

The “Civil War” Amendments: the 13th, 14th and 15th Amendments

The Thirteenth 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.

The Thirteenth Amendment abolished slavery and involuntary servitude in the United States. **Involuntary servitude** is any form of forced labor. This amendment overturned the legacy of the original Constitution, which had permitted slavery to exist.

Despite the abolition of slavery, some minorities were still treated as second class citizens. In Florida, many African Americans were forced to labor in turpentine camps under harsh conditions of debt peonage, where they made turpentine, a major commercial product of the state. This form of involuntary servitude survived in Florida until the 1940s, despite the prohibition in the Thirteenth Amendment.

The Fourteenth Amendment

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The Fourteenth Amendment guaranteed equality to the African-American freedmen during the Reconstruction Era. It was ratified in 1868, shortly after the end of the Civil War.

Citizenship. The first section of this amendment stated that all persons born or naturalized in the United States were citizens of the United States and of the state in which they lived. Its purpose was to make it clear that the freed slaves were U.S. citizens with all the rights of citizenship.

Privileges and Immunities. The amendment also stated that no state could pass laws that limited the benefits of citizenship. These benefits are referred to as the “privileges and immunities” of citizenship.

“Due Process” Rights. The amendment further guaranteed citizens their “due process” rights, not with respect to actions by the federal government—as in the Fifth Amendment—but in actions by state governments. The Fourteenth Amendment forbids any state government from taking “life, liberty, or property without due process of law.” Both the procedures used and the laws applied must be fair to satisfy this “due process” requirement. In several cases, the U.S. Supreme Court has interpreted this requirement to mean the Bill of Rights applies to the states as well as to the federal government.

“Equal Protection” Clause. Lastly, the Fourteenth Amendment introduced the requirement that all citizens are entitled to the “equal protection of the laws.” This means that states must treat all people equally. It reflected the concerns of members of

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Congress at the time over the treatment of African American freedmen in Southern states. The "Equal Protection" Clause said that states could not legally discriminate against any citizen. It has been a pillar in the struggle for civil rights in America.

The Fifteenth Amendment

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Despite the Fourteenth Amendment, many African-American men were still denied the right to vote. The Fifteenth Amendment addressed this problem directly. The Amendment forbade the federal and state governments from denying any citizen the right to vote on the basis of race, color, or having once been a slave.



The First Vote

The Expansion of Democracy: the 19th, 24th and 26th Amendments

The Nineteenth Amendment

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Throughout the nineteenth century, American women were denied the right to vote, known as **suffrage**, in most states. A few states, mainly in the west, did permit women to vote.

Women reformers sought an amendment to the U.S. Constitution that would give all women the right to vote across America. They used many tactics on behalf of women's suffrage, including, in some cases, **civil disobedience** (refusing to obey laws considered unjust). After many campaigns and struggles, women finally secured the right to vote with the ratification of the Nineteenth Amendment in 1920.

While women secured suffrage with the Nineteenth Amendment, women reformers in the 1960s and 1970s wanted greater equality of opportunity. They failed to achieve adoption of the "Equal Rights Amendment." This amendment was proposed by Congress in 1972, but was never ratified by the required number of states. It stated that "Equality of rights should not be denied . . . on account of sex." Women themselves became divided over whether to support the amendment, and others claimed it was unnecessary.


The Twenty-fourth Amendment

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Tactics such as **poll taxes** (a special tax paid in order to vote) were once used, even as late as the 1960s, by Southern states to discourage African-American voters. The Twenty-fourth Amendment prohibited any state from requiring the payment of a poll tax for citizens to vote in federal elections.

The Twenty-fourth Amendment was ratified at the height of the Civil Rights Movement of the 1960s. African-American leaders like Dr. Martin Luther King, Jr., held rallies and demonstrations, conducted boycotts, went on marches, and committed acts of **civil disobedience**. Their actions led to several laws that helped end racial discrimination and promoted greater social justice. These included:

The Civil Rights Act of 1964. This law prohibited discrimination in restaurants, hotels and many forms of employment on the basis of race, sex (gender), religion or ethnic origin.



The Voting Rights Act of 1965. This law echoed the Fifteenth and Twenty-fourth Amendments. It prohibited poll taxes and racial discrimination in voting, and permitted special federal officials to register voters.

The Civil Rights Act of 1968. This law prohibited racial discrimination in the sale or rental of housing.

