

Amendments Study Sheet

Amending the Constitution

One of the most important features of the Constitution is the ability to amend or change the document in order to adapt it to changing times and conditions. Amending the Constitution should rightly be a difficult task, there are however a few methods to accomplishing these significant changes.

Method 1: Amendment Proposed by 2/3rds Vote in Each House of Congress

Method 2: Amendment Proposed at a National Constitutional Convention

APPROVAL FOR BOTH METHODS:

Ratified by 3/4ths of the State Legislatures OR Ratified by Constitutional Conventions in 3/4ths of the States

<u>Amendment</u>	<u>Right(s)</u>	<u>Historic Roots</u>
1 Freedoms	<ul style="list-style-type: none"> Freedom of Religion (by Establishment Clause and Free Exercise Clause) Freedom of Press Freedom of Speech Freedom of Assembly Freedom to Petition the Government 	The English gov't had suppressed speech, assembly and press rights in an attempt to quell the growing colonial discontent.
2 Right to Bear Arms	<ul style="list-style-type: none"> Right to keep and bear arms 	In the period prior to the revolution, the English attempted to limit militia activity, as they rightly feared preparations for a coming revolution.
3 No Quarter	<ul style="list-style-type: none"> Right to protection from troops being quartered in homes during peacetime 	The Quartering Act passed by English Parliament required the colonists to house and feed British troops stationed in the colonies.
4 Search and Seizure	<ul style="list-style-type: none"> Right against unreasonable search and seizure Warrants require cause 	British troops often search houses and property at will, in an attempt to suppress organizations working towards a revolution.
5 Rights of the Accused	<ul style="list-style-type: none"> Cannot be tried for the same crime twice (double jeopardy) Cannot be forced to testify against yourself (self-incrimination) Right to a fair trial with all proper legal rights enforced (due process) Right to fair compensation (\$\$) when the gov't takes your property for public use (eminent domain) 	Many accused under British law in the colonies, were jailed without being accused of a crime. It was also not uncommon for a person in the colonies to be tried under the laws of Britain, without regard to the local laws passed within the colonies.

<p>6</p> <p>More Rights of the Accused</p>	<ul style="list-style-type: none"> • Right to be informed of the charges against you • Right to a speedy and public trial • Right to an impartial jury • Right to face witnesses against you in court • Right to counsel (a lawyer) • Right to call witnesses in your defense 	<p>In the era prior to the revolution, British courts could keep a suspect in jail without accusing him/her of a crime or bringing them into a court of law. Many suspects sat in prison for years awaiting trial, only to be found innocent and released.</p>
<p>7</p> <p>Rights in a Civil Case</p>	<ul style="list-style-type: none"> • Right to a trial by jury in a civil case (non-criminal case) 	<p>This provision protected the idea of trial by jury (a fundamental notion in both English and American law) and extended it to all cases private or public.</p>
<p>8</p> <p>Cruel and Unusual Punishment</p>	<ul style="list-style-type: none"> • Right to protection against cruel and unusual punishment • Right to protection against excessive bails and fines 	<p>Even given that English laws applied to the colonies, English run colonial courts did not enforce the law evenly or fairly in the eyes of many. Excessive fines were levied for small offenses and extended sentences were given colonists perceived as threats for even the most minor offenses.</p>
<p>9</p> <p>Unenumerated Rights</p>	<ul style="list-style-type: none"> • Guarantee that rights not enumerated (listed) in the Constitution are still protected. 	<p>The founders wanted to be certain that rights in the B. of R. were not thought to be the only possible rights.</p>
<p>10</p> <p>Reserved Rights</p>	<ul style="list-style-type: none"> • Guarantee that the people and the states have all of the powers not specifically delegated to the federal government (reserved powers) 	<p>Many of the founding fathers feared the domination of the people and the states by a powerful federal government. To insure the containment of this power, people and states are granted all the powers that the federal government is not.</p>

Other Amendments: There are 17 other amendments to the Constitution. *Those amendments which are considered the most significant to review for the exam are highlighted with colored backgrounds.*

<u>Amendment</u>	<u>Provisions/Rights</u>	<u>Historic Roots</u>
<p>11</p> <p>State Immunity (1795)</p>	<ul style="list-style-type: none"> • Allows a person to sue if a state denies their rights 	<p>The judicial system was left up to Congress to create. As this was done, clarification was needed.</p>

