

Nineteenth-Century Amendments

Five amendments were ratified between 1795 and 1870.

Amendment 11 changed the rules for suing states, and **Amendment 12** clarified the way the President and Vice-President are elected.

Amendments 13, 14, and 15 reflect changes resulting from the Civil War.



AMENDMENT 11

Lawsuits Against States (1795)

Under Article III, a state could be sued by a citizen from another state. During the debates for ratification, the Anti-Federalists labeled this a threat to state power. The Federalists, though, assured them no state could be sued without its consent. Then in 1793, a man from South Carolina sued the state of Georgia in federal court. The state refused to appear in court, since it had not given consent. The Supreme Court ruled against Georgia.

The next year, this amendment was passed. Federal courts no longer can try cases in which a state is sued by citizens of another state or a foreign country. This is the only amendment to limit the judicial branch.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.



AMENDMENT 12

Electing the President and Vice-President (1804)

This amendment was adopted to clarify and solve some problems with the electoral process established in Article II. (To review the problem, see the discussion of the election of 1800 with Article II, Section 1, Clause 3.) Before this amendment, only one ballot was used when the electors voted for President and Vice-President. The candidate with the most votes became President, and the runner-up became Vice-President.

Now electors meet in their own states and use separate ballots to vote for President and Vice-President. The results are then sent to the President of the Senate, who opens and counts the results at a joint session of Congress. The candidate who receives a majority of the votes for President is elected. If no candidate has a majority, the House picks the President from the three candidates having the most votes. When picking a President in this manner, each state has *one* vote, and two-thirds of the states must vote.

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 states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other Constitutional disability of the President.—The person having the greatest number of votes as Vice President, if such a 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.

If no candidate has received a majority by January 20 (this date was changed by Amendment 25), the Vice-President acts as President until a new President is chosen.

The Vice-President is picked using nearly the same process. If there is no candidate with a majority, the Senate picks the Vice-President from the two candidates having the most votes. In this case two-thirds of the senators must vote, and a majority is needed to elect the Vice-President.

A vice-presidential candidate must meet the same qualifications as a presidential candidate, since the Vice-President may someday become President.

The election process is a very important feature of our constitutional democracy.





AMENDMENT 13

Slavery Abolished (1865)

SECTION 1: Slavery prohibited

This is the first of three amendments passed as a direct result of the Civil War. In 1863, President Lincoln's Emancipation Proclamation freed only enslaved persons in the Confederacy. Now this amendment ended slavery in all the remaining states and territories. "Involuntary servitude" used to punish convicted criminals is still allowed, though.

SECTION 2: Enforcement

Congress can pass laws to enforce the amendment and punish violators.

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 14

Civil Rights in the States (1868)

SECTION 1: Citizenship

Anyone born or naturalized in the United States is a citizen of both the United States and the state where they live. Under this definition, former enslaved people were clearly full citizens. Thus, no state can pass laws that deprive citizens of rights guaranteed by the Constitution without due process of the law. This amendment, perhaps the most important since the Bill of Rights, has been the basis of many court cases concerning civil rights. For example, this amendment was used to support school desegregation. To find out more, read the case study, "*Brown v. Board of Education of Topeka, Kansas.*"

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 of emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SECTION 2: Apportionment for the House of Representatives

Section 2 strikes down the portion of Article I that counted only three-fifths of the enslaved persons when apportioning congressional representation. After Amendment 14 became law, the entire population of a state was counted for purposes of determining representation. Because the authors of this amendment were afraid states might try to keep African American citizens from voting, the amendment also provides specific penalties. If a state denies an eligible citizen the right to vote, then the state's number of representatives in Congress will be reduced. This passage issued a challenge to the South to either cooperate or lose representation in Congress.

SECTION 3: Penalties for Confederate officials

This was aimed specifically at former officials in the rebellious Confederate states. Unless two-thirds of Congress approved it, none of them could hold offices in either the state or federal governments.

SECTION 4: Federal debts

Any debts the United States had during the Civil War would be paid by the government. Any debts that the former Confederate states owed would not be paid, nor would former slaveholders be paid for losing their enslaved people. This clause was included to restore faith in the credit of the federal government and to punish those who had aided the rebellious states.

SECTION 5: Enforcement

Congress can pass laws to enforce the amendment.



SECTION 5

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

African Americans were given their freedom and the right to vote in amendments 13, 14, and 15. However, the struggle for equal rights has continued for more than 100 years, as shown in this giant March on Washington in 1963.

AMENDMENT 15 The Right to Vote (1870)

SECTION 1: Right to vote expanded

This amendment, directed at African Americans, is important for another reason. Before this, the states decided who could vote. Now, for the first time, the federal government acted to protect the right to vote.

Some Southern states refused to cooperate, though. For example, they gave voters **literacy tests**. Whites passed if they could sign their name. African Americans were given difficult readings. If they failed, they were ruled illiterate and ineligible to vote.

SECTION 2: Enforcement

Congress used its power under this section to pass the **Voting Rights Act of 1965**. This gave the federal government the power to supervise state elections and end such unfair practices as literacy tests. As a result, millions of African Americans registered and voted for the first time.

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 power to enforce this article by appropriate legislation.