Twenty-sixth 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.

During the War in Vietnam, young men were being **drafted** (*conscripted for compulsory military service*) at the age of 18 years, but they were not permitted to vote until they reached 21 years of age. Critics argued that if being 18 years old qualified a young man for

military service to fight and die for his country, then surely he was old enough to vote. The amendment process again made it possible to expand voting rights by lowering the minimum voting age from 21 years to 18 in the Twenty-sixth Amendment.

♦ ♦ ♦

Through these amendments women, young adults and minorities have all become equal partners with existing voters in the American system of democracy. We now see representatives of every race, ethnic background, gender and age at every level of our government. This has not always been the case. There has been a significant struggle to provide the rights of citizenship to all, thus permitting Americans to live up to their original creed, that all people are created equal. The ability of Americans to amend the Constitution has helped to make this transformation possible.

The Active Citizen

- Choose one of the amendments in this section and conduct research using your school library and the Internet. Learn about the historical circumstances that led to the amendment and the changes that it brought about, especially in the expansion of American democracy. Then give an oral presentation, PowerPoint or Prezi presentation, or make and show a video, to your class.
- Pretend to be a freedman during Reconstruction, a woman at the turn of the century, a poor voter in the South in 1960, or an 18-year-old about to be drafted to serve in Vietnam in 1970. Then give a speech to your class in favor of the appropriate constitutional amendment.

Name _____
 Complete the chart below on the Bill of Rights.

Significance

| Amendment | What it says | Significance |
|-------------------|--------------|--------------|
| First Amendment | | |
| Second Amendment | | |
| Third Amendment | | |
| Fourth Amendment | | |
| Fifth Amendment | | |
| Sixth Amendment | | |
| Seventh Amendment | | |
| Eighth Amendment | | |
| Ninth Amendment | | |
| Tenth Amendment | | |

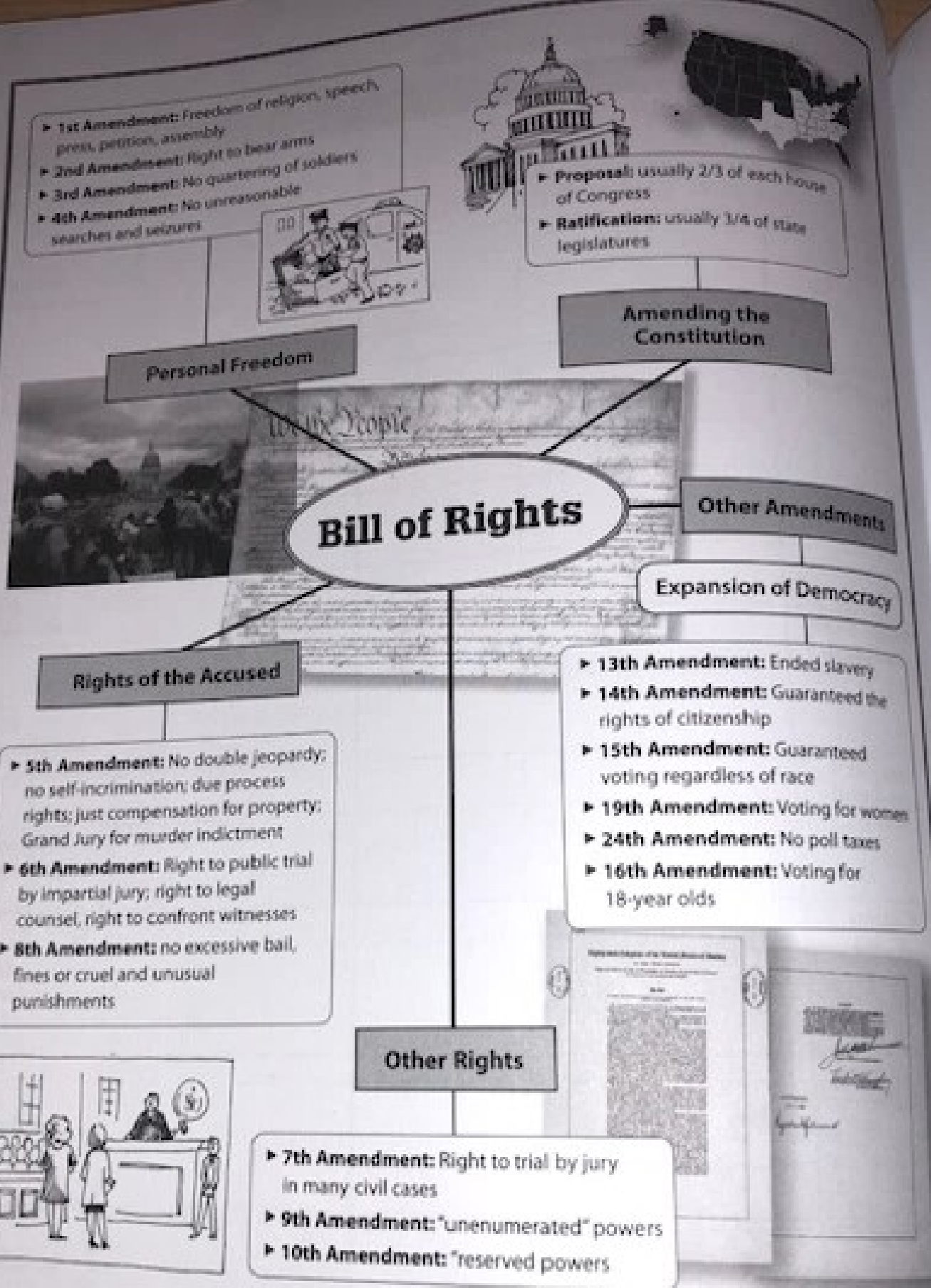
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Name _____

