



# **The Constitution and the Amendment Process**



# Methods of Proposal

## Method 1

**By 2/3 vote in  
both the House  
and the Senate**

[most common method of  
proposing an amendment]

# Methods of Proposal

## Method 1

**By 2/3 vote in  
both the House  
and the Senate**

[most common method of  
proposing an amendment]

Or

## Method 2

**By national  
constitutional  
convention called by  
Congress at the  
request of 2/3 of the  
state legislatures**

[This method has never been used]

# Methods of Ratification

## Method 1

**By legislatures in  
 $\frac{3}{4}$  of the states**

**[in all but one case, this is how  
amendments have been ratified]**

# Methods of Ratification

## Method 1

**By legislatures in  
 $\frac{3}{4}$  of the states**

[in all but one case, this is how  
amendments have been ratified]

Or

## Method 2

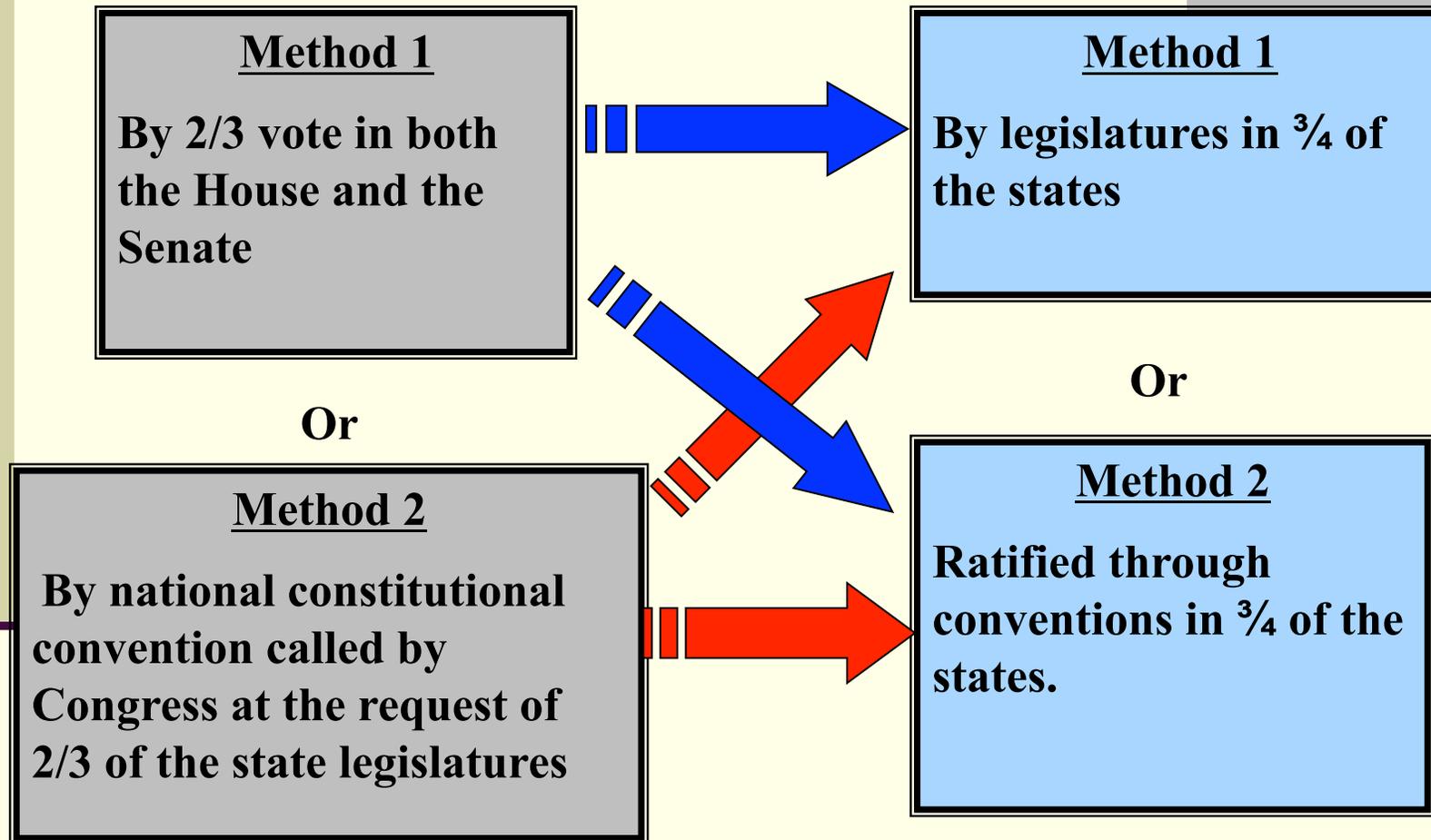
**Ratified through  
conventions in  $\frac{3}{4}$  of  
the states.**

