# The Bill of Rights and Amendments 11-27 

In 1787, Thomas Jefferson sent James Madison a letter about the Constitution. Jefferson wrote, "I will now add what I do not like . . . [there is no] bill of rights." He explained his reasons: "A bill of rights is what the people are entitled to against every government on earth . . . and what no just government should refuse." Jefferson's disapproval is not surprising. In writing the Declaration of Independence, he spelled out basic individual rights that cannot be taken way. These are "life, liberty, and the pursuit of happiness." The Declaration states that governments are formed to protect these rights.

Several states approved the Constitution only if a list of guaranteed freedoms was added. While serving in the nation's first Congress, James Madison helped draft the Bill of Rights. In 1791, these first ten amendments became part of the Constitution.

## AMENDMENTS 1-10. The Bill of Rights

MAIN IDEA The Bill of Rights protects citizens from government interference. WHY IT MATTERS NOW Issues related to the Bill of Rights are still being applied, tested, and interpreted.

## AMENDMENT 1. Religious and Political Freedom (1791)

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.

## A CLOSER LOOK The Five Freedoms



SKILLBUILDER Interpreting Charts

1. Why is freedom of speech and the press important in a democratic society?
2. What impact has religious freedom had on the American way of life?

AMENDMENT 2. Right to Bear Arms (1791) 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.

AMENDMENT 3. Quartering Troops (1791) 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.

AMENDMENT 4. Search and Seizure (1791) 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.

AMENDMENT 5. Rights of Accused Persons (1791) No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; 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.

## AMENDMENT 6. Right to a Speedy, Public Trial (1791)

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, which district shall have been previously ascertained by law, 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.


## A CLOSER LOOK

In 1966, the Supreme Court made a decision based on the 5th and 6th Amendments. The warnings outlined in this ruling are often called "Miranda rights." Miranda rights protect suspects from giving forced confessions. Police must read these rights to a suspect they are questioning. For example:

- "You have the right to remain silent."
- "Anything that you say can and will be used against you in a court of law."
- "You have the right to an attorney."


AMENDMENT 7. Trial by Jury in Civil Cases (1791) In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

AMENDMENT 8. Limits of Fines and Punishments (1791) Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT 9. Rights of People (1791) The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

AMENDMENT 10. Powers of States and People (1791) 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.

## Bill of Rights Assessment

## 1. Main Ideas

a. Which amendment protects your privacy?
b. Which amendments guarantee fair legal treatment?
c. Which amendment prevents the federal government from taking powers away from the states and the people?

## 2. Critical Thinking

Forming and Supporting Opinions The 4th, 5th, 6th, 7th, and 8th Amendments protect innocent people accused of crimes. Do you think these five amendments also favor the rights of actual criminals? Explain.

## THINK ABOUT

- criminals who go free if valuable evidence is found after their trials
- criminals released on bail


## Amendments 11-27

MAIN IDEA The Constitution has adapted to social changes and historical trends. WHY IT MATTERS NOW Amendments 11-27 show that the Constitution is a living document.

## AMENDMENT 11. Lawsuits Against States (1798)

Passed by Congress March 4, 1794. Ratified February 7, 1795. Proclaimed 1798. Note: Article 3, Section 2, of the Constitution was modified by Amendment 11.
The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

## AMENDMENT 12. Election of Executives (1804)

Passed by Congress December 9, 1803. Ratified June 15, 1804.
Note: Part of Article 2, Section 1, of the Constitution was replaced by the 12th Amendment.
The electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;-the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;-the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from twothirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of Mareh next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

## VOCABULARY

common law a system of law developed in England, based on customs and previous court decisions
bail money paid by arrested persons to guarantee they will return for trial
equity a system of justice not covered under common law

## A CLOSER LOOK

## SEPARATE BALLOTS

The presidential election of 1800 ended in a tie between Thomas Jefferson and Aaron Burr. At this time, the candidate with the most votes became president. The run-ner-up became vice-president. The 12th Amendment calls for separate ballots for the president and vice-president. The vice-president is specifically elected to the office, rather than being the presidential candidate with the second-most votes.
22. Why do you think it's important for a presidential election to result in a clear-cut winner?

## VOCABULARY

servitude being under the authority of an owner or master naturalized granted nationality insurrection revolt against authority
bounties rewards

## A CLOSER LOOK

The 14th Amendment laid the groundwork for many civil rights laws, such as the Americans with Disabilities Act (1990). This act gave people with mental or physical disabilities "equal protection of the laws." For example, public places had to be designed for wheelchair use. Wider doors and ramps allow disabled people to go in and out


## AMENDMENT 13. Slavery Abolished (1865)

Passed by Congress January 31, 1865. Ratified December 6, 1865.
Note: A portion of Article 4, Section 2, of the Constitution was superseded by the 13th Amendment.