Complete the chart below on later amendments and laws expanding democracy.

| Amendment | What it says | Significance |
|---------------------------|--------------|--------------|
| Thirteenth Amendment | | |
| Fourteenth Amendment | | |
| Fifteenth Amendment | | |
| Nineteenth Amendment | | |
| Twenty-fourth Amendment | | |
| Twenty-sixth Amendment | | |
| Civil Rights Act of 1964 | | |
| Voting Rights Act of 1965 | | |
| Civil Rights Act of 1968 | | |

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Amending the Constitution

The Constitution allows for changing times through the amendment process. However, to amend the Constitution is more difficult than passing an ordinary law.

Article V of the Constitution established a two-step process for amendments.

Step 1: Proposing the Amendment

This can be accomplished in either of two ways:

1. By a two-thirds vote of both Houses of Congress. All amendments of the Constitution so far have used this method.
2. On the request of two-thirds of the state legislatures, Congress can call for a national convention to amend the Constitution. Amendments introduced by a majority vote at the national convention are considered ready for the next step.

Step 2: Ratifying the Amendment

There are two ways to ratify (approve) an amendment. Congress selects which one to apply:

1. Ratification by three-fourths of the state legislatures
2. Ratification by special ratification conventions in three-fourths of the states.

The Bill of Rights: The First Ten Amendments

The Bill of Rights consists of the first ten amendments to the Constitution. They were proposed by the first Congress to meet the demands of the Anti-Federalists, who had demanded a bill of rights during the debate over ratification of the Constitution. The Bill of Rights originally just protected individuals from actions by the federal government. Only later did the Fourteenth Amendment apply these rights to actions by state governments.

First Amendment

Establishes five freedoms. It commands Congress not to:

1. establish a state religion
2. prohibit freedom of religion
3. abridge freedom of speech or the press
4. prevent people from holding assemblies
5. prevent people from petitioning government for a redress of grievances.

Second Amendment

Protects citizens' right to bear arms.

Third Amendment

Prohibits government from quartering (sheltering) soldiers in citizen's homes in peacetime without the owners' consent. In wartime, the quartering of soldiers can only be in accordance with the law.

Review Cards: The Bill of Rights and Later Amendments

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1. establish a state religion
2. prohibit freedom of religion
3. abridge freedom of speech or the press
4. prevent people from holding assemblies
5. prevent people from petitioning government for a redress of grievances.

Second Amendment

Protects citizens' right to bear arms.

Third Amendment

Prohibits government from quartering (sheltering) soldiers in citizen's homes in peacetime without the owners' consent. In wartime, the quartering of soldiers can only be in accordance with the law.

Fourth Amendment

Protects citizens from searches and seizures of their persons, houses, papers and other belongings, unless there is a warrant, issued in advance, based on **probable cause** (reasonable grounds), or a reasonable exception, such as when police are in a chase.

