

The Preamble describes the purpose of the government set up by the Constitution. Americans expect their government to defend justice and liberty and provide peace and safety from foreign enemies.

The Constitution gives Congress the power to make laws. Congress is divided into the Senate and the House of Representatives.

**Clause 1** *Electors* refers to voters. Members of the House of Representatives are elected every two years. Any citizen allowed to vote for members of the larger house of the state legislature can also vote for members of the House.

**Clause 2** A member of the House of Representatives must be at least 25 years old, an American citizen for 7 years, and a resident of the state he or she represents.

**Clause 3** The number of representatives each state elects is based on its population. An *enumeration*, or census, must be taken every 10 years to determine population. Today, the number of representatives in the House is fixed at 435.

This clause contains the famous Three-Fifths Compromise worked out at the Constitutional Convention. *Persons bound to service* meant indentured servants. *All other persons* meant slaves. All free people in a state were counted. However, only three fifths of the slaves were included in the population count. This three-fifths clause became meaningless when slaves were freed by the Thirteenth Amendment.

**Clause 4** *Executive authority* means the governor of a state. If a member of the House leaves office before his or her term ends, the governor must call a special election to fill the seat.

**Clause 5** The House elects a Speaker. Today, the Speaker is usually chosen by the party that has a majority in the House. Also, only the House has the power to *impeach*, or accuse, a federal official of wrongdoing.

## PREAMBLE

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

## Article I. Legislative Branch

### Section 1. Legislative Powers; The Congress

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

### Section 2. House of Representatives

**1. Election of Members** The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

**2. Qualifications** No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

**3. Apportionment** Representatives ~~and direct taxes~~ shall be apportioned among the several states which may be included within this Union, according to their respective numbers, ~~which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years and excluding Indians not taxed, three fifths of all other persons.~~ The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; ~~and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.~~

**4. Filling Vacancies** When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

**5. Officers; Impeachment** The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

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### Section 3. Senate

**1. Composition; Term** The Senate of the United States shall be composed of two senators from each state ~~chosen by the legislature thereof~~, for six years, and each senator shall have one vote.

**2. Classification; Filling Vacancies** Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; ~~and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.~~

**3. Qualifications** No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

**4. President of the Senate** The Vice President of the United States shall be president of the Senate, but shall have no vote, unless they be equally divided.

**5. Other Officers** The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of the President of the United States.

**6. Impeachment Trials** The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

**7. Penalty on Conviction** Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

### Section 4. Elections and Meetings

**1. Election of Congress** The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

**2. Sessions** The Congress shall assemble at least once in every year, ~~and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.~~

**Clause 1** Each state has two senators. Senators serve for six-year terms. The Seventeenth Amendment changed the way senators were elected.

**Clause 2** Every two years, one third of the senators run for reelection. Thus, the makeup of the Senate is never totally changed by any one election. The Seventeenth Amendment changed the way of filling **vacancies**, or empty seats. Today, the governor of a state must choose a senator to fill a vacancy that occurs between elections.

**Clause 3** A senator must be at least 30 years old, an American citizen for 9 years, and a resident of the state he or she represents.

**Clause 4** The Vice President presides over Senate meetings, but he or she can vote only to break a tie.

**Clause 5** *Pro tempore* means temporary. The Senate chooses one of its members to serve as president *pro tempore* when the Vice President is absent.

**Clause 6** The Senate acts as a jury if the House impeaches a federal official. The Chief Justice of the Supreme Court presides if the President is on trial. Two thirds of all senators present must vote for conviction, or finding the accused guilty. No President has ever been convicted. The House impeached President Andrew Johnson in 1868, but the Senate acquitted him of the charges. In 1974, President Richard Nixon resigned before he could be impeached.

**Clause 7** If an official is found guilty by the Senate, he or she can be removed from office and barred from holding federal office in the future. These are the only punishments the Senate can impose. However, the convicted official can still be tried in a criminal court.

**Clause 1** Each state legislature can decide when and how congressional elections take place, but Congress can overrule these decisions. In 1842, Congress required each state to set up congressional districts with one representative elected from each district. In 1872, Congress decided that congressional elections must be held in every state on the same date in even-numbered years.

**Clause 2** Congress must meet at least once a year. The Twentieth Amendment moved the opening date of Congress to January 3.

## COMMENTARY

**Clause 1** Each house decides whether a member has the qualifications for office set by the Constitution. A **quorum** is the smallest number of members who must be present for business to be conducted. Each house can set its own rules about absent members.

**Clause 2** Each house can make rules for the conduct of members. It can only expel a member by a two-thirds vote.

**Clause 3** Each house keeps a record of its meetings. The *Congressional Record* is published every day with excerpts from speeches made in each house. It also records the votes of each member.

**Clause 4** Neither house can **adjourn**, or stop meeting, for more than three days unless the other house approves. Both houses of Congress must meet in the same city.

**Clause 1 Compensation** means salary. Congress decides the salary for its members. While Congress is in session, a member is free from arrest in civil cases and cannot be sued for anything he or she says on the floor of Congress. This allows for freedom of debate. However, a member can be arrested for a criminal offense.

**Clause 2 Emolument** also means salary. A member of Congress cannot hold another federal office during his or her term. A former member of Congress cannot hold an office created while he or she was in Congress. An official in another branch of government cannot serve at the same time in Congress. This strengthens the separation of powers.

**Clause 1 Revenue** is money raised by the government through taxes. Tax bills must be introduced in the House. The Senate, however, can make changes in tax bills. This clause protects the principle that people can be taxed only with their consent.

**Clause 2 A bill**, or proposed law, that is passed by a majority of the House and Senate is sent to the President. If the President signs the bill, it becomes law.

A bill can also become law without the President's signature. The President can refuse to act on a bill. If Congress is in session at the time, the bill becomes law 10 days after the President receives it.

