

- ▶ **1st Amendment:** Freedom of religion, speech, press, petition, assembly
- ▶ **2nd Amendment:** Right to bear arms
- ▶ **3rd Amendment:** No quartering of soldiers
- ▶ **4th Amendment:** No unreasonable searches and seizures



Personal Freedom



- ▶ **Proposal:** usually 2/3 of each house of Congress
- ▶ **Ratification:** usually 3/4 of state legislatures

Amending the Constitution

Bill of Rights

Other Amendments

Expansion of Democracy

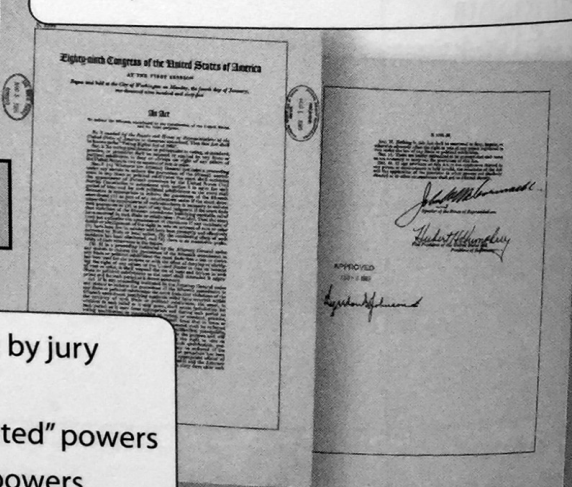
Rights of the Accused

- ▶ **5th Amendment:** No double jeopardy; no self-incrimination; due process rights; just compensation for property; Grand Jury for murder indictment
- ▶ **6th Amendment:** Right to public trial by impartial jury; right to legal counsel, right to confront witnesses
- ▶ **8th Amendment:** no excessive bail, fines or cruel and unusual punishments

- ▶ **13th Amendment:** Ended slavery
- ▶ **14th Amendment:** Guaranteed the rights of citizenship
- ▶ **15th Amendment:** Guaranteed voting regardless of race
- ▶ **19th Amendment:** Voting for women
- ▶ **24th Amendment:** No poll taxes
- ▶ **16th Amendment:** Voting for 18-year olds

Other Rights

- ▶ **7th Amendment:** Right to trial by jury in many civil cases
- ▶ **9th Amendment:** "unenumerated" powers
- ▶ **10th Amendment:** "reserved powers"



Review Cards: The Bill of Rights and Later Amendments

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.
- or*
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.

and

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
- or*
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.

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.