Fifth Amendment

Provides five rights, four of which protect those accused of a crime:

1. **Grand Jury:** A serious criminal case, such as murder, may not go forward to trial unless a grand jury has determined there is sufficient evidence to do so
2. **"Double Jeopardy":** No person can be tried twice for the same crime
3. **Freedom from Self-Incrimination:** No person can be compelled to testify against himself or herself (*"Pleading the Fifth"*—refusing to answer questions where the answers might be self-incriminating)
4. **"Due Process" rights:** No person can be deprived of life, liberty, or property without due process—a process that is fair and that respects the person's rights
5. **Eminent Domain:** Private property may be taken over by government for public use, but the owner must be fairly compensated.

Sixth Amendment

Guarantees rights of the accused in criminal proceedings. These rights are:

1. The right to a speedy and public trial
2. The right to be tried by an impartial jury
3. The accused must be informed of the charges
4. The right to confront witnesses against the accused
5. The right to compel (force) witnesses to come to the court, who can testify in the accused's favor
6. The right to legal counsel (an attorney)

Seventh Amendment

Provides the right to a jury trial in many civil cases.

Eighth Amendment

1. Prohibits excessive bail (money posted by the accused to guarantee appearance at trial).
2. Prohibits excessive fines.
3. Prohibits cruel and unusual punishments for crimes committed.

Ninth Amendment

The enumeration (listing) of some rights in the Constitution does not mean to deny other rights retained by the people. These other rights are known as **unenumerated rights**. The courts have mentioned this amendment as one of the bases for the right to privacy.

Tenth Amendment

Any rights not delegated to the federal government or prohibited to the states are reserved for the states or for the people. These powers are known as the **"reserved"** powers.

Later Amendments Contributed to the Expansion of Democracy

Later amendments have played an important role in the expansion of democracy by bringing previously excluded groups into the American political process:

- ▶ The 13th Amendment abolished slavery and involuntary servitude in the United States.
- ▶ The 14th Amendment protected the rights of freedmen and other citizens:
 1. It made all persons born or naturalized in the United States citizens of the United States and the state in which they reside.
 2. No state can limit the benefits of citizenship ("privileges and immunities")
 3. "Due process" Clause prohibits any state from taking "life, liberty, or property without due process of law." Courts have interpreted this to mean the Bill of Rights is applicable to the state governments.
 4. "Equal protection of the laws" requires states to treat people equally. It has been a pillar in the struggle for civil rights in America.
- ▶ The 15th Amendment prohibited the federal and state governments from denying the right to vote to any citizen on the basis of race, color, or having been a slave.
- ▶ The 19th Amendment gave women the right to vote (known as *suffrage*).
- ▶ The 24th Amendment abolished poll taxes as a requirement to vote in federal elections. Poll taxes had been used to deny African-American citizens their right to vote.

The 24th Amendment was passed at the time of the Civil Rights Movement when African-American leaders were using civil disobedience, demonstrations, and other efforts to end racial segregation and achieve equality. This amendment was accompanied by the Civil Rights Act of 1964 (banning discrimination in restaurants, hotels, and most employment), Voting Rights Act of 1965 (enforcing the 15th and 24th Amendments), and Civil Rights Act of 1968 (banning discrimination in housing).

- ▶ The 26th Amendment lowered the voting age to 18 years old.

How the Constitution Safeguards and Limits Individual Rights

- ▶ The Constitution seeks to find a balance between limiting government power to protect individual rights and allowing government sufficient power to govern effectively.
- ▶ The balance is found in a constitutional structure that has a separation of powers, checks and balances, the division of power between the federal government and the state governments, and the guarantees of individual rights found in the Constitution, Bill of Rights and state constitutions.
- ▶ Courts have upheld individual rights and also placed certain common-sense restrictions on our exercise of them: for example, free speech does not permit us to create a danger or to tell lies about others; freedom of religion does not allow us to interfere with others' rights.

What Do You Know?