## CONSTITUTION

## Section 5. Legislative Proceedings

**1. Organization** Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

**2. Rules** Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two thirds, expel a member.

**3. Record** Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

**4. Adjournment** Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

## Section 6. Compensation, Immunities, and Disabilities of Members

**1. Salaries; Immunities** The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

**2. Restrictions on Other Employment** No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

## Section 7. Revenue Bills, President's Veto

**1. Revenue Bills** All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

**2. How a Bill Becomes Law; the Veto** Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that house shall agree to pass the bill, it shall be

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sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

**3. Resolutions Passed by Congress** Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

## Section 8. Powers of Congress

The Congress shall have power

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;

3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

7. To establish post offices and post roads;

8. To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

## COMMENTARY

The President can **veto**, or reject, a bill by sending it back to the house where it was introduced. Or if the President refuses to act on a bill and Congress adjourns within 10 days, then the bill dies. This way of killing a bill without taking action is called the **pocket veto**.

Congress can override the President's veto if each house of Congress passes the bill again by a two-thirds vote. This clause is an important part of the system of checks and balances.

**Clause 3** Congress can pass resolutions or orders that have the same force as laws. Any such resolution or order must be signed by the President (except on questions of adjournment). Thus, this clause prevents Congress from bypassing the President simply by calling a bill by another name.

**Clause 1 Duties** are tariffs. **Imposts** are taxes in general. **Excises** are taxes on the production or sale of certain goods. Congress has the power to tax and spend tax money. Taxes must be the same in all parts of the country.

**Clause 2** Congress can borrow money for the United States. The government often borrows money by selling bonds, or certificates that promise to pay the holder a certain sum of money on a certain date.

**Clause 3** Only Congress has the power to regulate foreign and interstate trade, or trade between states. Disagreements over interstate trade were a major problem with the Articles of Confederation.

**Clause 4 Naturalization** is the process whereby a foreigner becomes a citizen. **Bankruptcy** is the condition in which a person or business cannot pay its debts. Congress has the power to pass laws on these two issues. The laws must be the same in all parts of the country.

**Clause 5** Congress has the power to coin money and set its value. Congress has set up the National Bureau of Standards to regulate weights and measures.

**Clause 6 Counterfeiting** is the making of imitation money. **Securities** are bonds. Congress can make laws to punish counterfeiters.

**Clause 7** Congress has the power to set up and control the delivery of mail.

**Clause 8** Congress may pass copyright and patent laws. A **copyright** protects an author. A patent makes an inventor the sole owner of his or her work for a limited time.

## COMMENTARY

**Clause 9** Congress has the power to set up *inferior*, or lower, federal courts under the Supreme Court.

**Clause 10** Congress can punish *piracy*, or the robbing of ships at sea.

**Clause 11** Only Congress can declare war. Declarations of war are granted at the request of the President. *Letters of marque and reprisal* were documents issued by a government allowing merchant ships to arm themselves and attack ships of an enemy nation. They are no longer issued.

**Clauses 12, 13, 14** These clauses place the army and navy under the control of Congress. Congress decides on the size of the armed forces and the amount of money to spend on the army and navy. It also has the power to write rules governing the armed forces.

**Clauses 15, 16** The *militia* is a body of citizen soldiers. Congress can call up the militia to put down rebellions or fight foreign invaders. Each state has its own militia, today called the National Guard. Normally, the militia is under the command of a state's governor. However, it can be placed under the command of the President.

**Clause 17** Congress controls the district around the national capital. In 1790, Congress made Washington, D.C., the nation's capital. In 1973, it gave residents of the District the right to elect local officials.

**Clause 18** Clauses 1–17 list the powers delegated to Congress. The writers of the Constitution added Clause 18 so that Congress could deal with the changing needs of the nation. It gives Congress the power to make laws as needed to carry out the first 17 clauses. Clause 18 is sometimes called the elastic clause because it lets Congress stretch the meaning of its power.

**Clause 1** *Such persons* means slaves. This clause resulted from a compromise between the supporters and the opponents of the slave trade. In 1808, as soon as Congress was permitted to abolish the slave trade, it did so. The \$10 import tax was never imposed.

**Clause 2** A *writ of habeas corpus* is a court order requiring government officials to bring a prisoner to court and explain why he or she is being held. A writ of habeas corpus protects people from unlawful imprisonment. The government cannot suspend this right except in times of rebellion or invasion.

**Clause 3** A *bill of attainder* is a law declaring that a person is guilty of a particular crime. An *ex post facto law* punishes

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9. To constitute tribunals inferior to the Supreme Court;

10. To define and punish piracies and felonies committed on the high seas and offenses against the law of nations;

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

13. To provide and maintain a navy;

14. To make rules for the government and regulation of the land and naval forces;

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

17. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; —and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

## Section 9. Powers Denied to Congress

**1. The Slave Trade** ~~The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.~~

**2. Writ of Habeas Corpus** The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

**3. Bills of Attainder; Ex Post Facto Laws** No bill of attainder or *ex post facto* law shall be passed.

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13. To provide and maintain a navy;

14. To make rules for the government and regulation of the land and naval forces;

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

17. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; —and

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## Section 9. Powers Denied to Congress

**1. The Slave Trade** ~~The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.~~

**2. Writ of Habeas Corpus** The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

**3. Bills of Attainder; Ex Post Facto Laws** No bill of attainder or *ex post facto* law shall be passed.

## CONSTITUTION

**4. Apportionment of Direct Taxes** No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

**5. Taxes on Exports** No tax or duty shall be laid on articles exported from any state.

**6. Special Preference for Trade** No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties in another.

**7. Spending** No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

**8. Titles of Nobility** No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince or foreign state.

## Section 10. Powers Denied to the States

**1. Unconditional Prohibitions** No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

**2. Powers Conditionally Denied** No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

**3. Other Denied Powers** No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## Article II. Executive Branch

## Section 1. President and Vice President

**1. Chief Executive; Term** The executive power shall be vested in a President of the United States of America. He shall hold his

## COMMENTARY

an act which was not illegal when it was committed. Congress cannot pass a bill of attainder or *ex post facto* laws.

