

Bill of rights and amendments research paper sample

[Law](#), [Constitution](#)



An amendment refers to a change that can be added to the Constitution or a change to an older version. Amendments are made due to the changing society and or when some parts of the government overstep its boundaries. The constitution provides that an amendment may be proposed either by a majority vote of two thirds by the congress in both houses of the senate and representatives or by a constitutional convention called for by two thirds of the state legislatures, though none of the 27 amendments to the constitution have been proposed by constitutional convention.

This amendment is proposed in the form of a joint resolution and it doesn't go to the white house for approval by the president since he doesn't have a constitutional role. Therefore after the congress proposes an amendment, the Archivist of the united states, who leads the NARA (National Archives and Records Administration), is charged with the responsibility for the process of approval under the provisions 1 U. S. C. 106b. The original document is forwarded directly to NARA's Office of the Federal Register (OFR) for processing and publication. The role of the OFR is to add legislative history notes to the joint resolution and publishes it. The Archivist and the Director of the Federal Register then follows procedures that were established by the secretary of state and the administrator of General services. The Archivist then forwards the proposed amendment to the States for their contemplation by sending a letter to every Governor along with the informational material prepared by the OFR. The Governors then formally forwards the amendment to their State legislatures.

When a State approves a proposed amendment, it gives the Archivist a certified copy of the State decision of which is immediately communicated to

the Director of the Federal Register. The OFR examines documents of approval for legal competence and proper signature. If the documents examined are in good order, then the Director acknowledges a receipt and maintains custody of them. The OFR then retains these documents until an amendment is accepted or rejected, and then transfers the records to the National Archives for preservation. Upon approval by three-fourths of the States i. e. 38 out of the 50 States, a proposed amendment becomes part of the Constitution. The OFR verifies the receivership of the required number of the authenticated approval documents then drafts a formal announcement for the Archivist to certify that the amendment is valid and has become part of the Constitution. This certification is then published in the Federal Register and U. S. Statutes at Large and serves as official notice to the Congress and to the Nation that the amendment process has been completed.

The adoption of the bill of rights to the new constitution was motivated by problems involving infringement of ' Rights' since Rights were very crucial to America's founding. Due to the fact that their rights in England were being threatened, many future Americans left their homes to form new colonies in a strange land as a result of fear of the original document which did not provide enough protection for American's rights. This document was approved by the majority of the delegates, some of which felt that the new document strengthened the federal government at the cost of individual liberties. These individuals (Anti-federalists) felt that the new constitution will end up replacing the British system with the American government of which they say as to being too tyrannical. They felt that the state governments should have kept the power because those governments, being closer to the

people, would not tyrannize them. On the other hand, the Federalists liked the centralized notion and weren't bothered by the individual rights. This saw a need for both parties to come together through the adoption of the Bill of Rights, the first ten amendments to the constitution. This adoption saw the two sides feel comfortable and do away with the fears of the Anti-federalists.

The Bill of Rights has made a great impact on the growth of America as a united nation. It has provided an ethical code for unity among the people. Respect has grown and this has seen the people live and act responsibly. Each amendment has its own impact as described below: the first amendment allows the freedom of ; religion, speech, press, and the right to public assembly. These have led to Peaceful assembly, guarantee that no state religion shall be forced on the people and the right to petition the government over grievances. The same amendment has also led to the protection of the rights of others by restraining free expression that is libel i. e. (false accusations without any foundation). The second amendment has given citizens the right to own fire-arms for their own protection and national security. This has led to gun-related crimes by opportunist-citizens and this has seen the crime rate shoot. The third amendment has got no great impact since it focuses on the quartering of troops in private homes though it was regarded as an issue back then.

The fourth amendment prohibits unreasonable searches, such as those without plausible cause or a warrant and confines the power that authorities have to confiscate goods. This amendment prevents any legal authority or the government from entering residential to search without a valid reason

or cause and also from taking items without legal permission, an act that has contributed to civilization. The Fifth amendment has led to the provision of rights to citizens, which guarantees them fair trial by jury and also provides for the respect to private property. Amendment Six provides civil rights to anyone accused of any offense. This has ensured provisions including the right to an immediate, public trial, an impartial bench of jury, to be fully aware of the accusations and charges pressed, and to have legal counsel provided to all. It has also vetoed any individual from being tried more than once for the same offense thus ensuring fairness.

Amendment Seven ensures common law to all people. In any legal suit the people are granted the same rights to a fair trial and jury as those facing criminal charges. Amendment Eight prohibits excessive amounts of bail, excessive fines, and cruel or unusual punishments. This amendment has been regulating the amounts of bail and fines allowable by law as well as protecting the rights of prisoners. The remaining two Amendments both refer to unlisted rights of common citizens as well as reserve specific rights to each individual state. These amendments allow states to be self-governing and to make their own laws for the citizens of the states, an act that has seen different states having different succession rates.

The most important change was brought about by the Thirteenth through fifteen Amendments to the Constitution, the abolishment of slavery. The Original document didn't protect the blacks from slavery and therefore, these amendments officially freed blacks and, though in name only, made them American citizens. These further marked the starting point of modern civil rights law and policy. They also provided the legal foundation for

notable changes in the status of blacks in the twentieth century. After amendment new problems arose such as, the interpretation, extent of Congressional power needed to enforce it, and how to help blacks begin their new lives. The two former problems had to be handled in the political arena, but the latter one was to be handled by the newly established Freedmen's Bureau. The Bureau was to last a year since its supporters insisted that it must not become a permanent institution so that blacks could be placed on the road to self-reliance as quickly as possible, and also because no funds were appropriated for it since money and staff were to be supplied by the War Department. Blacks, however, had an even bigger problem; Black Codes. These were laws that imposed legal disabilities on blacks. The codes discriminated blacks from whites and kept them in a status of inferiority complex. It kept them from owning or transferring property, inheriting, purchasing, or getting access to the courts. To do away with these codes, The Congress adopted the Civil Rights Act of 1886.

References

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