AMENDMENTS 11–27 TO THE CONSTITUTION
OF THE UNITED STATES
1795–1992

In keeping with Enlightenment principles emphasizing notions of progress and possibilities for improving human societies, Article V of the Constitution provides for the document’s periodic amendment through a process requiring approval from Congress and state legislatures. Congress may propose an amendment if two-thirds of both the House of Representatives and the Senate vote in its favor. The process may also be initiated by the states if two-thirds of the legislatures call for a constitutional convention. An amendment becomes law once it is ratified by three-fourths of the states. Between 1795 and 1992 twenty-seven amendments were added to the Constitution, reflecting the ways Americans have adapted their political and legal systems to accommodate new knowledge and extend the rights established at the nation’s founding to more citizens. Useful summaries of the historical contexts and concerns that shaped each amendment are provided at the end of the list of amendments.

Amendment XI
Passed by Congress March 4, 1794. Ratified February 7, 1795.
Note: Article III, 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 XII
Passed by Congress December 9, 1803. Ratified June 15, 1804.
Note: A portion of Article II, section 1 of the Constitution was superseded by the 12th amendment.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 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 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.

*Superseded by section 3 of the 20th amendment.

Amendment XIII

Passed by Congress January 31, 1865. Ratified December 6, 1865.

Note: A portion of Article IV, 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 XIV

Passed by Congress June 13, 1866. Ratified July 9, 1868.

Note: Article I, 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 such State.

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 the power to enforce, by appropriate legislation, the provisions of this article.

*Changed by section 1 of the 26th amendment.
**Amendment XV**
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 the power to enforce this article by appropriate legislation.

**Amendment XVI**
Passed by Congress July 2, 1909. Ratified February 3, 1913.

Note: Article I, section 9, of the Constitution was modified by amendment 16.

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 XVII**
Passed by Congress May 13, 1912. Ratified April 8, 1913.

Note: Article I, section 3, of the Constitution was modified by the 17th amendment.

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 appointments 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 XVIII

Section 1.

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, 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 the 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 XIX

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 XX

Note: Article I, 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 the Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d 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.
Section 2.

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d 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 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 15th 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 XXI

 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 XXII

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 three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

Amendment XXIII


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 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 XXIV**


**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 XXV**


**Note:** Article II, 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.
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 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 his 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 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.

Amendment XXVI


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 XXVII


No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.
BACKGROUND AND CONTEXT FOR
AMENDMENTS 11–27 TO THE CONSTITUTION
OF THE UNITED STATES

Amendment XI (Lawsuits Against States)

Summary by Bradford R. Clark and Vicki C. Jackson
(http://constitutioncenter.org):

The Eleventh Amendment’s text prohibits the federal courts from hearing
certain lawsuits against states. The Amendment has also been interpreted to
mean that state courts do not have to hear certain suits against the state, if
those suits are based on federal law. During the debates over whether to ratify
the Constitution, controversy arose over one provision of Article III that
allowed federal courts to hear disputes “between” a state and citizens of
another state, or citizens or subjects of a foreign state. Anti-Federalists (who
generally opposed the Constitution) feared that this provision would allow
individuals to sue states in federal court. Several prominent Federalists (who
generally favored the Constitution) assured their critics that Article III would
not be interpreted to permit a state to be sued without its consent. However,
some other Federalists accepted that Article III permitted suits against states,
arguing that it would be just for federal courts to hold states accountable. Soon
after ratification, individuals relied on this Clause in Article III to sue several
states in the Supreme Court. One of these suits was Chisholm v. Georgia
(1793), in which a citizen of South Carolina (Chisholm) sued Georgia for
unpaid debts it incurred during the War of Independence. Georgia claimed
that federal courts were not allowed to hear suits against states, and refused to
appear before the Supreme Court. In 1793, the Supreme Court ruled, by a
four-to-one vote, that Chisholm’s suit against Georgia could proceed in
federal court. The Court relied in part on the text of Article III, explaining that
“between” encompasses suits “by” and “against” a state.

While the states continue to enjoy broad sovereign immunity from suit, the
Supreme Court does allow suits against state officers in certain circumstances,
thus mitigating the effect of sovereign immunity. In particular, the Court does
not read the Amendment to bar suits against state officers that seek court
orders to prevent future violations of federal law. Moreover, suits by other
states, and suits by the United States to enforce federal laws, are also
permitted. The Eleventh Amendment is thus an important part, but only a part,
of a web of constitutional doctrines that shape the nature of judicial remedies
against states and their officials for alleged violations of law.
Amendment XII (Election of President and Vice President)

Summary by Sanford V. Levinson
(http://constitutioncenter.org):

The Twelfth Amendment cannot be understood outside of the Electoral College, which was set out in the 1787 Constitution as the mechanism by which Americans select their presidents. There were four crucial aspects of that mechanism. The first was that the electors would vote for two persons (at least one of whom had to be from outside the elector’s home state). The second was that the electors did not differentiate between the two persons as potential presidents or vice presidents. Electors should simply vote for the two persons they viewed as most qualified to become president. The person gaining the most votes (if a majority) would become president. The runner-up (presumably the second-most-qualified person) would become vice president. The third assumption was that the electors—at least following the completely predictable (and unanimous) election of George Washington as our first president—would quite often fail to reach majority approval of a specific candidate; in that case, according to the original Constitution, the decision would be made by the House of Representatives, with each state’s delegation having one vote. The Constitution also provided that the House would choose in case of a tie vote between two candidates each of whom had received a majority of votes. Finally, because the Constitution, until amended in 1933, provided that newly elected representatives would meet for the first time only a full year after election, the choice would be made by a House that would likely include a number of “lame-ducks,” including representatives who had been defeated in the recent elections. All of these features were on display in 1801.