**Clause 4** A *capitation tax* is a tax placed directly on each person. *Direct taxes* are taxes on people or on land. They can be passed only if they are divided among the states according to population. The Sixteenth Amendment allowed Congress to tax income without regard to the population of the states.

**Clause 5** This clause forbids Congress to tax exports. In 1787, southerners insisted on this clause because their economy depended on exports.

**Clause 6** Congress cannot make laws that favor one state over another in trade and commerce. Also, states cannot place tariffs on interstate trade.

**Clause 7** The federal government cannot spend money unless Congress *appropriates* it, or passes a law allowing it. This clause gives Congress an important check on the President by controlling the money he or she can spend. The government must publish a statement showing how it spends public funds.

**Clause 8** The government cannot award titles of nobility, such as Duke or Duchess. American citizens cannot accept titles of nobility from foreign governments without the consent of Congress.

**Clause 1** The writers of the Constitution did not want the states to act like separate nations. So they prohibited states from making treaties or coining money. Some powers denied to the federal government are also denied to the states. For example, states cannot pass *ex post facto* laws.

**Clauses 2, 3** Powers listed here are forbidden to the states, but Congress can lift these prohibitions by passing laws that give these powers to the states.

Clause 2 forbids states from taxing imports and exports without the consent of Congress. States may charge inspection fees on goods entering the states. Any profit from these fees must be turned over to the United States Treasury.

Clause 3 forbids states from keeping an army or navy without the consent of Congress. States cannot make treaties or declare war unless an enemy invades or is about to invade.

**Clause 1** The President is responsible for *executing*, or carrying out, laws passed by Congress.

**Clauses 2, 3** Some writers of the Constitution were afraid to allow the people to elect the President directly. Therefore, the Constitutional Convention set up the electoral college. Clause 2 directs each state to choose electors, or delegates to the electoral college, to vote for President. A state's electoral vote is equal to the combined number of senators and representatives. Each state may decide how to choose its electors. Members of Congress and federal officeholders may not serve as electors. This much of the original electoral college system is still in effect.

Clause 3 called upon each elector to vote for two candidates. The candidate who received a majority of the electoral votes would become President. The runner-up would become Vice President. If no candidate won a majority, the House would choose the President. The Senate would choose the Vice President.

The election of 1800 showed a problem with the original electoral college system. Thomas Jefferson was the Republican candidate for President, and Aaron Burr was the Republican candidate for Vice President. In the electoral college, the vote ended in a tie. The election was finally decided in the House, where Jefferson was chosen President. The Twelfth Amendment changed the electoral college system so that this could not happen again.

**Clause 4** Under a law passed in 1792, electors are chosen on the Tuesday following the first Monday of November every four years. Electors from each state meet to vote in December.

Today, voters in each state choose *slates*, or groups, of electors who are pledged to a candidate for President. The candidate for President who wins the popular vote in each state wins that state's electoral vote.

**Clause 5** The President must be a citizen of the United States from birth, at least 35 years old, and a resident of the country for 14 years. The first seven Presidents of the United States were born under British rule, but they were allowed to hold office because they were citizens at the time the Constitution was adopted.

**Clause 6** The powers of the President pass to the Vice President if the President leaves office or cannot discharge his or her duties. The wording of this clause caused confusion the first time a President died in office. When President William Henry Harrison died, it was uncertain whether Vice President John Tyler should remain Vice President and act

office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:

**2. Electoral College** Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

**3. Former Electoral Method** ~~The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each, which list 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 shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose 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. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.~~

**4. Time of Elections** The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

**5. Qualifications for President** No person except a natural-born citizen, ~~or a citizen of the United States at the time of the adoption of this Constitution,~~ shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

**6. Presidential Succession** ~~In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring~~

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what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

**7. Salary** The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

**8. Oath of Office** Before he enter on the execution of his office, he shall take the following oath or affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the office of the President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States."

## Section 2. Powers of the President

**1. Military Powers** The President shall be commander in chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

**2. Treaties; Appointments** He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

**3. Temporary Appointments** The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

## Section 3. Duties of the President

He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

as President or whether he should be sworn in as President. Tyler persuaded a federal judge to swear him in. So he set the precedent that the Vice President assumes the office of President when it becomes vacant. The Twenty-fifth Amendment replaced this clause.

**Clause 7** The President is paid a salary. It cannot be raised or lowered during his or her term of office. The President is not allowed to hold any other federal or state position while in office. Today, the President's salary is \$200,000 a year.

**Clause 8** Before taking office, the President must promise to protect and defend the Constitution. Usually, the Chief Justice of the United States administers the oath of office to the President.

**Clause 1** The President is head of the armed forces and the state militias when they are called into national service. So the military is under *civilian*, or nonmilitary, control.

The President can get advice from the heads of executive departments. In most cases, the President has the power to grant a reprieve or pardon. A *reprieve* suspends punishment ordered by law. A *pardon* prevents prosecution for a crime or overrides the judgment of a court.

**Clause 2** The President has the power to make treaties with other nations. Under the system of checks and balances, all treaties must be approved by two thirds of the Senate. Today, the President also makes agreements with foreign governments. These executive agreements do not need Senate approval.

The President has the power to appoint ambassadors to foreign countries and to appoint other high officials. The Senate must *confirm*, or approve, these appointments.