Section 1. 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.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

## AMENDMENT 14. Civil Rights (1868)

Passed by Congress June 13, 1866. Ratified July 9, 1868.
Note: Article 1, Section 2, of the Constitution was modified by Section 2 of the 14th 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.
Section 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.
Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.
Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

## AMENDMENT 15. Right to Vote (1870)

Passed by Congress February 26, 1869. Ratified February 3, 1870.
Section 1. 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.
Section 2. The Congress shall have power to enforce this article by appropriate legislation.

## A CLOSER LOOK Reconstruction Amendments

The 13th, 14th, and 15th Amendments are often called the Reconstruction Amendments. They were passed after the Civil War during the government's attempt to rebuild the Union and to grant rights to recently freed African Americans.

## A CLOSER LOOK

VOTING RIGHTS
The Voting Rights Act of 1965 extended the 15th Amendment. To qualify as voters, African Americans were no longer required to take tests proving that they could read and write. Also, federal examiners could help register voters. As a result, the number of African-American voters rose sharply.
23. What effect do you think the Voting Rights Act had on candidates running for office?


## A CLOSER LOOK

## INCOME TAX

People below the poverty level, as defined by the federal government, do not have to pay income tax. In 1997, the poverty level for a family of four was $\$ 16,400$ per year. About 13.3 percent of all Americans were considered poor in 1997.
24. Why do you think people below the poverty level do not pay any income tax?

## A CLOSER LOOK

Under Prohibition, people broke the law if they made, sold, or shipped alcoholic beverages. Powerful crime gangs turned selling illegal liquor into a big business. This photo shows federal agents getting ready to smash containers of illegal whiskey. The 21st Amendment ended Prohibition.

## A CLOSER LOOK

At left, marchers campaign for the 19th Amendment-woman suffrage. Since winning the right to vote in 1920, women have slowly gained political power. Pictured below are Congress members who belong to the Congressional Caucus
for Women's Issues.


Image not available for use on this CD-ROM. Please refer to the image in the textbook.

## AMENDMENT 19. Woman Suffrage (1920)

Passed by Congress June 4, 1919. Ratified August 18, 1920.
Section 1. 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.
Section 2. Congress shall have power to enforce this article by appropriate legislation.

## AMENDMENT 20. "Lame Duck" Sessions (1933)

Passed by Congress March 2, 1932. Ratified January 23, 1933.
Note: Article 1, Section 4, of the Constitution was modified by Section 2 of this amendment. In addition, a portion of the 12th Amendment was superseded by Section 3.
Section 1. The terms of the President and Vice-President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3rd day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors

## A CLOSER LOOK

THE EQUAL RIGHTS AMENDMENT
In 1920, the 19th Amendment took affect, guaranteeing women the right to vote. Nevertheless, many women have continued to face discrimination in the United States. In 1923, the National Women's Party supported the passage of an equal rights amendment to protect women. Congress did not pass such an amendment until 1972. In 1982, however, the amendment died after it failed to be ratified by enough states to be added to the Constitution.
25. Why do you think the 19th Amendment failed to create equality for women? shall then begin.
Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3rd day of January, unless they shall by law appoint a different day.
Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice-President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice-President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice-President elect shall have

## VOCABULARY

inoperative no longer in force primary an election in which registered members of a political party nominate candidates for office

A CLOSER LOOK
George Washington set the tradition of limiting the presidency to two terms. Franklin Roosevelt broke this custom when he was elected president four terms in a row-1932, 1936, 1940, and 1944. His record-long presidency led to the 22nd Amendment. A two-term

qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice-President shall have qualified.
Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice-President whenever the right of choice shall have devolved upon them.
Section 5. Sections 1 and 2 shall take effect on the 15 th day of October following the ratification of this article.
Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission.

## AMENDMENT 21. Repeal of Prohibition (1933)

Passed by Congress February 20, 1933. Ratified December 5, 1933.
Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.
Section 2. The transportation or importation into any state, territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.
Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the Congress.

## AMENDMENT 22. Limit on Presidential Terms (1951)

Passed by Congress March 21, 1947. Ratified February 27, 1951.
Section 1. 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. But this article shall not apply to any person holding the office of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this article becomes operative from holding the office of President or acting as President during the remainder of such term.
Section 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of threefourths of the several states within seven years from the date of its submission to the states by the Congress.