The election of 1800 was one of the most important in American history and, arguably, even in world history, for it represented the first time that an incumbent leader was defeated in an election. The incumbent was John Adams, who had been Washington’s Vice President for two terms and was then elected in his own right in 1796. His Vice President was Thomas Jefferson. This result reflects the desire of the Framers of 1787 to avoid development of political parties and focus indeed on some notion of “best men.” Any such hopes were quickly frustrated, however. Even by 1796, Adams was associated with the Federalist Party, while Jefferson was supported by the Democratic-Republican Party. They ran against each other again in 1800, and both Adams and Jefferson had “running mates,” Charles Cotesworth Pinckney from South Carolina in the case of Adams (and the Federalist Party) and Aaron Burr of New York, for Jefferson. The Federalist Party electors figured out that it was important not to cast both of their votes for Adams and Pinckney, for that would create a tie and, if both got a majority of the vote, throw the election into the House; the Democratic-Republican electors were not so sagacious. They dutifully cast both of their votes for their party’s champions, creating a tie majority vote that forced the House to choose between Jefferson and Burr.
The tie vote exposed deep problems in the 1787 system. The one-state/one-vote rule had the practical effect of giving Delaware’s sole Representative Bayard, an ardent Federalist, the same voting power as Virginia, then the largest state (and home, of course, of Jefferson). And what if a state had an even number of representatives who split evenly on their choice? In that case, the state’s vote was not cast at all. Given that there were 16 states in the Union in 1801, nine delegations had to agree on their choice. Only on the 36th ballot did Bayard agree to vote for Jefferson and to break the deadlock (by which time at least two Jeffersonian governors, from Pennsylvania and Virginia, were threatening to call out their state militias and order them to march on the new national capitol in Washington, D.C.). Jefferson was peacefully inaugurated on March 4, and the all-important precedent was set for peaceful transfer of power. Yet the original electoral college system was exposed as problematic, and there was widespread agreement that something had to be done. But what?

One possibility, obviously, was to adopt the suggestion of Pennsylvania’s James Wilson at the Philadelphia Convention that presidents be elected by a national popular vote. That was rejected in 1787 and did not become a serious possibility in the early 19th century (nor, of course, has it been adopted since then). Still, it had become clear that political parties had become a feature of American politics and that the electoral college system should be modified to reflect this. How was this accomplished?

The answer is quite simple: electors would in the future continue to cast two votes (and one of them, as before, would have to be for a non-native of the elector’s home state), but, crucially, one of the two votes would explicitly be to fill the presidency, while the other designated who should become vice president. Never again could presidential candidates and their running mates face the embarrassing kind of tie vote that forced the House to choose between Jefferson and Burr. The Twelfth Amendment was proposed by the Eighth Congress on December 9, 1803 and submitted to the states three days later. There being seventeen states in the Union at that time, thirteen had to ratify it. Secretary of State James Madison declared that the Amendment had been added to the Constitution on September 25, 1804, at which time fourteen of the seventeen states had ratified it. Delaware, Connecticut, and Massachusetts had rejected it (though Massachusetts in fact ratified it in 1961!). The election of 1804 and all subsequent elections were carried out under the terms of the Twelfth Amendment.

This splitting of the presidency and vice-presidency did not go uncontested. At least two senators expressed their reservations about the quality of vice presidential candidates. Rather than asking of a candidate “Is he capable? Is he honest?”, Delaware’s Senator White suggested that the question instead would be “Can he by his name, by his connections, by his wealth, by his local situation, by his influence, or his intrigues, best promote the election of a President?” Senator Tracy of Connecticut agreed: “Will the ambitious, aspiring candidate for the Presidency, will his friends and favorites promote the election of a man of talents, probity and popularity for Vice President, and who may prove his rival? No! They will seek a man of moderate talents.” One might well ask how often such fears have been realized in our history.
In addition to its implicit recognition of the existence of political parties, the Amendment made another important change: The original Constitution provided that the failure of any candidate to achieve a majority would require the House to choose as president one of the five top-ranking candidates, with the person coming in second to serve as vice-president unless there was tie for second place, in which case the Senate would choose between them. Now, however, the House would choose only the President from the top three choices of the electors; the Senate would now choose the Vice President from the top two choices of the electors for that specific office. Among other things, this guaranteed, in effect, that there would always be a vice president, who could presumably take the reins of the presidency should the House be hopelessly divided among the top three candidates for the presidency.

This aspect of the Twelfth Amendment became crucial in 1824, the only time since 1800 that the House in fact selected the president as the result of the inability of any of the presidential candidates to achieve a majority of electoral votes. Andrew Jackson had won 99, John Quincy Adams 84, William Crawford 41, and Henry Clay 37. Under the original Constitution, the House would have been able to choose among all four, and one might plausibly believe that Clay might have prevailed. Under the Twelfth Amendment, however, Clay was out of the running, and the choice was reduced to Jackson, Adams, and Crawford.

Although no election since 1824 has been decided in the House of Representatives, a shift of relatively few votes in a small number of key states might well have led to that result in 1948, 1968, and 2000. What this means, practically speaking, is that in contemporary America, Wyoming, the smallest state with under 600,000 people, would have the same say in choosing a new president as California, with a population nearly 70 times that of Wyoming. As much to the point, perhaps, it is quite easy to imagine the popular vote winner losing to the runner-up in part because gerrymandered delegations in the House of Representatives voted for their party’s favorite rather than the person who actually received a majority of their state’s popular vote.

Because of the potential disconnect between the popular vote and the result of the electoral vote (or potential vote in the House), there have been recurrent proposals simply to elect the president by popular vote. If, though, one shares any of White’s or Tracy’s concerns about the vice presidency, popular election would not necessarily assuage them if one were forced to vote for the president and vice-president as a single ticket. (Political scientists have determined that voters rarely cast their vote on the basis of the vice presidential candidate.)