**Clause 3** If the Senate is in *recess*, or not meeting, the President may fill vacant government posts by making temporary appointments.

The President must give Congress a report on the condition of the nation every year. This report is now called the State of the Union Address. Since 1913, the President has given this speech in person each January.

The President can call a special session of Congress and can adjourn Congress if necessary. The President has the power to receive, or recognize, foreign ambassadors.

The President must carry out the laws. Today, many government agencies oversee the execution of laws.

**Civil officers** include federal judges and members of the Cabinet. **High crimes** are major crimes. **Misdemeanors** are lesser crimes. The President, Vice President, and others can be forced out of office if impeached and found guilty of certain crimes. Andrew Johnson and Bill Clinton are the only two Presidents to have been impeached.

**Judicial power** means the right of the courts to decide legal cases. The Constitution creates the Supreme Court but lets Congress decide on the size of the Supreme Court. Congress has the power to set up inferior, or lower, courts. The Judiciary Act of 1789 set up a system of district and circuit courts, or courts of appeal. All federal judges serve for life.

**Clause 1 Jurisdiction** refers to the right of a court to hear a case. Federal courts have jurisdiction over cases that involve the Constitution, federal laws, treaties, foreign ambassadors and diplomats, naval and maritime laws, disagreements between states or between citizens from different states, and disputes between a state or citizen and a foreign state or citizen.

In *Marbury v. Madison*, the Supreme Court established the right to judge whether a law is constitutional.

**Clause 2 Original jurisdiction** means the power of a court to hear a case where it first arises. The Supreme Court has original jurisdiction over only a few cases, such as those involving foreign diplomats. More often, the Supreme Court acts as an appellate court. An **appellate** court does not decide guilt. It decides whether the lower court trial was properly conducted and reviews the lower court's decision.

**Clause 3** This clause guarantees the right to a jury trial for anyone accused of a federal crime. The only exceptions are impeachment cases. The trial must be held in the state where the crime was committed.

**Clause 1** Treason is clearly defined. An **overt act** is an actual action. A person cannot be convicted of treason for what he or she thinks. A person can be convicted of treason only if he or she confesses or two witnesses testify to it.

**Clause 2** Congress has the power to set the punishment for traitors. Congress may not punish the children of convicted traitors by taking away their civil rights or property.

## Section 4. Impeachment

The President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

## Article III. Judicial Branch

### Section 1. Courts, Terms of Office

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

### Section 2. Jurisdiction

**1. Scope of Judicial Power** The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more states; ~~between a state and citizens of another state;~~—between citizens of different states;—between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

**2. Supreme Court** In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

**3. Trial by Jury** The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

### Section 3. Treason

**1. Definition** Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

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## Article IV. Relations Among the States

### Section 1. Full Faith and Credit

Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

### Section 2. Privileges and Immunities of Citizens

**1. Privileges** The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

**2. Extradition** A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

**3. Fugitive Slaves** ~~No person held to service or labor in one state, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.~~

### Section 3. New States and Territories

**1. New States** New states may be admitted by the Congress into this Union; but no new states shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.

**2. Federal Lands** The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

### Section 4. Protection Afforded to States by the Nation

The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

Each state must recognize the official acts and records of any other state. For example, each state must recognize marriage certificates issued by another state. Congress can pass laws to ensure this.

**Clause 1** All states must treat citizens of another state in the same way it treats its own citizens. However, the courts have allowed states to give residents certain privileges, such as lower tuition rates.

**Clause 2 Extradition** means the act of returning a suspected criminal or escaped prisoner to a state where he or she is wanted. State governors must return a suspect to another state. However, the Supreme Court has ruled that a governor cannot be forced to do so if he or she feels that justice will not be done.

**Clause 3 Persons held to service or labor** refers to slaves or indentured servants. This clause required states to return runaway slaves to their owners. The Thirteenth Amendment replaces this clause.

**Clause 1** Congress has the power to admit new states to the Union. Existing states cannot be split up or joined together to form new states unless both Congress and the state legislatures approve. New states are equal to all other states.

**Clause 2** Congress can make rules for managing and governing land owned by the United States. This includes territories not organized into states, and federal lands within a state.

In a **republic**, voters choose representatives to govern them. The federal government must protect the states from foreign invasion and from **domestic**, or internal, disorder if asked to do so by a state.

## COMMENTARY

The Constitution can be **amended**, or changed, if necessary. An amendment can be proposed by (1) a two-thirds vote of both houses of Congress or (2) a national convention called by Congress at the request of two thirds of the state legislatures. (This second method has never been used.) An amendment must be **ratified**, or approved, by (1) three fourths of the state legislatures or (2) special conventions in three fourths of the states. Congress decides which method will be used.

The United States government promised to pay all debts and honor all agreements made under the Articles of Confederation.

The Constitution, federal laws, and treaties that the Senate has ratified are the **supreme**, or highest, law of the land. Thus, they outweigh state laws. A state judge must overturn a state law that conflicts with the Constitution or with a federal law.

State and federal officeholders take an **oath**, or solemn promise, to support the Constitution. However, this clause forbids the use of religious tests for officeholders. During the colonial period, every colony except Rhode Island required a religious test for officeholders.

During 1787 and 1788, states held special conventions. By October 1788, the required nine states had ratified the Constitution.

## CONSTITUTION

## Article V. Provisions for Amendment

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first Article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

## Article VI. National Debts, Supremacy of National Law, Oath

### Section 1. Validity of Debts

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

### Section 2. Supremacy of National Law

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

### Section 3. Oaths of Office

The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

## Article VII. Ratification of Constitution

The ratification of the conventions of nine states shall be sufficient for the establishment of this Constitution between the states so ratifying the same.

Done in convention by the unanimous consent of the states present the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In Witness whereof, we have hereunto subscribed our names.