## AMENDMENT 23. Voting in District of Columbia (1961)

Passed by Congress June 17, 1960. Ratified March 29, 1961.
Section 1. The district constituting the seat of government of the United States shall appoint in such manner as Congress may direct: a number of electors of President and Vice-President equal to the whole number of Senators and Representatives in Congress to which the district would be entitled if it were a state, but in no event more than the least populous state; they shall be in addition to those appointed by the states, but they shall be considered, for the purposes of the election of President and Vice-President, to be electors appointed by a state; and they shall meet in the district and perform such duties as provided by the twelfth article of amendment.
Section 2. The Congress shall have power to enforce this article by appropriate legislation.

## AMENDMENT 24. Abolition of Poll Taxes (1964)

Passed by Congress August 27, 1962. Ratified January 23, 1964.
Section 1. 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.
Section 2. The Congress shall have power to enforce this article by appropriate legislation.

## AMENDMENT 25. Presidential Disability, Succession (1967) Passed by Congress July 6, 1965. Ratified February 10, 1967.

Note: Article 2, Section 1, of the Constitution was affected by the 25th Amendment.
Section 1. In case of the removal of the President from office or of his death or resignation, the Vice-President shall become President.
Section 2. Whenever there is a vacancy in the office of the Vice-President, the President shall nominate a Vice-President who shall take office upon confirmation by a majority vote of both houses of Congress.
Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice-President as Acting President.

## A CLOSER LOOK

POLL TAX
The poll tax was aimed at preventing African Americans from exercising their rights. Many could not afford to pay this fee required for voting.
26. How do you think the 24th Amendment affected elections?

## A CLOSER LOOK

## PRESIDENTIAL DISABILITY

President John F. Kennedy's death in 1963 signaled the need for the 25th Amendment. The Constitution did not explain what to do in the case of a disabled president. James Reston, a writer for The New York Times, summed up the problem: Suppose Kennedy was "strong enough to survive [the bullet wounds], but too weak to govern." The 25th Amendment provides for an orderly transfer of power.
27. What do you think can happen in a country where the rules for succession are not clear?

## A CLOSER LOOK

## SUCCESSION

Who takes over if a president dies in office or is unable to serve? The top five in the line of succession follow:

- vice-president
- speaker of the house
- president pro tempore of the Senate
- secretary of state
- secretary of the treasury

28. Why should voters know the views of the vice-president?

Section 4. Whenever the Vice-President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the VicePresident shall immediately assume the powers and duties of the office as Acting President. Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice-President and a majority of either the principal officers of the executive department[s] or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two thirds vote of both houses that the President is unable to discharge the powers and duties of his office, the Vice-President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

## START INTERACTIVE

## A CLOSER LOOK Amendments Time Line 1791-1992

## Use the key below to help you categorize the amendments.

$\square$ Voting Rights
$\square$ Social Changes
Amendment 15
1870

- Overturned Supreme Court Decisions
- Election Procedures and Conditions of Office

Stops national and state governments from denying the vote based on race.


## 1804

Requires separate electoral vice-president.

1868
Defines American citizenship and citizens' rights.

## AMENDMENT 26. 18-year-old Vote (1971)

Passed by Congress March 23, 1971. Ratified July 1, 1971.
Note: Amendment 14, Section 2, of the Constitution was modified by Section 1 of the 26th Amendment.

Section 1. 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.
Section 2. The Congress shall have power to enforce this article by appropriate legislation.

## AMENDMENT 27. Congressional Pay (1992)

Passed by Congress September 25, 1789. Ratified May 7, 1992.
No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.


## A CLOSER LOOK

Members of the recording industry founded Rock the Vote. They urge young people to vote in elections.

## Amendments 11-27 Assessment

## 1. Main Ideas

a. Which amendments affected the office of president?
b. Which pair of amendments shows the failure of laws to solve a social problem?
c. Which amendments corrected unfair treatment toward African Americans and women?

## 2. Critical Thinking

Summarizing What is the purpose of amending the Constitution?

THINK ABOUT

- the purpose of the Constitution
- problems and issues that Americans have faced throughout U.S. history

Amendment 18 1919 Prohibits making, selling, and shipping alcoholic beverages.

Amendment 19

## 1920

Extends the vote
to women.

## Amendment 16

 1913Allows Congress to tax incomes.

## Amendment 17

 1913Establishes direct election of U.S. senators.


Amendment 23
1961
Gives citizens of Washington, D.C.,
right to vote in presidential elections.
Amendment 24
1964
Bans poll taxes.


Amendment 20 1933
Changes date for starting new Congress and inaugurating new president.

## Amendment 26

1971
Gives 18-year-olds right to vote in federal and state elections.

## Amendment 27

 1992Limits ability of Congress to increase its pay.

[^0]
[^0]:    Amendment 22
    1951
    Limits terms president can serve to two.

