

Protecting Your Rights: The Amendments Behind Due Process

The 5th and 14th Amendments work together to protect our basic rights to life, liberty, and property. The 5th Amendment first established the idea of **due process**, making sure the federal government can't take away our rights unfairly, while the 14th Amendment later expanded this protection to include the **states**. Understanding these two Amendments shows how the Constitution evolved to protect individual freedoms at every level of government.

The 5th Amendment to the U.S. Constitution guarantees that no person shall be "deprived of life, liberty, or property, without due process of law." This means the federal government must follow fair procedures before punishing someone or taking away their rights, their liberty, or their property. It also includes protections like protection against self-incrimination (the right to remain silent), double jeopardy (not being tried twice for the same crime), and the right to a fair trial. The 5th Amendment ensures that the government cannot act arbitrarily or unfairly when dealing with individuals.

The 14th Amendment to the U.S. Constitution, adopted after the Civil War, extends these same protections to actions by state governments. Its Due Process Clause says that no state can deprive any person of life, liberty, or property without due process of law. It also includes the Equal Protection Clause, which requires states to treat individuals equally under the law. Together, these parts of the 14th Amendment have been used to apply many of the rights in the Bill of Rights—including freedom of speech, the right to a fair trial, and protection against unlawful searches—to the states, not just the federal government.

Amendment 5 (1791)

Provides protections against self-incrimination and double jeopardy, and mandates due process of law. It also requires just compensation if the government takes private property for public use (eminent domain).

 <https://www.congress.gov/constitution-annotated/amendment-5>

Amendment 14 (1868)

Grants citizenship to all persons born or naturalized in the U.S. It also includes the Due Process and Equal Protection Clauses, vital for civil rights protections and incorporation of Bill of Rights to states.

 <https://www.congress.gov/constitution-annotated/amendment-14>

The Other 25 Amendments of the U.S. Constitution – Summarized

Read the Amendments to the Constitution to understand the rights and freedoms it really protects—and how they’ve changed over time. The 25 Amendments are like the “update history” of America’s democracy, each one telling a story about the challenges and debates of its day.

Amendment 1 (1791)

Protects freedom of religion, speech, the press, assembly, and the right to petition the government. It ensures individuals can express opinions, gather peacefully, and seek redress from the government without fear of punishment.

 <https://www.congress.gov/constitution-annotated/amendment-1>

Amendment 2 (1791)

Recognizes the right to keep and bear arms. This right has been interpreted to protect individual self-defense as well as collective defense through militias.

 <https://www.congress.gov/constitution-annotated/amendment-2>

Amendment 3 (1791)

Prohibits the government from forcing citizens to house soldiers in their homes during peacetime. This reflected colonial opposition to British

quartering policies prior to the Revolution.

 <https://www.congress.gov/constitution-annotated/amendment-3>

Amendment 4 (1791)

Protects against unreasonable searches and seizures by the government. Law enforcement must obtain a warrant based on probable cause before searching or seizing property.

 <https://www.congress.gov/constitution-annotated/amendment-4>

Amendment 6 (1791)

Guarantees a fair and speedy trial by an impartial jury in criminal cases. Includes the right to be informed of charges, to confront witnesses, and to have legal counsel.

 <https://www.congress.gov/constitution-annotated/amendment-6>

Amendment 7 (1791)

Ensures the right to a jury trial in civil cases involving significant sums of money. Also limits courts from overturning a jury's factual findings.

 <https://www.congress.gov/constitution-annotated/amendment-7>

Amendment 8 (1791)

Prohibits excessive bail and fines, and forbids cruel and unusual punishment. Central to debates on death penalty and prison conditions.

 <https://www.congress.gov/constitution-annotated/amendment-8>

Amendment 9 (1791)

Clarifies that listing certain rights in the Constitution does not mean others do not exist. Protects unenumerated rights retained by the people.

 <https://www.congress.gov/constitution-annotated/amendment-9>

Amendment 10 (1791)

States that powers not delegated to the federal government are reserved to the states or the people. It is a foundational principle of federalism.

 <https://www.congress.gov/constitution-annotated/amendment-10>

Amendment 11 (1795)

Limits lawsuits against states in federal court. Citizens of one state or foreigners cannot sue another state without that state's consent.

 <https://www.congress.gov/constitution-annotated/amendment-11>

Amendment 12 (1804)

Revises the procedure for electing the President and Vice President. Requires separate electoral votes for each office to avoid ties.

 <https://www.congress.gov/constitution-annotated/amendment-12>

Amendment 13 (1865)

Abolishes slavery and involuntary servitude, except as punishment for a crime. This officially ended legal slavery in the United States.

 <https://www.congress.gov/constitution-annotated/amendment-13>

Amendment 15 (1870)

Prohibits denying the right to vote based on race, color, or previous condition of servitude. Aimed at securing voting rights for formerly enslaved persons.

 <https://www.congress.gov/constitution-annotated/amendment-15>

Amendment 16 (1913)

Authorizes Congress to levy a federal income tax without apportioning it among the states.

 <https://www.congress.gov/constitution-annotated/amendment-16>

Amendment 17 (1913)

Establishes direct election of U.S. Senators by popular vote. Senators were previously chosen by state legislatures.

 <https://www.congress.gov/constitution-annotated/amendment-17>

Amendment 18 (1919)

Established Prohibition, banning manufacture, sale, and transport of alcoholic beverages. Later repealed by the 21st Amendment.

 <https://www.congress.gov/constitution-annotated/amendment-18>

Amendment 19 (1920)

Grants women the right to vote. Prohibits voting discrimination based on sex.

 <https://www.congress.gov/constitution-annotated/amendment-19>

Amendment 20 (1933)

Changes the starting dates for congressional and presidential terms. Reduces the lame-duck period after elections.

 <https://www.congress.gov/constitution-annotated/amendment-20>

Amendment 21 (1933)

Repeals the 18th Amendment, ending Prohibition. Gives states control over alcohol regulation.

 <https://www.congress.gov/constitution-annotated/amendment-21>

Amendment 22 (1951)

Limits the President to two elected terms (or a maximum of ten years if succeeding mid-term).

 <https://www.congress.gov/constitution-annotated/amendment-22>

Amendment 23 (1961)

Grants residents of Washington, D.C., the right to vote in presidential elections. Allocates three electoral votes to the district.

 <https://www.congress.gov/constitution-annotated/amendment-23>

Amendment 24 (1964)

Prohibits poll taxes in federal elections. Poll taxes were used to disenfranchise many voters, especially African Americans.

 <https://www.congress.gov/constitution-annotated/amendment-24>

Amendment 25 (1967)

Establishes procedures for presidential succession and disability. Clarifies how the Vice President assumes office if needed.

 <https://www.congress.gov/constitution-annotated/amendment-25>

Amendment 26 (1971)

Lowers the voting age to 18 in federal and state elections. Reflects the argument that those old enough to be drafted should vote.

 <https://www.congress.gov/constitution-annotated/amendment-26>

Amendment 27 (1992)

Delays laws affecting Congressional salary from taking effect until after the next election. Prevents immediate pay raises for members of Congress.

 <https://www.congress.gov/constitution-annotated/amendment-27>