## COMMENTARY

The Constitution can be **amended**, or changed, if necessary. An amendment can be proposed by (1) a two-thirds vote of both houses of Congress or (2) a national convention called by Congress at the request of two thirds of the state legislatures. (This second method has never been used.) An amendment must be **ratified**, or approved, by (1) three fourths of the state legislatures or (2) special conventions in three fourths of the states. Congress decides which method will be used.

The United States government promised to pay all debts and honor all agreements made under the Articles of Confederation.

The Constitution, federal laws, and treaties that the Senate has ratified are the **supreme**, or highest, law of the land. Thus, they outweigh state laws. A state judge must overturn a state law that conflicts with the Constitution or with a federal law.

State and federal officeholders take an **oath**, or solemn promise, to support the Constitution. However, this clause forbids the use of religious tests for officeholders. During the colonial period, every colony except Rhode Island required a religious test for officeholders.

During 1787 and 1788, states held special conventions. By October 1788, the required nine states had ratified the Constitution.

## CONSTITUTION

## Article V. Provisions for Amendment

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first Article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

## Article VI. National Debts, Supremacy of National Law, Oath

## Section 1. Validity of Debts

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

## Section 2. Supremacy of National Law

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

## Section 3. Oaths of Office

The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

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## CONSTITUTION

Attest:

William Jackson, SECRETARY  
George Washington,  
PRESIDENT and deputy from  
Virginia

NEW HAMPSHIRE

John Langdon  
Nicholas Gilman

MASSACHUSETTS

Nathaniel Gorham  
Rufus King

CONNECTICUT

William Samuel Johnson  
Roger Sherman

NEW YORK

Alexander Hamilton

NEW JERSEY

William Livingston  
David Brearley  
William Paterson  
Jonathan Dayton

PENNSYLVANIA

Benjamin Franklin  
Thomas Mifflin  
Robert Morris  
George Clymer  
Thomas Fitzsimons  
Jared Ingersoll

James Wilson  
Gouverneur Morris

DELAWARE

George Read  
Gunning Bedford, Jr.  
John Dickinson  
Richard Bassett  
Jacob Broom

## COMMENTARY

MARYLAND

James McHenry  
Dan of St. Thomas Jennifer  
Daniel Carroll

VIRGINIA

John Blair  
James Madison, Jr.

NORTH CAROLINA

William Blount  
Richard Dobbs Spaight  
Hugh Williamson

SOUTH CAROLINA

John Rutledge  
Charles Cotesworth Pinckney  
Charles Pinckney  
Pierce Butler

GEORGIA

William Few  
Abraham Baldwin

## AMENDMENTS

## First Amendment

(1791) Freedom of Religion, Speech, Press, Assembly, and Petition

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

**First Amendment** The First Amendment protects five basic rights: freedom of religion, speech, the press, assembly, and petition. Congress cannot set up an established, or official, church or religion for the nation. During the colonial period, most colonies had established churches. However, the authors of the First Amendment wanted to keep government and religion separate.

Congress may not **abridge**, or limit, the freedom to speak and write freely. The government may not censor, or review, books and newspapers before they are printed. This amendment also protects the right to assemble, or hold public meetings. **Petition** means ask. **Redress** means to correct. **Grievances** are wrongs. The people have the right to ask the government for wrongs to be corrected.

## Second Amendment

(1791) Bearing Arms

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

**Second Amendment** State militia, such as the National Guard, have the right to bear arms, or keep weapons. Courts have generally ruled that the government can regulate the ownership of guns by private citizens.

## Third Amendment

(1791) Quartering of Troops

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

**Third Amendment** During the colonial period, the British **quartered**, or housed, soldiers in private homes without the permission of the owners. This amendment limits the government's right to use private homes to house soldiers.

**Fourth Amendment** This amendment protects Americans from unreasonable searches and seizures. Search and seizure are permitted only if a judge has issued a **warrant**, or written court order. A warrant is issued only if there is probable cause. This means an officer must show that it is probable, or likely, that the search will produce evidence of a crime. A search warrant must name the exact place to be searched and the things to be seized.

In some cases, courts have ruled that searches can take place without a warrant. For example, police may search a person who is under arrest.

**Fifth Amendment** This amendment protects the rights of the accused. **Capital crimes** are those that can be punished with death. **Infamous crimes** are those that can be punished with prison or loss of rights. The federal government must obtain an **indictment**, or formal accusation, from a grand jury to prosecute anyone for such crimes. A **grand jury** is a panel of between 12 and 23 citizens who decide if the government has enough evidence to justify a trial. This procedure prevents the government from prosecuting people with little or no evidence of guilt. (Soldiers and the militia in wartime are not covered by this rule.)

**Double jeopardy** is forbidden by this amendment. This means that a person cannot be tried twice for the same crime. However, if a court sets aside a conviction because of a legal error, the accused can be tried again. A person on trial cannot be forced to **testify**, or give evidence, against himself or herself. A person accused of a crime is entitled to **due process of law**, or a fair hearing or trial.

Finally, the government cannot seize private property for public use without paying the owner a fair price for it.

**Sixth Amendment** In criminal cases, the jury must be **impartial**, or not favor either side. The accused is guaranteed the right to a trial by jury. The trial must be speedy. If the government purposely postpones the trial so that it becomes hard for the person to get a fair hearing, the charge may be dismissed. The accused must be told the charges against him or her and be allowed to question prosecution witnesses. Witnesses who can help the accused can be ordered to appear in court.

The accused must be allowed a lawyer. Since 1942, the federal government has been required to provide a lawyer if the accused cannot afford one. In 1963, the Supreme Court decided that states must also provide lawyers for a defendant too poor to pay for one.

