The delegates in Philadelphia knew that the Constitution would need to adjust to times and conditions they couldn't possibly foresee. As a result, the Framers provided a formal procedure to amend the Constitution.

**Changing the Constitution by Amendment**

While recognizing the need for flexibility, the Framers wanted future generations to consider proposed changes carefully before amending the Constitution. To ensure that changes would not be made in haste, they created a complicated amendment process.

**Proposing and Ratifying Amendments.** Article V of the Constitution outlines two methods for proposing amendments.

- Two thirds of both houses of Congress can propose an amendment.
- A special national convention, called by Congress at the request of two thirds of the state legislatures, can propose an amendment.

The Constitution also provides two ways to ratify, or approve, proposed amendments. An amendment becomes part of the Constitution

- when it is approved by the legislatures in three fourths (currently 38) of the states;
- when it is approved by special ratifying conventions in three fourths of the states.

Although the Framers did not include a time limit for ratification, the Supreme Court has ruled that it must occur within “some reasonable time.” Congress has defined that period as seven years. The Court, however, may grant extra time.

Amending the Constitution is not an easy process. It is difficult to win a two-thirds vote in one, let alone both, houses of Congress. Furthermore, if Congress succeeds in gathering the votes to propose an amendment, there is no guarantee that three quarters of the states will then ratify it.
Since 1789, members of Congress have formally proposed more than 10,000 joint resolutions calling for amendments. Congress has sent only 33 of these amendments to the states, and only 27 have been ratified. With remarkably few changes, the Constitution has shaped and guided our system of government for more than 200 years.

Guarantees of Basic Freedoms

Even as the states were debating whether to adopt the Constitution, many people worried about the government's power over its citizens. They did not want the government to repeat the abuses that they suffered as colonists under British rule.

One of the first acts of the new Congress was the passage of a series of amendments, which were ratified by the states in 1791. These ten amendments, known as the Bill of Rights, aim to protect Americans' basic freedoms against the power of the federal government.

The Bill of Rights. The First Amendment protects the fundamental rights, or essential freedoms, of the people.

- The First Amendment prohibits the government from establishing a state church, supporting religious practices, or showing preference for one religion over another. It prohibits Congress from restricting freedom of religion, freedom of speech, freedom of assembly, and freedom of the press; and protects the right to petition the government to remove the cause of grievances.

The next three amendments grew out of the colonists' struggles against British tyranny.

- The Second Amendment guarantees the continued existence of state militias, thus ensuring the right of the people to bear arms.
- The Third Amendment prohibits the government from forcing people to house soldiers in their homes, except according to law.
- The Fourth Amendment protects citizens against unreasonable searches and seizure of their property.

Amendments Five through Eight concern the rights of citizens who are accused of crimes.

- The Fifth Amendment guarantees due process of law when a person is accused and tried for a crime. It also says that people do not have to give evidence in court that might hurt them and that they cannot be tried twice for the same crime.
- The Sixth Amendment guarantees people a trial by jury in criminal cases and the right to a lawyer.
- The Seventh Amendment guarantees the right to a jury trial in civil cases involving more than $20.
- The Eighth Amendment prevents judges from setting excessive bail or handing out cruel and unusual punishments.

The last two amendments limit the powers of the federal government to those powers granted in the Constitution.
• The Ninth Amendment says that the rights of citizens are not limited to only those described in the Constitution.
• The Tenth Amendment grants that any powers not given in the Constitution to the federal government belong to the states.

**Individual Rights Versus Majority Rule.** The Bill of Rights is a powerful declaration of the rights of individuals. At the same time, the Constitution created a democracy based on the rule of the majority. According to majority rule, decisions are made by a majority vote, and the viewpoint of the minority is defeated. But when the will of the majority conflicts with individual liberties, which principle should be followed?

The Bill of Rights has been at the center of some of the most important and controversial Supreme Court cases in our country's history. In these cases the justices have had to struggle to find a balance between individual liberty and majority rule.

**Other Amendments**

The Framers made it so difficult to alter the Constitution that Congress and the states have done so only rarely. In the 200 years following the Bill of Rights, only 17 more amendments were ratified. The 11th Amendment concerns the immunity of the states from certain lawsuits, and the 12th Amendment consists of changes to the electoral college procedures.

**The Civil War Amendments.** Perhaps the most significant amendments ratified after the Bill of Rights are the three so-called Civil War amendments that were passed to protect the rights of former slaves. These measures were adopted shortly after the Civil War.

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**Formal Amendment Process**

**Step 1**
Amendment is Proposed

- Proposed by Congress by a $\frac{2}{3}$ vote in both houses

**Step 2**
Amendment is Ratified

- Ratified by the State legislatures of $\frac{2}{3}$ (38) of the States

- Proposed at a national convention called by Congress when requested by $\frac{2}{3}$ (34) of the State legislatures

- Ratified by conventions held in $\frac{2}{3}$ (38) of the States

The Framers provided two ways for proposing amendments and two ways for ratifying them.
The First Amendment guarantees of freedom of assembly and petition enabled these supporters of the Equal Rights Amendment to demonstrate in front of the White House.

- The 13th Amendment ended slavery and forbade other forms of forced labor, except in prisons.
- The 14th Amendment defined citizenship; its due process and equal protection clauses protect civil rights from infringement by the states.
- The 15th Amendment prohibits any restrictions on the right to vote that are based on race, color, or having been a slave.

**Later Amendments.** Amendments 16 through 27 cover a variety of issues from an income tax to congressional pay raises.
- The 16th Amendment authorizes a federal income tax.
- The 17th Amendment establishes the direct election of U.S. senators.
- The 18th Amendment prohibits the sale and consumption of alcohol, and is the only amendment that was **repealed**.
- The 19th Amendment gives women the right to vote.
- The 20th Amendment changed the starting dates for presidential and congressional terms.
- The 21st Amendment repealed Prohibition (Amendment 18), the only amendment ever ratified by state conventions.

Six amendments have been ratified since 1950.
- The 22nd Amendment limits the President to two terms of office.
- The 23rd Amendment gives citizens in the District of Columbia the right to vote for President and Vice President.
- The 24th Amendment prohibits the payment of a tax as a qualification for voting in federal elections.
- The 25th Amendment set forth the procedures for determining presidential disability, presidential succession, and filling a vice presidential vacancy.
- The 26th Amendment establishes the minimum age for voting at 18.
- The 27th Amendment states that congressional pay raises take effect after the next congressional election.