One possible reform is to adopt the practice in many states and “unbundle” the election of our two top executive branch officials. That is, just as in many states candidates for governor and lieutenant governor run entirely separate campaigns, meaning that sometimes the governor is from one party and the lieutenant governor from another, one could imagine separate elections for the president and vice president. Even within the electoral college, we could imagine voting for two slates of electors, one charged with choosing the president, the other picking the vice president. Most of the time, of course, voters would pick the slates of the same political party. But one can imagine that at least on occasion voters might be so put off by the vice presidential candidate that they would “split” their ticket. That very possibility might serve
to discipline presidential candidates more than is now the case, especially because candidates who win the presidential nomination today basically exercise unlimited discretion in choosing their running mates. This was not the case before the 20th century, when political conventions often exercised real choice in picking both candidates.

In any event, the Twelfth Amendment, though probably unknown to most Americans, has not only a fascinating history but, much more importantly, has the capacity to play a key role should we ever become a multi-party system (as was the case in 1948 and 1968) in which enough candidates get electoral votes to deprive anyone of a majority and thus force election by the House. Perhaps this helps to explain why a popular television program, “Veep,” concluded its fourth season by setting up a tie vote between the title figure, who had succeeded to the presidency and was now running for election, and the other party’s candidate. Among other possibilities explored in the last five minutes as the final show concluded, was that her vice-presidential running mate (who could be chosen by the Senate) might in fact end up as President should the House be unable to decide between the two somewhat unpopular and flawed presidential candidates! (Had the scriptwriters really wished to teach a civics lesson, they could have introduced a distinguished “independent” candidate who received millions of popular votes and, crucially, the electoral vote of at least one state. That would have allowed the House to choose among the top three.) So one of the most esoteric features of the Constitution made its own contribution to popular culture—and deservedly so.

Amendment XIII (Abolition of Slavery)

Summary by Jamal Greene and Jennifer Mason McAward (http://constitutioncenter.org):

Slavery is America’s original sin. Despite the bold commitment to equality in the Declaration of Independence, slavery was legal in all of the thirteen colonies in 1776. By the start of the Civil War, four million people, nearly all of African descent, were held as slaves in 15 southern and border states. Slaves represented one-eighth of the U.S. population in 1860.

Many think that slavery ended with the Emancipation Proclamation, issued by President Abraham Lincoln on January 1, 1863. However, the Emancipation Proclamation freed only slaves held in the eleven Confederate states that had seceded, and only in the portion of those states not already under Union control.

The true abolition of slavery was achieved when the Thirteenth Amendment was ratified on December 6, 1865. The first section of the Amendment declares: “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.” The Amendment is unique in the Constitution because it bars every person from holding slaves or engaging in other forms of involuntary servitude, whereas most constitutional provisions only constrain or regulate the government. It is unique in another way as well: although the Constitution obliquely
acknowledged and accommodated slavery in its original text, the Thirteenth Amendment was the first explicit mention of slavery in the Constitution.

The most immediate impact of the Thirteenth Amendment was to end chattel slavery as it was practiced in the southern United States. However, the Amendment also bars “involuntary servitude,” which covers a broader range of labor arrangements where a person is forced to work by the use or threatened use of physical or legal coercion. For example, the Thirteenth Amendment bans peonage, which occurs when a person is compelled to work to pay off a debt. Originally a Spanish practice, peonage was practiced in the New Mexico Territory and spread across the Southern United States after the Civil War. Former slaves and other poor citizens became indebted to merchants and plantation owners for living and working expenses. Unable to repay their debts, they became trapped in a cycle of work-without-pay. The Supreme Court held this practice unconstitutional in 1911. Bailey v. Alabama (1911).

Most scholars also assume it would violate the Thirteenth Amendment to order specific performance of a service contract. An example of this situation would be where an employee has a contract to work for a full year but wants to leave after six months. Forcing the employee to continue to work instead of paying a financial penalty to get out of her contract would almost certainly violate the Thirteenth Amendment.

Notably, the Amendment does allow a person convicted of a crime to be forced to work. Thus, prison labor practices, from chain gangs to prison laundries, do not run afoul of the Thirteenth Amendment. The Thirteenth Amendment has also been interpreted to permit the government to require certain forms of public service, presumably extending to military service and jury duty.

In addition to the first section’s ban on slavery and involuntary servitude, the second section of the Thirteenth Amendment gives Congress the “power to enforce” that ban by passing “appropriate legislation.” This provision allows Congress to pass laws pertaining to practices that violate the Amendment. For example, the Anti-Peonage Act of 1867 prohibits peonage, and another federal law, 18 U.S.C. § 1592, makes it a crime to take somebody’s passport or other official documents for the purpose of holding her as a slave.

Section Two of the Thirteenth Amendment has broader applicability as well. The Supreme Court has long held that this provision also allows Congress to pass laws to eradicate the “badges and incidents of slavery.” The Supreme Court has never defined the full scope of what the badges and incidents of slavery are, and instead has left it to Congress to flesh out a definition. In The Civil Rights Cases (1883), the Court held that racial discrimination in private inns, theaters, and public transportation did not qualify as a badge or incident of slavery. In a series of cases in the 1960s and 1970s, however, the Court held that racial discrimination by private housing developers and private schools is among the badges and incidents of slavery that Congress may outlaw under Section Two of the Thirteenth Amendment. Most recently, Congress has determined that Section Two provides a basis for a portion of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009 (which criminalizes race-based hate crimes) and the Trafficking
Victims Protection Act (which penalizes human trafficking and protects its survivors). The Supreme Court has yet to evaluate these laws.

Despite its significance in American history, the Thirteenth Amendment is not one of the more frequently invoked parts of our Constitution today. Now that slavery is a part of our past, the Amendment’s current relevance is subject to debate. Does it govern the fairness of modern labor practices? Does it empower Congress to pass broad-ranging civil rights laws? Whatever the outcome of those debates, though, the Thirteenth Amendment deserves recognition as an historic and solemn promise that slavery will never again exist in the United States.