## Fourth Amendment (1791) Searches and Seizures

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## Fifth Amendment (1791) Criminal Proceedings; Due Process; Eminent Domain

No person shall be held to answer for a capital, or otherwise infamous, crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life and limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

## Sixth Amendment (1791) Criminal Proceedings

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

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#### Seventh Amendment (1791) Civil Trials

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

#### Eighth Amendment (1791) Punishment for Crimes

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

#### Ninth Amendment (1791) Unenumerated Rights

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

#### Tenth Amendment (1791) Powers Reserved to the States

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

#### Eleventh Amendment (1798) Suits Against States

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.

#### Twelfth Amendment (1804) Election of President and Vice President

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 the House of Representatives, open all the certificates and the votes shall then be counted;—the person having the greatest number of votes for

**Seventh Amendment** *Common law* refers to rules of law established by judges in past cases. This amendment guarantees the right to a jury trial in lawsuits where the sum of money at stake is more than \$20. An appeals court cannot change a verdict because it disagrees with the decision of the jury. It can set aside a verdict only if legal errors made the trial unfair.

**Eighth Amendment** *Bail* is money the accused leaves with the court as a pledge that he or she will appear for trial. If the accused does not appear for trial, the court keeps the money. *Excessive* means too high. This amendment forbids courts to set unreasonably high bail. The amount of bail usually depends on the seriousness of the charge and whether the accused is likely to appear for the trial. The amendment also forbids cruel and unusual punishments such as mental and physical abuse.

**Ninth Amendment** The people have rights that are not listed in the Constitution. This amendment was added because some people feared that the Bill of Rights would be used to limit rights to those actually listed.

**Tenth Amendment** This amendment limits the power of the federal government. Powers not given to the federal government belong to the states. The powers reserved to the states are not listed in the Constitution.

**Eleventh Amendment** This amendment changed part of Article 3, Section 2, Clause 1. As a result, a private citizen from one state cannot sue the government of another state in federal court. However, a citizen can sue a state government in a state court.

**Twelfth Amendment** This amendment changed the way the electoral college voted. Before the amendment was adopted, each elector simply voted for two people. The candidate with the most votes became President. The runner-up became Vice President. In 1800, however, a tie vote resulted between Thomas Jefferson and Aaron Burr.

In such a case, the Constitution required the House of Representatives to elect the President. Federalists had a majority in the House. They tried to keep Jefferson out of office by voting for Burr. It took 35 ballots in the House before Jefferson was elected President.

To keep this from happening again, the Twelfth Amendment was passed and ratified in time for the election of 1804.

This amendment provides that each elector choose one candidate for President and one candidate for Vice President. If no candidate for President receives a majority of electoral votes, the House of Representatives chooses the President. If no candidate for Vice President receives a majority, the Senate elects the Vice President. The Vice President must be a person who is eligible to be President.

This system is still in use today. However, it is possible for a candidate to win the popular vote and lose in the electoral college. This happened in 1876.

**Thirteenth Amendment** The Emancipation Proclamation (1863) freed slaves only in areas controlled by the Confederacy. This amendment freed all slaves. It also forbids *involuntary servitude*, or labor done against one's will. However, it does not prevent prison wardens from making prisoners work. Congress can pass laws to carry out this amendment.

**Fourteenth Amendment, Section 1** This section defines citizenship for the first time in the Constitution, and it extends citizenship to blacks. It also prohibits states from denying the rights and privileges of citizenship to any citizen. This section also forbids states to deny due process of law.

Section 1 guarantees all citizens "equal protection under the law." For a long time, however, the Fourteenth Amendment did not protect blacks from discrimination. After Reconstruction, separate facilities for blacks and whites sprang up. In 1954, the Supreme Court ruled that separate facilities for blacks and whites were by their nature unequal. This ruling, in the case of *Brown v. Board of Education*, made school segregation illegal.

**Fourteenth Amendment, Section 2** This section replaced the three-fifths clause. It provides that representation in the House of Representatives is decided on the basis of the number of people in the state. It also provides that states which deny the vote to male citizens over age 21 will be punished by losing part of their representation in the

President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such a 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 the 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.

### Thirteenth Amendment (1865) *Slavery and Involuntary Servitude*

**Section 1. Outlawing Slavery** 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. Enforcement** Congress shall have power to enforce this article by appropriate legislation.

### Fourteenth Amendment (1868) *Rights of Citizens*

**Section 1. Citizenship** 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. Apportionment of Representatives** 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, representa-

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tives 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. Former Confederate Officials** 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. Public Debt** 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. Enforcement** The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

### Fifteenth Amendment (1870) *Right to Vote—Race, Color, Servitude*

**Section 1. Extending the Right to Vote** 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. Enforcement** The Congress shall have power to enforce this article by appropriate legislation.

### Sixteenth Amendment (1913) *Income Tax*

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.

### Seventeenth Amendment (1913) *Popular Election of Senators*

**Section 1. Method of Election** 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.

House. This provision has never been enforced.

Despite this clause, black citizens were often prevented from voting. In the 1960s, federal laws were passed to end voting discrimination.

**Fourteenth Amendment, Section 3** This section prohibited people who had been federal or state officials before the Civil War and who had joined the Confederate cause from serving again as government officials. In 1872, Congress restored the rights of former Confederate officials.

**Fourteenth Amendment, Section 4** This section recognized that the United States must repay its debts from the Civil War. However, it forbade the repayment of debts of the Confederacy. This meant that people who had loaned money to the Confederacy would not be repaid. Also, states were not allowed to pay former slave owners for the loss of slaves.

**Fourteenth Amendment, Section 5** Congress can pass laws to carry out this amendment.

**Fifteenth Amendment, Section 1** *Previous condition of servitude* refers to slavery. This amendment gave blacks, both former slaves and free blacks, the right to vote. In the late 1800s, southern states used grandfather clauses, literacy tests, and poll taxes to keep blacks from voting.