[Only been used once to ratify the  
21<sup>st</sup> Amendment]

# Amendment Process

## Methods of Proposal

## Methods of Ratification



Total of 4 ways to Formally amend the Constitution



# Amendments



1-27

# Bill of Rights

---

- Amendments 1-10
- List of basic rights of citizens
- Listed in order to protect citizens from the power of federal government

# 1<sup>st</sup> Amendment: Five Freedoms

---

## ■ Freedom of Religion

- **Separation of Church and State** – government may not favor any religion or establish an official religion
- Establishment clause—the government may not establish or set an official religion for the US
- Free exercise clause—freedom to practice any religion or no religion at all
- *Engel v. Vitale*—upheld separation of church and state in school=no organized school prayer in public schools

## ■ Freedom of Speech

- Free to express opinions, write articles, stories, and poems
- Not free to **slander** people (tell lies that damage reputation)
- May be limited if it endangers the lives of citizens (Ex: Cannot yell “Fire” in a theater, bomb on an airplane—think “Meet the Parents”)
- *Texas v. Johnson*—It is constitutional to burn the American flag as an act of freedom of expression

# 1<sup>st</sup> Amendment (con't)

---

## ■ Freedom of the Press

- Prevent gov't from deciding what may be printed
- Freedom to criticize the gov't without fearing arrest
- Newspapers are NOT allowed to **libel** (print lies about someone that would damage reputation)
- May be limited if it endangers the lives of citizens
- Who has received the most limited 1<sup>st</sup> amendment protection??? Radio and Television
- *Hazelwood v. Kuhlmeier*—upheld a principals right to editorial control over school newspapers

# 1<sup>st</sup> Amendment (con't)

---

## ■ Freedom of Assembly

- Freedom to assemble as long as the demonstration is peaceful and does not violate the rights of other citizens
- *Tinker v. Board of Education-upheld a student's right to silent protest as long as it does not disrupt the learning environment*

## ■ Freedom of Petition

- Any citizen or group has right to ask a gov't representative to change a law, make a new law, or in other ways solve problems that arise

# 2<sup>nd</sup> Amendment: Gun Ownership

---

- Each state has the right to create a militia (MO National Guard)
- Right to bear arms
  - Are there any laws regulating this?

## 3<sup>rd</sup> Amendment: Quartering Soldiers

---

- Gov't must obtain the owner's consent before housing soldiers in citizen's homes during peacetime
- Citizens may have to house soldiers during wartime, only if Congress passes a law requiring it

# 4<sup>th</sup> Amendment: Search and Seizure

---

- Officers cannot search a citizen or a citizen's home without a valid reason
- Citizen has a right to request a search warrant
  - Search warrant – place to be searched, reason, and who/what is expected to be found, must have probable cause for warrant.
  - Exclusionary rule—evidence that is obtained ILLEGALLY may not be used in court against you
    - *Mapp v. Ohio*—established the exclusionary rule
- Guards citizens against abuse of power
- YOUR RIGHTS ARE DIFFERENT IN SCHOOL
- *New Jersey v. T.L.O.*—principals DO NOT have the same requirements as police officers and CAN search student with only reasonable suspicion

# 5<sup>th</sup> Amendment: Property Rights

---

- Gov't has the power of **eminent domain** (take private property for public use, gov must pay a fair price for property seized)
- **Miranda warning** – right to remain silent, no one is forced to be witness against themselves (self incrimination)
  - *Miranda v. Arizona*—Every person must be read their rights when arrested or questioned
- Any confessions must be freely given, not forced to incriminate self, “plead the fifth”
- Any person suspected of a serious crime must be **indicted** (formally accused) by a **grand jury** (determines if there is enough evidence to hold a trial)
- Citizens are protected from **double jeopardy** (cannot be tried twice for the same crime)

# 6<sup>th</sup> Amendment: Criminal Proceedings

---

- Person must be told what crime he/she is accused of
- Person has right to a speedy and public trial by an impartial jury
  - In order to avoid secret trials and long delays for those accused of breaking the law
- All people have the right to a lawyer, if necessary the gov't will pay for lawyer
- *Gideon v. Wainwright*—regardless of the crime committed every person has a right to an attorney even if they cannot afford one.

# 7<sup>th</sup> Amendment: Civil Trials

---

- Right to a trial by jury in situations where the amount in question exceeds \$20
- (Trial by jury for criminal cases is already guaranteed in Article III.)