Amendment XIV (Citizenship Rights, Equal Protection, Apportionment, Civil War Debt)


The Due Process Clause of the Fourteenth Amendment is the source of an array of constitutional rights, including many of our most cherished—and most controversial. Consider the following rights that the Clause guarantees against the states:
• procedural protections, such as notice and a hearing before termination of entitlements such as publicly funded medical insurance;
• individual rights listed in the Bill of Rights, including freedom of speech, free exercise of religion, the right to bear arms, and a variety of criminal procedure protections;
• fundamental rights that are not specifically enumerated elsewhere in the Constitution, including the right to marry, the right to use contraception, and the right to abortion.

The Due Process Clause of the Fourteenth Amendment echoes that of the Fifth Amendment. The Fifth Amendment, however, applies only against the federal government. After the Civil War, Congress adopted a number of measures to protect individual rights from interference by the states. Among them was the Fourteenth Amendment, which prohibits the states from depriving “any person of life, liberty, or property, without due process of law.”

When it was adopted, the Clause was understood to mean that the government could deprive a person of rights only according to law applied by a court. Yet since then, the Supreme Court has elaborated significantly on this core understanding. As the examples above suggest, the rights protected under the Fourteenth Amendment can be understood in three categories: (1) “procedural due process”; (2) the individual rights listed in the Bill of Rights, “incorporated” against the states; and (3) “substantive due process.”

Procedural Due Process

“Procedural due process” concerns the procedures that the government must follow before it deprives an individual of life, liberty, or property. The key
questions are: What procedures satisfy due process? And what constitutes “life, liberty, or property”?

Historically, due process ordinarily entailed a jury trial. The jury determined the facts and the judge enforced the law. In past two centuries, however, states have developed a variety of institutions and procedures for adjudicating disputes. Making room for these innovations, the Court has determined that due process requires, at a minimum: (1) notice; (2) an opportunity to be heard; and (3) an impartial tribunal. Mullane v. Central Hanover Bank (1950).

With regard to the meaning of “life, liberty, and property,” perhaps the most notable development is the Court’s expansion of the notion of property beyond real or personal property. In the 1970 case of Goldberg v. Kelly, the Court found that some governmental benefits—in that case, welfare benefits—amount to “property” with due process protections. Courts evaluate the procedure for depriving someone of a “new property” right by considering: (1) the nature of the property right; (2) the adequacy of the procedure compared to other procedures; and (3) the burdens that other procedures would impose on the state. Mathews v. Eldridge (1976).

“Incorporation” of the Bill of Rights Against the States

The Bill of Rights—comprised of the first ten amendments to the Constitution—originally applied only to the federal government. Barron v. Baltimore (1833). Those who sought to protect their rights from state governments had to rely on state constitutions and laws.

One of the purposes of the Fourteenth Amendment was to provide federal protection of individual rights against the states. Early on, however, the Supreme Court foreclosed the Fourteenth Amendment Privileges or Immunities Clause as a source of robust individual rights against the states. The Slaughter-House Cases (1873). Since then, the Court has held that the Due Process Clause “incorporates” many—but not all—of the individual protections of the Bill of Rights against the states. If a provision of the Bill of Rights is “incorporated” against the states, this means that the state governments, as well as the federal government, are required to abide by it. If a right is not “incorporated” against the states, it applies only to the federal government.

A celebrated debate about incorporation occurred between two factions of the Supreme Court: one side believed that all of the rights should be incorporated wholesale, and the other believed that only certain rights could be asserted against the states. While the partial incorporation faction prevailed, its victory rang somewhat hollow. As a practical matter, almost all the rights in the Bill of Rights have been incorporated against the states. The exceptions are the Third Amendment’s restriction on quartering soldiers in private homes, the Fifth Amendment’s right to a grand jury trial, the Seventh Amendment’s right to jury trial in civil cases, and the Eighth Amendment’s prohibition on excessive fines.

Substantive Due Process

The Court has also deemed the due process guarantees of the Fifth and Fourteenth Amendments to protect certain substantive rights that are not listed
The Court’s decision to protect unenumerated rights through the Due Process Clause is a little puzzling. The idea of unenumerated rights is not strange—the Ninth Amendment itself suggests that the rights enumerated in the Constitution do not exhaust “others retained by the people.” The most natural textual source for those rights, however, is probably the Privileges and Immunities Clause of the Fourteenth Amendment, which prohibits states from denying any citizen the “privileges and immunities” of citizenship. When The Slaughter-House Cases (1873) foreclosed that interpretation, the Court turned to the Due Process Clause as a source of unenumerated rights.

The “substantive due process” jurisprudence has been among the most controversial areas of Supreme Court adjudication. The concern is that five unelected Justices of the Supreme Court can impose their policy preferences on the nation, given that, by definition, unenumerated rights do not flow directly from the text of the Constitution.

In the early decades of the twentieth century, the Court used the Due Process Clause to strike down economic regulations that sought to better the conditions of workers on the ground that they violated those workers’ “freedom of contract,” even though this freedom is not specifically guaranteed in the Constitution. The 1905 case of Lochner v. New York is a symbol of this “economic substantive due process,” and is now widely reviled as an instance of judicial activism. When the Court repudiated Lochner in 1937, the Justices signaled that they would tread carefully in the area of unenumerated rights. West Coast Hotel Co. v. Parrish (1937).

Substantive due process, however, had a renaissance in the mid-twentieth century. In 1965, the Court struck down state bans on the use of contraception by married couples on the ground that it violated their “right to privacy.” Griswold v. Connecticut. Like the “freedom of contract,” the “right to privacy” is not explicitly guaranteed in the Constitution. However, the Court found that unlike the “freedom of contract,” the “right to privacy” may be inferred from the penumbras—or shadowy edges—of rights that are enumerated, such as the First Amendment’s right to assembly, the Third Amendment’s right to be free from quartering soldiers during peacetime, and the Fourth Amendment’s right to be free from unreasonable searches of the home. The “penumbra” theory allowed the Court to reinvigorate substantive due process jurisprudence.