<p>12 Election of President and V.P. (1804)</p>	<ul style="list-style-type: none"> Electors to the Electoral College are to cast one vote for President and separate vote for Vice President The House elects the President if no majority 	<p>In the election of 1800, confusion in the Electoral College resulted from the requirement that the runner-up for president become president. Further confusing was the fact that electors could cast votes for Vice Presidential candidates for President. The final result was the election of Thomas Jefferson and the 12th amendment.</p>
<p>13 Abolition of Slavery (1865)</p>	<ul style="list-style-type: none"> Slavery is illegal 	<p>The end of the Civil War saw a series of three amendments designed to grant greater equality to former slaves.</p>
<p>14 Equal Protection Under the Law (1868)</p>	<ul style="list-style-type: none"> Declares that all citizens are guaranteed equal treatment and protection under the law 	<p>This has proven one of the most significant amendments outside the Bill of Rights. Equal protection is the basis for all modern civil rights laws, disability acts and other actions designed to protect minority rights.</p>
<p>15 Right to Vote (1870)</p>	<ul style="list-style-type: none"> Insures black males the right to vote 	<p>Despite this amendment, poll taxes and literacy tests would attempt to deny black males voting rights in the southern states for nearly 100 years.</p>
<p>16 Income Tax (1913)</p>	<ul style="list-style-type: none"> Grants Congress the power to collect taxes on income Money collected does not have to be reapportioned to states based on population 	<p>The Populists had long fought for the taxation of income as a way of leveling out the great economic disparity between rich and poor that developed during the Gilded Age.</p>
<p>17 Direct Election of Senators (1913)</p>	<ul style="list-style-type: none"> Senators are to be elected by the people 	<p>The original Constitution provided for Senators to be elected by state legislatures. This was a Populist cause, designed to increase people's participation in government.</p>
<p>18 Prohibition (1919)</p>	<ul style="list-style-type: none"> The sale, making or transportation of alcohol is illegal 	<p>The temperance movement had gained support in the rural areas of the nation, somewhat in reaction to the growth of urban areas and the temptations cities brought. This was repealed (overturned) by the passage of the 21st amendment.</p>
<p>19 Women's Suffrage (1920)</p>	<ul style="list-style-type: none"> Women are granted the right to vote 	<p>Women such as Susan B. Anthony (for whom the amendment was named) fought for a voting right amendment for over 40+ years.</p>
<p>20 Presidential Inauguration (1933)</p>	<ul style="list-style-type: none"> President and Vice President are sworn into office on Jan. 20th (moved from March 4th) 	<p>This amendment shortens the "lame duck" time by moving inauguration up by 2 months.</p>
<p>21 Repeal of Prohibition</p>	<p>The 18th amendment (prohibition) is repealed</p>	<p>Prohibition was regarded as a huge failure, and the 18th amendment was revoked.</p>

22 Presidential Term Limits (1951)	<ul style="list-style-type: none"> No person may serve as President more than twice 	George Washington had set the precedent of two terms. All other presidents continued to serve no more than two terms, up until FDR was elected a record four times. After his administration ended, there was widespread support for a formal limit on presidential terms.
23 Voting in Washington D.C. (1961)	<ul style="list-style-type: none"> Grants Washington D.C. 3 electors to the electoral college 	Residents of the capitol did not have any political voice in federal government. This amendment grants them the minimum number of electors. To today Washington D.C. has no Senators or Reps. to the House.
24 Abolition of Poll Taxes (1964)	<ul style="list-style-type: none"> Poll taxes are illegal in federal elections 	Many Southern states had used poll taxes and literacy tests to limit black voting after the Civil War. Literacy tests were already illegal by the 1960's, but an amendment was required to outlaw the poll tax.
25 Presidential Succession (1967)	<ul style="list-style-type: none"> Establishes a clearer succession to the presidency and vice presidency 	During the era of the Cold War and in the wake of JFK's assassination, a clearer chain of ascension to the nations' highest offices was needed.
26 Voting Age (1971)	<ul style="list-style-type: none"> The age of eligibility for voting is lowered to 18 	In the wake of protests over the Vietnam war , a fundamental hypocrisy in the American voting system became clear. 18 year-olds could be drafted and forced to fight in war, but could not cast a vote for the politicians who were determining their fate.
27 Congressional Pay Raises (1992)	<ul style="list-style-type: none"> Congressional pay raises do not take effect until after the next Congressional election 	The process for this amendment was begun in the 1790's. It keeps a current Congress from raising their own pay.

Which Bill of Rights Amendment do YOU think is most important? Write one topic sentence stating your belief and 2 supporting reasons why this Amendment ranks higher than other in your opinion:
