



**The Rule of Law:  
Foundation for  
Communities of  
Opportunity and  
Equity**  
**Law Day**  
**May 1, 2008**

**Landmark Documents  
of the Rule of Law  
Series**

Part 1  
**Magna Carta (1215)**

Part 2  
**English Bill of Rights (1689)**

Part 3  
**Constitutional Amendments  
(1791–)**

Part 4  
**Universal Declaration of  
Human Rights (1948)**



For more information about Law Day 2008, including a downloadable Dialogue on the Rule of Law and Planning Guide, go to [www.lawday.org](http://www.lawday.org).



## Constitutional Amendments

(1791– )

The United States Constitution has played a central role in both American history and the development of the rule of law. Yet it almost did not come to fruition. The problem was, the original document only outlined the governmental structure—it lacked any assertion of individual rights and liberties. This absence was not due to any desire on the part of the framers to deny individual rights, but rather it simply reflected the fact that they had been focused on structural matters and had assumed that such individual protections did not need to be specified but could be inferred. It soon became clear, however, that the states would not ratify the proposed Constitution without the promise of a Bill of Rights.

In response, James Madison drafted what soon became the first ten amendments to the Constitution, the Bill of Rights, and promised that amending the Constitution to include them would be one of the first acts of the new Congress. By 1791, the Constitution and the Bill of Rights had been ratified. These amendments affirmatively guaranteed certain fundamental rights, including a prohibition on cruel and unusual punishment, the right to trial by jury, and the right to freedom of speech, the press, and religion. The adoption of the Bill of Rights marked the first, but certainly not the last, time that the Constitution was preserved by its flexibility and ability to adapt to new circumstances.

This flexibility was built into the document by Article V, which provides the process by which Americans can work together to amend the Constitution. According to Article V, the Constitution can be amended when two-thirds of the Congress or of a national convention proposes an amendment, which is then ratified either by the legislatures of three-fourths of the states or by conventions held in three-fourths of the states.

Currently, there are 27 Amendments. Of these, the Civil Rights Amendments (the 13th, 14th, and 15th) are representative of how the amendment process allows the Constitution to meet the needs of the nation. And the Prohibition Amendments (the 18th, which started Prohibition, and the 21st, which repealed the 18th) show how the process responds to the changing desires of Americans. Because amending the Constitution can have major implications, it is an intentionally difficult process. In modern history, very few amendments have gotten very far in this process. Many attempts have failed, including the Equal Rights Amendment, a \$1 million limit on personal wealth, and a guarantee of the right to an environment free from pollution.

At the time of its drafting, the framers knew there was no document that could cover all future possibilities. The amendment process in Article V ensured that the U.S. Constitution would remain relevant and usable and, most importantly, reflect the desires and interests of the American people.



### Student Activities and Focus Questions

1. Read your newspaper and look for articles that reference a right protected under the Bill of Rights or other amendments. How important are these rights today? Can you think of other rights that could be included?
2. Draft a proposed amendment to the Constitution that would protect a right that you think is fundamental. Give a speech to your classmates on why this amendment should be ratified. Can you get three-fourths of your class to agree?