SS.7C.2.4

1. What is one of the five freedoms protected by the First Amendment?
- A. Freedom of speech
 - B. Freedom from self-incrimination
 - C. Freedom from unreasonable search and seizure
 - D. Freedom from cruel and unnatural punishments

SS.7C.3.5

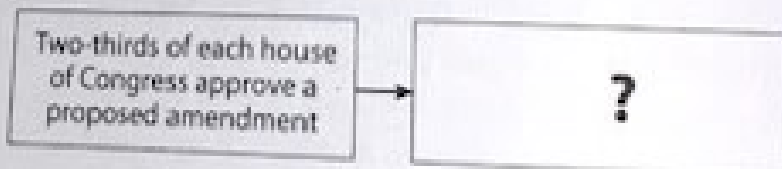
2. What is the first step in amending the U.S. Constitution?
- A. Three-fourths of the state legislatures propose the amendment.
 - B. Two-thirds of each house of Congress propose the amendment.
 - C. Conventions in three-fourths of the states propose the amendment.
 - D. The President, after consulting the U.S. Supreme Court, proposes the amendment.

SS.7C.2.4

3. Juanita was accused of shoplifting in a neighborhood department store. She went to trial and the jury found her to be "not guilty." However, the storeowner found video footage after the trial, proving that Juanita did shoplift. The owner takes this evidence to the district attorney. How will the district attorney respond?
- A. With this evidence, Juanita will probably be convicted on her second trial.
 - B. Juanita cannot be convicted because she was not advised of her right to legal counsel.
 - C. Juanita cannot be tried again because this would violate the ban on "double jeopardy."
 - D. After seeing this evidence, Juanita may admit her wrongdoing and plead guilty to a lesser charge.

SS.7C.3.5

4. The diagram below shows the most common method of amending the U.S. Constitution.



Which completes the diagram?

- A. Two-thirds of the states hold a constitutional convention
- B. Three-fourths of the state legislatures ratify the amendment
- C. The President of the United States approves the amendment
- D. Three-fourths of both houses of Congress ratify the amendment

5. Which of these rights from the Bill of Rights helps people accused of crimes?
- A. the right to bear arms for self-defense
 - B. the right to have the assistance of counsel
 - C. the right not to have troops quartered in one's home
 - D. the right to petition government for a redress of grievances

6. While Alex was at school, police officers broke into his home and took his computer. They did not have a warrant and there was no reason to believe that Alex had broken any laws. Alex was not avoiding the police or planning to move away from his home. Which right did the police officers violate?
- A. the right to due process of law in the Fourteenth Amendment
 - B. the right to assistance of legal counsel in the Sixth Amendment
 - C. the right to the equal protection of the laws in the Fourteenth Amendment
 - D. the right against unreasonable searches and seizures in the Fourth Amendment

8. The amendment below is part of the Bill of Rights.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

—The Eighth Amendment

What is the best definition of "bail" in this amendment?

- A. money paid as punishment for a crime
- B. money paid to obtain special privileges for a prison inmate
- C. money that someone convicted for a crime pays to reduce jail time
- D. money a defendant pays as security to stay out of jail while waiting for trial

9. Which statement best defines "due process" of law?
- A. Decisions affecting individuals are made by a jury of peers.
 - B. Procedures used to enforce the law are fair, reasonable and just.
 - C. People have guaranteed rights that can only be taken away in emergencies.
 - D. Government decisions affecting individuals are made in secret to avoid publicity.

SS.7C.2.4

10. What was the main purpose for the Bill of Rights?
- A. to establish a republican government in America
 - B. to guarantee individual freedoms against abuses of power
 - C. to announce the reasons for separating from Great Britain
 - D. to establish a stronger central government in the United States

SS.7C.2.4

11. Why is freedom of the press so important to democratic government?
- A. It keeps talented and creative writers employed.
 - B. It helps government officials keep track of public opinion.
 - C. It keeps citizens informed about the acts of their government leaders.
 - D. It provides a place where candidates can advertise in election campaigns.

SS.7C.3.6

12. Which statement describes an impact of the "due process" and "equal protection" clauses of the Fourteenth Amendment?
- A. Women were guaranteed the right to vote in all states.
 - B. African American freedmen were guaranteed the right to vote.
 - C. Americans were protected against abuses by state governments.
 - D. Opponents of the government no longer feared forced internment.

SS.7C.3.6

13. The newspaper headline below announces an amendment to the U.S. Constitution.



What was the impact of the passage of this amendment to the U.S. Constitution on the American political process?

- A. Women were allowed to vote in elections in all states.
- B. Citizens between 18 and 21 years of age were allowed to vote in elections.
- C. Those who could not afford to pay poll taxes could still vote in federal elections.
- D. Restaurants and hotels could not practice discrimination against Vietnam veterans.