**Fifteenth Amendment, Section 2** Congress can pass laws to carry out this amendment. The Twenty-fourth Amendment barred the use of poll taxes in national elections. The Voting Rights Act of 1965 gave federal officials the power to register voters where there was voting discrimination.

**Sixteenth Amendment** Congress has the power to collect taxes on people's income. An income tax can be collected without regard to a state's population. This amendment changed Article 1, Section 9, Clause 4.

**Seventeenth Amendment, Section 1** This amendment replaced Article 1, Section 2, Clause 1. Before it was adopted, state legislatures chose senators. This amendment

provides that senators are directly elected by the people of each state.

**Seventeenth Amendment, Section 2** When a Senate seat becomes vacant, the governor of the state must order an election to fill the seat. The state legislature can give the governor power to fill the seat until an election is held.

**Seventeenth Amendment, Section 3** Senators who had already been elected by the state legislatures were not affected by this amendment.

**Eighteenth Amendment, Section 1** This amendment, known as Prohibition, banned the making, selling, or transporting of alcoholic beverages in the United States. Later, the Twenty-first Amendment *repealed*, or canceled, this amendment.

**Eighteenth Amendment, Section 2** Both the states and the federal government had the power to pass laws to enforce this amendment.

**Eighteenth Amendment, Section 3** This amendment had to be approved within seven years. The Eighteenth Amendment was the first amendment to include a time limit for ratification.

**Nineteenth Amendment, Section 1** Neither the federal government nor state governments can deny the right to vote on account of sex. Thus, women won *suffrage*, or the right to vote. Before 1920, some states had allowed women to vote in state elections.

**Nineteenth Amendment, Section 2** Congress can pass laws to carry out this amendment.

**Twentieth Amendment, Section 1** The date for the President and Vice President to take office is January 20. Members of Congress begin their terms of office on January 3. Before this amendment was adopted, these terms of office began on March 4.

**Twentieth Amendment, Section 2** Congress must meet at least once a year. The new session of Congress begins

The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

**Section 2. Vacancies** 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.

**Section 3. Those Elected Under Previous Procedure** ~~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.~~

## Eighteenth Amendment

### (1919) Prohibition of Intoxicating Liquors

**Section 1. Ban on Alcohol** ~~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. Enforcement** ~~The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.~~

**Section 3. Method of Ratification** ~~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 Congress.~~

## Nineteenth Amendment

### (1920) Women's Suffrage

**Section 1. The Right to Vote** 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.

**Section 2. Enforcement** Congress shall have power to enforce this article by appropriate legislation.

## Twentieth Amendment

### (1933) Commencement of Terms; Sessions of Congress; Death or Disqualification of President-Elect

**Section 1. Beginning of Terms** The terms of the President and 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. Congressional Sessions** The Congress shall assemble at least once in every year, and such meeting shall begin at

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provides that senators are directly elected by the people of each state.

**Seventeenth Amendment, Section 2** When a Senate seat becomes vacant, the governor of the state must order an election to fill the seat. The state legislature can give the governor power to fill the seat until an election is held.

**Seventeenth Amendment, Section 3** Senators who had already been elected by the state legislatures were not affected by this amendment.

**Eighteenth Amendment, Section 1** This amendment, known as Prohibition, banned the making, selling, or transporting of alcoholic beverages in the United States. Later, the Twenty-first Amendment *repealed*, or canceled, this amendment.

**Eighteenth Amendment, Section 2** Both the states and the federal government had the power to pass laws to enforce this amendment.

**Eighteenth Amendment, Section 3** This amendment had to be approved within seven years. The Eighteenth Amendment was the first amendment to include a time limit for ratification.

**Nineteenth Amendment, Section 1** Neither the federal government nor state governments can deny the right to vote on account of sex. Thus, women won *suffrage*, or the right to vote. Before 1920, some states had allowed women to vote in state elections.

**Nineteenth Amendment, Section 2** Congress can pass laws to carry out this amendment.

**Twentieth Amendment, Section 1** The date for the President and Vice President to take office is January 20. Members of Congress begin their terms of office on January 3. Before this amendment was adopted, these terms of office began on March 4.

**Twentieth Amendment, Section 2** Congress must meet at least once a year. The new session of Congress begins

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The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

**Section 2. Vacancies** 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.

**Section 3. Those Elected Under Previous Procedure** ~~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.~~

### Eighteenth Amendment (1919) Prohibition of Intoxicating Liquors

**Section 1. Ban on Alcohol** ~~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. Enforcement** ~~The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.~~

**Section 3. Method of Ratification** ~~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 Congress.~~

### Nineteenth Amendment (1920) Women's Suffrage

**Section 1. The Right to Vote** 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.

**Section 2. Enforcement** Congress shall have power to enforce this article by appropriate legislation.

### Twentieth Amendment (1933) Commencement of Terms; Sessions of Congress; Death or Disqualification of President-Elect

**Section 1. Beginning of Terms** The terms of the President and 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.

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noon on the 3rd day of January, unless they shall by law appoint a different day.

**Section 3. Presidential Succession** 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. Elections Decided by Congress** 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. Date of Implementation** ~~Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.~~

**Section 6. Ratification Period** ~~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.~~

### Twenty-first Amendment (1933) Repeal of Prohibition

**Section 1. Repeal** The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

**Section 2. State Laws** 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. Ratification Period** ~~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.~~

### Twenty-second Amendment (1951) Presidential Tenure

**Section 1. Two-Term Limit** 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 elect-

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on January 3. Before this amendment, members of Congress who had been defeated in November continued to hold office until the following March. Such members were known as lame ducks.