In the wake of Griswold, the Court expanded substantive due process jurisprudence to protect a panoply of liberties, including the right of interracial couples to marry (1967), the right of unmarried individuals to use contraception (1972), the right to abortion (1973), the right to engage in intimate sexual conduct (2003), and the right of same-sex couples to marry (2015). The Court has also declined to extend substantive due process to some rights, such as the right to physician-assisted suicide (1997).

The proper methodology for determining which rights should be protected under substantive due process has been hotly contested. In 1961, Justice Harlan wrote an influential dissent in Poe v. Ullman, maintaining that the project of discerning such rights “has not been reduced to any formula,” but must be left to case-by-case adjudication. In 1997, the Court suggested an
alternative methodology that was more restrictive: such rights would need to be “carefully described” and, under that description, “deeply rooted in the Nation’s history and traditions” and “implicit in the concept of ordered liberty.” *Washington v. Glucksberg* (1997). However, in recognizing a right to same-sex marriage in 2015, the Court not only limited that methodology, but also positively cited the *Poe* dissent. *Obergefell v. Hodges*. The Court’s approach in future cases remains unclear.

**Amendment XV (Right to Vote Not Denied by Race)**

Summary by Richard H. Pildes and Bradley A. Smith  
(http://constitutioncenter.org):

Most Americans probably believe the “right to vote” is one of their most fundamental constitutional rights. It will come as a surprise, therefore, to learn that neither the original Constitution nor the Bill of Rights nor any other provision of the Constitution expressly guarantees the right to vote. Only in the 1960s, when the Supreme Court began to conclude that the Fourteenth Amendment implicitly protected the right to vote, did American constitutional doctrine begin to treat the right to vote as a fundamental constitutional right. Once the Court recognized the right to vote, decisions of the Supreme Court helped revolutionize the way voting was treated under American constitutional law. Most of the law concerning “the right to vote” developed under the Fourteenth Amendment, though important Court decisions also have relied at times on the Fifteenth Amendment.

The reason the original Constitution and the Bill of Rights do not expressly protect the right to vote is that doing so would have been too controversial and divisive at the time. Different states had different rules for who could vote (many states had property-holding requirements and differed on the amount; some states permitted women and free black men to vote, others did not). To create a uniform standard across the country would have required resolving these major differences. The only place where voting is directly recognized in the original Constitution is for choosing members of the House of Representatives; Article I, Section 2 provides that the people eligible to vote for members of the U.S. House will be determined by whom the States let vote for their own house of representatives. Since the Civil War, many constitutional amendments address voting issues, but these amendments are written to prohibit certain bases for denying the vote to some people once the vote is extended to others: the Fifteenth Amendment prohibits racial discrimination in the vote; the Nineteenth Amendment prohibits discrimination based on sex; the Twenty-Fourth Amendment prohibits the use of poll taxes in national elections; and the Twenty-Sixth Amendment prohibits denying the vote to those over 18 years of age.

But in terms of constitutional decisions of the Supreme Court, the two most important provisions with respect to the vote have been the Fourteenth and, to a lesser extent, the Fifteenth Amendments. Although the Fourteenth Amendment was not designed to protect the right to vote and does not expressly mention it, two lines of Supreme Court decisions have provided important protections since the 1960s. In the first line of cases, the Supreme
Court created the “one-vote, one-person” doctrine, which requires that there must be fairly equal numbers of people in election districts when electing representatives to a political body—for example, all the congressional districts in a state must have the same number of people. Before the decisions in *Baker v. Carr* (1962), *Reynolds v. Sims* (1964), and similar cases, some districts in a state might have had 900,000 people, others only 100,000 people, but voters in each district would elect one representative to Congress. The Court concluded that the Fourteenth Amendment reflected principles of political equality that required each district have, to the extent possible, an equal number of residents, which is what one-vote, one-person means.

The second area of important decisions involves the right to get to the ballot box and cast a vote. Again under the Fourteenth Amendment, the Supreme Court first began to recognize this right in the 1960s, in *Harper v. Virginia Board of Elections* (1966), *Dunn v. Blumstein* (1972) and many other cases, the Court decided that restrictions on who could vote would be subject to strict scrutiny, the most demanding judicial standard. Once this standard was announced, the Court quickly held unconstitutional virtually all restrictions on voting other than (1) citizenship; (2) residency in the jurisdiction; and (3) age under 18. To evaluate other regulations on the voting process, the Court in later cases, such as *Burdick v. Takushi* (1992) has created a two-part test that first requires courts to decide if a burden on the right to vote is “severe” or not. If it is, the regulation can survive only under strict scrutiny, which most regulations fail. But if the burden is not severe, the regulation is much more likely to be upheld. Most current constitutional controversies about regulations of the voting process take place under this *Burdick* framework and require courts to decide, first, whether a regulation imposes a severe burden on the right to vote.

Added to the Constitution in 1870, the Fifteenth Amendment was the final of the three constitutional amendments enacted during Reconstruction in the aftermath of the Civil War. While the Thirteenth Amendment prohibited slavery, and the Fourteenth Amendment barred states from denying “equal protection of the laws,” the Fifteenth Amendment established that the right to vote could not be denied on the basis of race. Though its express terms prohibit all racial discrimination in voting qualifications, the Amendment was aimed at ensuring the enfranchisement of African-Americans. Section 2 of this short but momentous Amendment also gave Congress the power to enact legislation to enforce the right against race-based denials of the vote. The constitutional meaning of the Civil War was reflected in these three amendments; when the Fifteenth Amendment was passed, it represented the principle that African-American citizens—many of them former slaves—were now entitled to political equality.