# 8<sup>th</sup> Amendment: Punishment for Crimes

---

- Protects accused persons from excessive bail
- Protects accused persons from cruel and unusual punishment

# 9<sup>th</sup> Amendment: Rights of People

---

- People have rights beyond those in the Constitution
  - The right to live where we want
  - The right to privacy *Roe v. Wade*—*protects a women's right privacy with her body*
    - *Considers the rights of the mother and the child but not the father*
  - The right to choose which school our children attend
  - The right to choose our jobs
  - The right to marry and have children – or not
  - The right to travel freely

# 10<sup>th</sup> Amendment: Rights of States

---

- Powers not specifically given to the national gov't by the Constitution are **reserved** for the states
  - States establish police forces, public schools

# 11<sup>th</sup> Amendment: Suits against States

---

- Protects against lawsuits against states
- States cannot be sued in federal court by a citizen of another state, without the state's consent

# 12<sup>th</sup> Amendment: Pres and VP

---

- Elects the President and Vice President on separate ballots in the Electoral College
- Prevents a tie for the presidency
- If there is not a majority of electoral votes, the House of Reps will decide the winner of Presidency from top 3 candidates, Senate decides VP
- VP same requirements as President

# 13<sup>th</sup> Amendment: Slavery

---

- Abolished Slavery (made it illegal)

# 14<sup>th</sup> Amendment: Citizenship

---

- Equal Protection under the law
- Due process of law (laws must be reasonable to an average person)—this applies to States and their local governments
  - The due process in the Bill of Rights was specified to the National government
- Example of **affirmative action** (policies and efforts made to improve opportunities for minority groups)
- *Plessy v. Ferguson*—established the separate but equal clause and made segregation **LEGAL**
- *Brown v. Board of Education*—overturned *Plessy v. Ferguson* and said that separate is **NOT** equal

# 15<sup>th</sup> Amendment: Af Am Suffrage

---

- Granted African American men **suffrage**  
(right to vote)

# 16<sup>th</sup> Amendment: Tax

---

- Power to tax income

# 17<sup>th</sup> Amendment: Senators

---

- Direct election of Senators by the people

# 18<sup>th</sup> Amendment: Prohibition

---

- Prohibition of alcohol (made it illegal)

# 19<sup>th</sup> Amendment: Women's Suffrage

---

- Granted voting rights to women
- Example of **affirmative action**

# 20<sup>th</sup> Amendment: Terms

---

- Sets dates for President and Congressmen to take office
  - Pres Jan 20—Inauguration Day
  - Congress—Jan 6
- Congress will meet at least once a year

# 21<sup>st</sup> Amendment: Repeal of Prohibition

---

- Repealed prohibition of alcohol
- (Repealed 18<sup>th</sup> Amendment – remember the only way to change an amendment is to pass another amendment)

# 22<sup>nd</sup> Amendment: Pres Terms

---

- President may only serve two terms
- One person may serve a maximum of ten years as President (2 years or less as a fill-in + 2 full terms=10 years)

# 23<sup>rd</sup> Amendment: Electoral Votes

---

- Granted the District of Columbia electoral votes

# 24<sup>th</sup> Amendment: Poll Taxes

---

- Abolished poll tax and literacy tests for voting

# 25<sup>th</sup> Amendment: Pres & VP

---

- Presidential Succession—process for filling a vacancy in the presidency
  - President → Vice President → Speaker of the House → President Pro-Tempore → Secretary of State
- Presidential Disability
- Vacancy in Vice Presidency—President appoint a new VP, Congress Approves

# 26<sup>th</sup> Amendment: Voting Age

---

- Lowered the voting age from 21 to 18
- Wanted to match the draft age—old enough to die for your country, you should be able to vote in your country (during Vietnam)

# 27<sup>th</sup> Amendment: Congress

---

- Congressional Raises
  - If Congress votes to increase their salaries, it does not go into effect until the next year.

# Additional Cases

---

- McCulloch v. Maryland—established the Supremacy Clause
  - If there is a conflict between state and national constitution, the state constitution must give way to the US constitution
- Marbury v. Madison—established the Supreme Court's power of judicial review
  - Judicial review—the power to declare a law/act unconstitutional

# The only crime defined by the Constitution...

---

- TREASON

# Amendment Vocabulary

---

- Bill of attainder—A legislative act that singles out an individual or group for punishment without a trial
  - Not constitutional
- Ex post facto (after the fact)—retroactive law
  - Not constitutional
- Writ of Habeas Corpus—requires the police to bring a prisoner before the court and explain why he or she should not be released
  - Intended to prevent the accused from being unjustly arrested and imprisoned without cause