**Twentieth Amendment, Section 3** If the President-elect dies before taking office, the Vice President-elect becomes President. If no President has been chosen by January 20 or if the elected candidate fails to qualify for office, the Vice President-elect acts as President, but only until a qualified President is chosen.

Finally, Congress has the power to choose a person to act as President if neither the President-elect nor Vice President-elect is qualified to take office.

**Twentieth Amendment, Section 4** Congress can pass laws in cases where a presidential candidate dies while an election is being decided in the House. Congress has similar power in cases where a candidate for Vice President dies while an election is being decided in the Senate.

**Twentieth Amendment, Section 5** Section 5 sets the date for the amendment to become effective.

**Twentieth Amendment, Section 6** Section 6 sets a time limit for ratification.

**Twenty-first Amendment, Section 1** The Eighteenth Amendment is repealed, making it legal to make and sell alcoholic beverages. Prohibition ended December 5, 1933.

**Twenty-first Amendment, Section 2** Each state was free to ban the making and selling of alcoholic drink within its borders. This section makes bringing liquor into a "dry" state a federal offense.

**Twenty-first Amendment, Section 3** Special state conventions were called to ratify this amendment. This is the only time an amendment was ratified by state conventions rather than state legislatures.

**Twenty-second Amendment, Section 1** Before Franklin Roosevelt became President, no President served more than two terms in office. Roosevelt broke with this custom and was elected to four terms. This amendment provides

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that no President may serve more than two terms. A President who has already served more than half of someone else's term can serve only one more full term. However, the amendment did not apply to Harry Truman, who had become President after Franklin Roosevelt's death in 1945.

**Twenty-second Amendment, Section 2** A seven-year time limit is set for ratification.

**Twenty-third Amendment, Section 1** This amendment gives residents of Washington, D.C., the right to vote in presidential elections. Until this amendment was adopted, people living in Washington, D.C., could not vote for President because the Constitution had made no provision for choosing electors from the nation's capital. Washington, D.C., has three electoral votes.

**Twenty-third Amendment, Section 2** Congress can pass laws to carry out this amendment.

**Twenty-fourth Amendment, Section 1** A *poll tax* is a tax on voters. This amendment bans poll taxes in national elections. Some states used poll taxes to keep African Americans from voting. In 1966, the Supreme Court struck down poll taxes in state elections, also.

**Twenty-fourth Amendment, Section 2** Congress can pass laws to carry out this amendment.

**Twenty-fifth Amendment, Section 1** If the President dies or resigns, the Vice President becomes President. This section clarifies Article 2, Section 1, Clause 6.

**Twenty-fifth Amendment, Section 2** When a Vice President takes over the office of President, he or she appoints a

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ed 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. Ratification Period** ~~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.~~

### Twenty-third Amendment (1961) *Presidential Electors for the District of Columbia*

**Section 1. Determining the Number of Electors** 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. Enforcement** The Congress shall have power to enforce this article by appropriate legislation.

### Twenty-fourth Amendment (1964) *Right to Vote in Federal Elections—Tax Payment*

**Section 1. Poll Tax Banned** 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. Enforcement** The Congress shall have the power to enforce this article by appropriate legislation.

### Twenty-fifth Amendment (1967) *Presidential Succession, Vice Presidential Vacancy, Presidential Inability*

**Section 1. President's Death or Resignation** In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

**Section 2. Vacancies in Vice Presidency** Whenever there is a vacancy in the office of the Vice President, the President shall

that no President may serve more than two terms. A President who has already served more than half of someone else's term can serve only one more full term. However, the amendment did not apply to Harry Truman, who had become President after Franklin Roosevelt's death in 1945.

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**Section 1. President's Death or Resignation** In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

**Section 2. Vacancies in Vice Presidency** 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. Disability of the President** 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. Vice President as Acting President** 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.

### **Twenty-sixth Amendment** (1971) *Right to Vote—Age*

**Section 1. Lowering of Voting Age** The right of citizens of the United States, who are eighteen years of age or older, shall not be denied or abridged by the United States or by any state on account of age.

**Section 2. Enforcement** The Congress shall have the power to enforce this article by appropriate legislation.

### **Twenty-seventh Amendment** (1992) *Congressional Pay*

No law, varying the compensation for the services of the senators and representatives, shall take effect until an election of representatives shall have intervened.

Vice President who must be approved by a majority vote of both houses of Congress. This section was first applied after Vice President Spiro Agnew resigned in 1973. President Richard Nixon appointed Gerald Ford as Vice President.

**Twenty-fifth Amendment, Section 3** If the President declares in writing that he or she is unable to perform the duties of office, the Vice President serves as acting President until the President recovers.

**Twenty-fifth Amendment, Section 4** Two Presidents, Woodrow Wilson and Dwight Eisenhower, have fallen gravely ill while in office. The Constitution contained no provision for this kind of emergency.

Section 3 provided that the President can inform Congress that he or she is too sick to perform the duties of office. However, if the President is unconscious or refuses to admit to a disabling illness, Section 4 provides that the Vice President and Cabinet may declare the President disabled. The Vice President becomes acting President until the President can return to the duties of office. In case of a disagreement between the President and the Vice President and Cabinet over the President's ability to perform the duties of office, Congress must decide the issue. A two-thirds vote of both houses is needed to find the President is disabled or unable to fulfill the duties of office.

**Twenty-sixth Amendment, Section 1** In 1970, Congress passed a law allowing 18-year-olds to vote. However, the Supreme Court decided that Congress could not set a minimum age for state elections. So this amendment was passed and ratified.

**Twenty-sixth Amendment, Section 2** Congress can pass laws to carry out this amendment.

**Twenty-seventh Amendment** If members of Congress vote themselves a pay increase, it cannot go into effect until after the next congressional election. This amendment was proposed in 1789. In 1992, Michigan became the thirty-eighth state to ratify it.