Yet the most significant fact about the Fifteenth Amendment in American history is that it was essentially ignored and circumvented for nearly a century. This history illustrates that constitutional rights can be little more than words on paper unless institutions exist with the power to make sure those rights are actually enforced. For the first twenty to thirty years after the Amendment was adopted, black adult men (women were generally not permitted to vote at this time) were indeed permitted to vote—and did so in large numbers. Nearly 2,000 African-Americans were elected to public offices during this period. But starting in 1890, Southern states adopted an array of
laws that made it extremely difficult for African-Americans (and many poor whites) to vote. This was the start of what is known as the era of disenfranchisement, and it lasted all the way up until 1965. These laws required people to demonstrate literacy, or prove their good character, or pay certain voting taxes, or overcome other hurdles, before they were permitted to vote. As a result of these laws, African-American voting in the South was kept at extremely low levels from 1890 to 1965, despite the Fifteenth Amendment.

Early on in this process of disenfranchisement, the Supreme Court was asked to hold these laws unconstitutional. But in a 1903 case called *Giles v. Harris* (1903), the Supreme Court refused to do so; the Court stated that it did not have the power to force Southern states to comply with the Fifteenth Amendment. Later that year, in *James v. Bowman* (1903), the Court held that the Amendment did not authorize Congress to punish private individuals who interfered to prevent African-Americans from voting.

The Supreme Court did eventually invoke the Amendment to hold unconstitutional a few of the specific laws that sought to block African-Americans from effective political participation. In 1944, for example, the Court held unconstitutional rules that in some Southern states prohibited black citizens from voting in political primary elections. *Smith v. Allwright* (1944). In a well-known case, *Gomillion v. Lightfoot* (1960), the Supreme Court held that that City of Tuskegee, Alabama, had violated the Fifteenth Amendment when it re-drew the city’s boundaries from a square to an “uncouth twenty-eight sided figure” that put the residences of nearly all black people outside the city’s boundaries. Yet as of 1965, it was still the case that in Mississippi, for example, only 6.3% of African Americans were able to register to vote.

The situation only began to change dramatically in 1965, when Congress used its power to enforce the Fifteenth (and Fourteenth) Amendment by enacting the Voting Rights Act of 1965 (the VRA). The VRA provided a variety of means for the federal government and the federal courts to ensure that the right to vote was not denied on the basis of race.

In modern constitutional law, the Fifteenth Amendment plays a minor role. The reason is that other, broader sources of law have emerged to protect the right to vote. In the 1960s, the Supreme Court concluded that the Fourteenth Amendment protects the right to vote as a general matter, while the Fifteenth Amendment is more limited to protecting against only race-based denials of the right to vote. In addition, federal statutes, such as the VRA and others, now exist to protect the right to vote as well. When cases involving issues of race and the vote are brought today, they will typically be brought simultaneously under the Fifteenth and Fourteenth Amendments, as well as the VRA.

If a law explicitly imposes different rules by race for access to the ballot, there is little doubt the courts today would hold such a law to violate the Fifteenth Amendment. The one case like this in recent decades came from Hawaii, where a law permitted only Native Hawaiians, not all Hawaiians, to vote for certain officials. The Supreme Court concluded that a law limiting who could vote based on their ancestry was equivalent to a law that limited the vote based on race and that Hawaii’s law therefore violated the Fifteenth Amendment. *Rice v. Cayetano* (2000). But if a voting law does not impose different rules by race, and is challenged as nonetheless racially discriminatory, the Court has concluded that the challenger must show that the
law is based on a racially-discriminatory purpose before the Fifteenth Amendment is violated. *Mobile v. Bolden* (1980).

Although the Fifteenth Amendment does not play a major, independent role in cases today, its most important role might be the power it gives Congress to enact national legislation that protects against race-based denials or abridgements of the right to vote.

**Amendment XVI (Income Tax)**

Summary by the Annenberg Classroom (http://www.annenbergclassroom.org):

Article I, Section 2 and Section 9 create the “rule of apportionment,” which required Congress to tax each state based on the state’s population rather than taxing individuals based on personal wealth or property. For example, if the people of Delaware were four percent of the U.S. population, they would pay four percent of the total federal tax.

In 1895, in *Pollock v. Farmer’s Loan & Trust Co.*, the U.S. Supreme Court declared that a federal income tax (imposed on property owned by individuals) was unconstitutional because it violated this “rule of apportionment.”

Although a direct income tax had previously been imposed during the Civil War, the Court’s ruling in *Pollock* spurred Congress to pass and send to the states Amendment XVI. This provision gives Congress the power to impose a uniform, direct income tax without being subject to the apportionment rule.

It has become the basis for all subsequent federal income tax legislation and has greatly expanded the scope of federal taxing and spending in the years since its passage. The Sixteenth Amendment was ratified by the states in 1913.

**Amendment XVII (Popular Election of Senators)**


The ratification of this Amendment was the outcome of increasing popular dissatisfaction with the operation of the originally established method of electing Senators. As the franchise became exercisable by greater numbers of people, the belief became widespread that Senators ought to be popularly elected in the same manner as Representatives. Acceptance of this idea was fostered by the mounting accumulation of evidence of the practical disadvantages and malpractices attendant upon legislative selection, such as deadlocks within legislatures resulting in vacancies remaining unfilled for substantial intervals, the influencing of legislative selection by corrupt political organizations and special interest groups through purchase of legislative seats, and the neglect of duties by legislators as consequence of protracted contests. Prior to ratification, however, many States had perfected arrangements calculated to afford the voters more effective control over the
selection of Senators. State laws were amended so as to enable voters participating in primary elections to designate their preference for one of several party candidates for a senatorial seat, and nominations unofficially effected thereby were transmitted to the legislature. Although their action rested upon no stronger foundation than common understanding, the legislatures generally elected the winning candidate of the majority, and, indeed, in two States, candidates for legislative seats were required to promise to support, without regard to party ties, the senatorial candidate polling the most votes. As a result of such developments, at least 29 States by 1912, one year before ratification, were nominating Senators on a popular basis, and, as a consequence, the constitutional discretion of the legislatures had been reduced to little more than that retained by presidential electors.

