

Topic:

United States Constitution
Amendments

Time:

1-2 hours

Grade:

3, 4, and
5

Core:

3: 6030-0402
4: 6040-0301
5: 6050-0502

Objectives:

1. Students will know what a Constitutional Amendment is.
2. Students will identify freedoms protected by the U. S. Constitution in a story or news story context.

Procedure:

(NOTE: This lesson presupposes students' basic familiarity with the U. S. Constitution.)

1. Discuss with students what "amendment" means (a change in or an addition to a bill or a constitution).
2. Using something visual that stretches--a plastic bag, an elastic belt--explain that the U. S. Constitution was written to be flexible and durable. Citizens rely on the Constitution to be strong and constant, but to meet various needs at different times in our country's history.
3. The U. S. Constitution can only be "amended" or changed when:
 - a. Two-thirds of both houses propose an amendment, or
 - b. Two-thirds of the legislatures of the states call a convention for proposing amendments.
 - c. The amendment must be "ratified" (approved) by three-fourths of the state legislatures or by special state conventions.
(See Article V, U. S. Constitution.)
 - d. State Constitutions can be amended according to state law.
4. Discuss with students either all of the U. S. Constitutional Amendments or select several that would be of interest to your class.

Additional Resources:

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5. Using the Amendments to the U. S. Constitution printed at the end of this lesson (Handout 1), read with students the stories printed in Handout 2 and find the Amendment that applies to each of them.

ENRICHMENT:

6. Bill of Rights Day is December 15. The first Ten Amendments of the U. S. Constitution, known as the Bill of Rights, became effective following ratification (signing and accepting) by Virginia on December 15, 1791. Look through today's paper for examples of these rights guaranteed by the Bill of Rights: (1) right to bear arms; (2) right to a jury; (3) right to freedom of press; (4) right to freedom of religion; (5) right to legal counsel; (6) right to protection from cruel and unusual punishment; (7) right to peacefully assemble; (8) right to freedom of speech; (9) right to protection from self- incrimination. (See Handout 3 for simplified Bill of Rights.)

HANDOUT 1

AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES

AMENDMENT 1 (1791)

Freedom of religion, speech and press, peaceful assemblage; petition of grievances

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 to peacefully assemble, and to petition the Government for a redress of grievances.

AMENDMENT 2 (1791)

Right to bear arms

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 (1791)

Quartering of soldiers in homes

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 (1791)

Searches and seizures

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 (1791)

Capital crimes; double jeopardy; self incrimination; due process; just compensation for property

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 (1791)

Jury trial for crimes; procedural rights

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 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.

AMENDMENT 7 (1791)

Civil trials

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 re-examined in any Court of the United States, than according to the rules of the common law.

AMENDMENT 8 (1791)

Excessive bail, fines, punishments

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

AMENDMENT 9 (1791)

Constitution of enumerated rights

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

AMENDMENT 10 (1791)

Reserved powers to the states

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.

AMENDMENT 11 (1795)

Suits against states

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 (1804)

Presidential electors

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 two-thirds 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 March 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 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.

AMENDMENT 13 (1865)

Slavery abolished

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 in any place subject to their jurisdiction.

Enforcement

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

AMENDMENT 14 (1868)

Citizenship rights not to be abridged by states

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.

Apportionment of Representatives in Congress

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 such State.

Persons disqualified from holding office

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.

What public debts are void

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.

Power to enforce article

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

AMENDMENT 15 (1870)

Right to vote not to be abridged

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.

Power to enforce article

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

AMENDMENT 16 (1913)

Income tax

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

AMENDMENT 17 (1913)

Popular election of Senators

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

When vacancies happen in the representation of any State in the Senate, the executive

authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

AMENDMENT 18 (1919)

Liquor prohibition

[Repealed in 1933. See Amendment 21.]

Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof unto, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of 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 19 (1920)

Woman suffrage

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.

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

AMENDMENT 20 (1933)

Terms of office

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 shall then begin.

Time of convening Congress

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.

Death of President elect

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 qualified, declaring who shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Election of the President

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 and of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Effective date of Sections 1 and 2

Section 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Ratification within seven years

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 (1933)

National liquor prohibition repealed

Section 1. The eighteenth article of the amendment to the Constitution of the United States is hereby repealed.

Transportation of liquor into “dry” state

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.

Ratification within seven years

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 (1951)

Limitation on presidential terms

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 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.

AMENDMENT 23 (1961)

Electors for District of Columbia

Section 1. The district constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors for 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.

Enforcement of article

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

AMENDMENT 24 (1964)

Presidential succession

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.

Enforcement of article

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

AMENDMENT 25 (1967)

Presidential succession

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Vacancy in office of Vice 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.

Presidential declaration of inability to function

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.

Determination of presidential inability

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 Representative their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President 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 this office unless the Vice President and a majority of either the principal officers of the executive department 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 this 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.

AMENDMENT 26 (1971)

Right to vote; citizens eighteen years of age or older

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.

Enforcement of article

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

HANDOUT 2

STORIES ABOUT CONSTITUTIONAL AMENDMENTS

1. Frank and Joan, age 18, went to City Hall to register to vote in the next election. Will they be allowed to vote? Find the amendment and write the words that apply.
2. Before 1913, the United States Government did not tax people's income. As the government started providing more services, it was decided that people should pay an income tax. Find the amendment and write the words that apply.
3. Leslie's grandfather said he was arrested once for buying whiskey. Could that have happened? Could it happen today? Find two amendments that answer these questions and write the words that apply.
4. Jerome stayed in jail two years before his case came to trial. Find the amendment that makes this illegal and write the words that apply.

HANDOUT 3

THE BILL OF RIGHTS

The Bill of Rights is the major source of protections of individual rights against abuse by the government. Due to its importance, we want you to learn which rights flow from which amendment.

FIRST AMENDMENT: 1) Prohibits the government from establishing a religion; and
 2) Protects the freedoms of religion, speech, press and assembly.

SECOND AMENDMENT: Protects the right of the people to bear arms.

THIRD AMENDMENT: Protects against quartering of soldiers in private homes.

FOURTH AMENDMENT: Protects against unreasonable searches and seizures.

FIFTH AMENDMENT: 1) Provides that no person shall be denied life, liberty, or property without due process of law; and
 2) Gives rights to people who are accused of crimes, including protection against self incrimination and double jeopardy (i.e., being tried for the same crime twice).

SIXTH AMENDMENT: Gives people who are accused of crimes the right to a jury trial, an attorney, and a speedy trial.

SEVENTH AMENDMENT: Provides the right to a jury trial in civil cases.

EIGHTH AMENDMENT: Bars cruel and unusual punishment and excessive bail.

NINTH AMENDMENT: Declares that the rights spelled out in the Constitution are not the only rights the people have.

TENTH AMENDMENT: Reserves to the states and the people any power not belonging to the federal government.