Amendment XVIII (Prohibition of Liquor)

Summary by the Annenberg Classroom (http://www.annenbergclassroom.org):

Ratified on January 16, 1919, the Eighteenth Amendment prohibited the making, transporting, and selling of alcoholic beverages. Adopted at the urging of a national temperance movement, proponents believed that the use of alcohol was reckless and destructive and that prohibition would reduce crime and corruption, solve social problems, decrease the need for welfare and prisons, and improve the health of all Americans. During prohibition, it is estimated that alcohol consumption and alcohol related deaths declined dramatically.

But prohibition had other, more negative consequences. The amendment drove the lucrative alcohol business underground, giving rise to a large and pervasive black market. In addition, prohibition encouraged disrespect for the law and strengthened organized crime. Prohibition came to an end with the ratification of Amendment XXI on December 5, 1933.

Amendment XIX (Women’s Right to Vote)

Summary by the Charters of Freedom “A New World IS AT HAND” (http://www.archives.gov):

August 1995 marked the 75th anniversary of the ratification of the 19th amendment to the Constitution. The amendment guarantees all American women the right to vote. Achieving this milestone required a lengthy and difficult struggle; victory took decades of agitation and protest. Beginning in the mid-19th century, several generations of woman suffrage supporters lectured, wrote, marched, lobbied, and practiced civil disobedience to achieve what many Americans considered a radical change of the Constitution. Few early supporters lived to see final victory in 1920.

Between 1878, when the amendment was first introduced in Congress, and August 18, 1920, when it was ratified, champions of voting rights for women worked tirelessly, but strategies for achieving their goal varied. Some pursued
a strategy of passing suffrage acts in each state--nine western states adopted woman suffrage legislation by 1912. Others challenged male-only voting laws in the courts. Militant suffragists used tactics such as parades, silent vigils, and hunger strikes. Often supporters met fierce resistance. Opponents heckled, jailed, and sometimes physically abused them.

By 1916, however, almost all of the major suffrage organizations were united behind the goal of a constitutional amendment. When New York adopted woman suffrage in 1917 and when President Woodrow Wilson changed his position to support an amendment in 1918, the political balance began to shift in favor of the vote for women. On May 21, 1919, the House of Representatives passed the amendment, and 2 weeks later, the Senate followed. When Tennessee became the 36th state to ratify the amendment on August 18, 1920, the amendment passed its final hurdle of obtaining the agreement of three-fourths of the states. Secretary of State Bainbridge Colby certified the ratification on August 26, 1920, and the face of the American electorate changed forever.

**Amendment XX (Presidential Term and Succession, Assembly of Congress)**

Summary by the Annenberg Classroom (http://www.annenbergclassroom.org):

The four-year term of the president and vice president was fixed by the Constitution in Article II, Section 1. Because time was needed for new members to settle their affairs at home before traveling to Washington to join Congress, March 4 was initially chosen as the date both a new president and Congress would take office. However, as transportation and communications improved, this meant that the departing Congress and president would remain in office for an unnecessarily long time following the November elections. By moving the beginning of the president’s new term from March 4 to January 20 (and in the case of Congress, to January 3), proponents of Amendment XX hoped to put an end to the “lame duck syndrome (where those who were not reelected had little power to push through their policies), while at the same time allowing for a speedier transition for the new administration and legislators. The amendment was ratified on January 23, 1933.

Amendment XX also provides for succession plans if the newly elected president or vice president is unable to assume his or her position. If the president is not able to hold office, the vice president will act as president. Amendment XX gives Congress the power to pass legislation outlining a more detailed succession plan if the vice president is also not able to carry out the presidential duties until a new president and vice president are qualified.
Amendment XXI (Repeal of Prohibition)

Summary by The New York Times, “Ratification of 21st Amendment Ends Prohibition” (December 5, 2011):

Prohibition was introduced after decades of campaigning by a nationwide temperance movement, which argued that alcohol consumption caused poor health, hurt families, and increased crime and bad behavior. The 18th Amendment, ratified in 1919 and put into effect in January 1920, banned the “manufacture, sale, or transportation of intoxicating liquors.”

Many advocates of Prohibition believed that it would be a cure-all for society’s problems. The well-known evangelist Rev. Billy Sunday proclaimed, “The slums will soon be a memory. We will turn our prisons into factories and our jails into storehouses and corncribs. Men will walk upright now, women will smile and children will laugh.”

Prohibition would have the opposite effect, however. It led to a rise in organized crime and the establishment of a large black-market for alcohol smuggling and trade, a practice known as bootlegging. Many Americans ignored Prohibition laws, drinking alcohol at secret bars and clubs known as “speakeasies.” Government agencies were unable to halt the flow of alcohol due to a lack of funding and resources, and, in some cases, corruption. Prohibition cost the government hundreds of millions of dollars in law enforcement and lost tax revenue from the sale of alcohol.

By the end of the 1920s, even many prominent Prohibition advocates realized that Prohibition had failed and advocated for its repeal. Congress passed the 21st Amendment in February 1933. It was ratified by a series of state conventions rather than by state legislatures, which have been used to ratify every other amendment, as Congress felt that many state legislators remained beholden to pro-Prohibition interests.

Amendment XXII (Two-term Limit on Presidency)

Summary by Annenberg Classroom (http://www.Annenbergclassroom.org):

Although nothing in the original Constitution limited presidential terms, the nation’s first president, George Washington, declined to run for a third term, suggesting that two terms of four years were enough for any president. Washington’s voluntary two-term limit became the unwritten rule for all presidents until 1940.

In that year, President Franklin Delano Roosevelt, who had steered the nation through the Great Depression of the 1930s, won a third term and was elected in 1944 for a fourth term as well. Following President Roosevelt’s death in April 1945, just months into his fourth term, Republicans in Congress sought passage of Amendment XXII. FDR was the first and only president to serve more than two terms.

Passed by Congress in 1947, and ratified by the states on February 27, 1951, the Twenty-Second Amendment limits an elected president to two terms in office, a total of eight years. However, it is possible for an individual to
serve up to ten years as president. The amendment specifies that if a vice president or other successor takes over for a president—who, for whatever reason, cannot fulfill the term—and serves two years or less of the former president’s term, the new president may serve for two full four-year terms. If more than two years remain of the term when the successor assumes office, the new president may serve only one additional term.

**Amendment XXIII (Presidential Vote for District of Columbia)**

Summary by Annenberg Classroom (http://www.Annenbergclassroom.org):

Although New York was the nation’s capital when the Constitution was ratified, the capital moved to Philadelphia in 1790 for ten years.

In 1800, the District of Columbia became the official seat of government. When first established, the town had a small population of only five thousand residents. As a federal territory, however, and not a state, the inhabitants had neither a local government, nor the right to vote in federal elections. Although by 1960 the population of the District of Columbia had grown to over 760,000 people, and District residents had all the responsibilities of citizenship—they were required to pay federal taxes and could be drafted to serve in the military—citizens in thirteen states with lower populations had more voting rights than District residents.

Passed by Congress on June 17, 1960, and ratified by the states on March 29, 1961, Amendment XXIII treats the District of Columbia as if it were a state for purposes of the Electoral College, thereby giving residents of the District the right to have their votes counted in presidential elections.

Significantly, Amendment XXIII does not make Washington, D.C. a state; it merely grants its citizens the number of electors that it would have if it were a state (but no more than the smallest state). Nor does the amendment provide District residents with representation in Congress (D.C. residents have one non-voting delegate to the House of Representatives) or change the way the District is governed. Congress continues to prescribe the District’s form of government.

**Amendment XXIV (Abolition of Poll Taxes)**


The 24th Amendment expresses the inability of a Federal or State government to deny a citizen of the United States the right to vote as a result of failure to satisfy the required payments of a poll tax.

The poll tax was a tax that was prevalent within Southern states; as its name suggests, a poll tax was instituted in order to validate an individual’s right to vote subsequent to the payment of the tax; poll taxes were typically
instituted with regard to specific races and socioeconomic classes in lieu of institution based on property and possessions.

The 24th Amendment eliminated applicable Grandfather Clauses, legal exploitation, and prejudicial examinations with regard to the classification of the individuals required to satisfy a poll tax payment in order to retain the right to vote.

Amendment XXV (Presidential Disability, and Succession)

Summary by http://www.constitution.findlaw.com:

The Twenty-fifth Amendment was an effort to resolve some of the continuing issues revolving about the office of the President; that is, what happens upon the death, removal, or resignation of the President and what is the course to follow if for some reason the President becomes disabled to such a degree that he cannot fulfill his responsibilities? The practice had been well established that the Vice President became President upon the death of the President, as had happened eight times in our history. Presumably, the Vice President would become President upon the removal of the President from office. Whether the Vice President would become acting President when the President became unable to carry on and whether the President could resume his office upon his recovering his ability were two questions that had divided scholars and experts. Also, seven Vice Presidents had died in office and one had resigned, so that for some twenty per cent of United States history there had been no Vice President to step up. But the seemingly most insoluble problem was that of presidential inability--Garfield lying in a coma for eighty days before succumbing to the effects of an assassin's bullet, Wilson an invalid for the last eighteen months of his term, the result of a stroke--with its unanswered questions: who was to determine the existence of an inability, how was the matter to be handled if the President sought to continue, in what manner should the Vice President act, would he be acting President or President, what was to happen if the President recovered. Congress finally proposed this Amendment to the States in the aftermath of President Kennedy's assassination, with the Vice Presidency vacant and a President who had previously had a heart attack.

This Amendment saw multiple use during the 1970s and resulted for the first time in our history in the accession to the Presidency and Vice-Presidency of two men who had not faced the voters in a national election. First, Vice President Spiro Agnew resigned on October 10, 1973, and President Nixon nominated Gerald R. Ford of Michigan to succeed him, following the procedures of Sec. 2 of the Amendment for the first time. Hearings were held upon the nomination by the Senate Rules Committee and the House Judiciary Committee, both Houses thereafter confirmed the nomination, and the new Vice President took the oath of office December 6, 1973. Second, President Richard M. Nixon resigned his office August 9, 1974, and Vice President Ford immediately succeeded to the office and took the presidential oath of office at noon of the same day. Third, again following
Sec. 2 of the Amendment, President Ford nominated Nelson A. Rockefeller of New York to be Vice President; on August 20, 1974, hearings were held in both Houses, confirmation voted and Mr. Rockefeller took the oath of office December 19, 1974.

**Amendment XXVI (Reduction of Voting Age Qualification)**

Summary by http://www.constitution.findlaw.com:

In extending the Voting Rights Act of 1965 in 1970, Congress included a provision lowering the age qualification to vote in all elections, federal, state, and local, to 18. In a divided decision, the Supreme Court held that Congress was empowered to lower the age qualification in federal elections, but voided the application of the provision in all other elections as beyond congressional power. Confronted thus with the possibility that they might have to maintain two sets of registration books and go to the expense of running separate election systems for federal elections and for all other elections, the States were receptive to the proposing of an Amendment by Congress to establish a minimum age qualification at 18 for all elections, and ratified it promptly.

**Amendment XXVII (Congressional Compensation)**

Summary by http://www.constitution.findlaw.com:

Referred to the state legislatures at the same time as those proposals that eventually became the Bill of Rights, the congressional pay amendment had long been assumed to be dead. This provision had its genesis, as did several others of the first amendments, in the petitions of the States ratifying the Constitution, however, it was ratified by only six States (out of the eleven needed), and it was rejected by five States. Aside from the idiosyncratic action of the Ohio legislature in 1873, which ratified the proposal in protest of a controversial pay increase adopted by Congress, the pay limitation provision lay dormant until the 1980s. Then, an aide to a Texas legislator discovered the proposal and began a crusade that culminated some ten years later in its proclaimed ratification.

Now that the provision is apparently a part of the Constitution, it will likely play a minor role. What it commands was already statutorily prescribed, and, at most, it may have implications for automatic cost-of-living increases in pay for Members of Congress.