

THE CONSTITUTION HANDBOOK

Guide to Reading

Big Ideas

Government and Society A written contract between the people and their government can preserve natural rights and allow for change over time.

Content Vocabulary

- popular sovereignty (p. 120)
- federalism (p. 120)
- enumerated powers (p. 121)
- reserved powers (p. 121)
- concurrent powers (p. 122)
- impeach (p. 123)
- bill (p. 124)
- cabinet (p. 125)
- judicial review (p. 121)
- due process (p. 127)

Academic Vocabulary

- grant (p. 121)
- responsive (p. 129)

Reading Strategy

Taking Notes As you read about the Constitution, use the major headings of the handbook to fill in an outline.

-
- ```
I. Major Principles
A.
B.
C.
D.
E.
F.
II.
```

Serving as the framework of national government and the source of American citizens' basic rights, the Constitution is the most important document of the United States. To preserve self-government, all citizens need to understand their rights and responsibilities.

## Major Principles

**MAIN Idea** The Constitution's basic principles assure people's rights and provide for a balance among the different branches of government.

**HISTORY AND YOU** If you had to create the rules for a new organization, would you give all members an equal voice? Read on to learn how the Constitution reflects representative government.

The principles outlined in the Constitution were the Framers' solution to the complex problems of a representative government. The Constitution rests on seven major principles of government: (1) **popular sovereignty**, (2) republicanism, (3) limited government, (4) **federalism**, (5) separation of powers, (6) checks and balances, and (7) individual rights.

## Popular Sovereignty and Republicanism

The opening words of the Constitution, "We the people," reinforce the idea of popular sovereignty, or "authority of the people." In the Constitution, the people consent to be governed and specify the powers and rules by which they shall be governed.

The Articles of Confederation's government had few powers, and it was unable to cope with the many challenges facing the nation. The new federal government had greater powers, but it also had specific limitations. A system of interlocking responsibilities kept any one branch of government from becoming too powerful.

Voters are sovereign, that is, they have ultimate authority in a republican system. They elect representatives and give them the responsibility to make laws and run the government. For most Americans today, the terms republic and representative democracy mean the same thing: a system of limited government where the people are the final source of authority.



## Limited Government

Although the Framers agreed that the nation needed a stronger central authority, they feared misuse of power. They wanted to prevent the government from using its power to give one group special advantages or to deprive another group of its rights. By creating a limited government, they restricted the government's authority to specific powers **granted** by the people.

The delegates to the Constitutional Convention were very specific about the powers granted to the new government. Their decision to provide a written outline of the government's structure also served to show what they intended. Articles I, II and III of the Constitution describe the powers of the federal government and the limits on those powers. Other limits are set forth in the Bill of Rights, which guarantees certain rights to the people.

## Federalism

In establishing a strong central government, the Framers did not deprive states of all

authority. The states gave up some powers to the national government but retained others. This principle of shared power is called federalism. The federal system allows the people of each state to deal with their needs in their own way, but at the same time, it lets the states act together to deal with matters that affect all Americans.

The Constitution defines three types of government powers. Certain powers belong only to the federal government. These **enumerated powers** include the power to coin money, regulate interstate and foreign trade, maintain the armed forces, and create federal courts (Article I, Section 8).

The second kind of powers are those retained by the states, known as **reserved powers**, including the power to establish schools, set marriage and divorce laws, and regulate trade within the state. Although reserved powers are not specifically listed in the Constitution, the Tenth Amendment says that all powers not granted to the federal government "are reserved to the States."

The third set of powers defined by the Constitution is **concurrent powers**—powers the state and federal governments share. They include the right to raise taxes, borrow money, provide for public welfare, and administer criminal justice. Conflicts between state law and federal law must be settled in a federal court. The Constitution declares that it is “the supreme Law of the Land.”

## Separation of Powers

To prevent any single group or institution in government from gaining too much authority, the Framers divided the federal government into three branches: legislative, executive, and judicial. Each branch has its own functions and powers. The legislative branch, Congress, makes the laws. The executive branch, headed by the president, carries out the laws. The judicial branch, consisting of the Supreme Court and other federal courts, interprets and applies the laws.

In addition to giving separate responsibility to separate branches, the membership of each branch is chosen in different ways. The president nominates federal judges and the Senate confirms the appointments. People vote for members of Congress. Voters cast ballots for president, but the method of election is indirect. On Election Day the votes in each state are counted. Whatever candidate receives a majority receives that state’s electoral votes, which total the number of senators and representatives the state has in Congress. Electors from all states meet to formally elect a president. A candidate must receive at least 270 of 538 electoral votes to win.

## Checks and Balances

The Framers who wrote the Constitution deliberately created a system of checks and balances in which each branch of government can check, or limit, the power of the other branches. This system helps balance the power of the three branches and prevents any one branch from becoming too powerful. For example, imagine that Congress passes a law. The president can reject the law by vetoing it. However, Congress can override, or reverse, the president’s veto if two-thirds of the

members of both the Senate and the House of Representatives vote again to approve the law.

## Individual Rights

Ten amendments to the Constitution were approved in 1791 to protect certain basic rights, including freedom of speech, religion, and the right to a trial by jury. These ten amendments are referred to as the Bill of Rights. Over the years, 17 more amendments were added to the Constitution. Some give additional rights to Americans and some modify how the government works. Included among them are amendments that abolish slavery, guarantee voting rights, authorize an income tax, and set a two-term limit on the presidency.

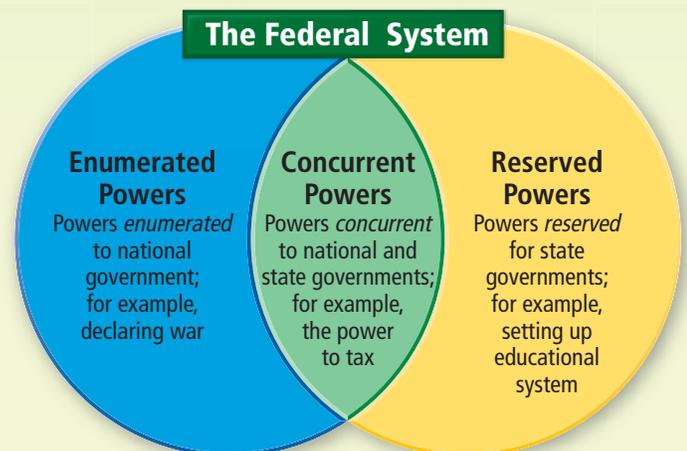
 **Reading Check** **Explaining** What are the three branches of government?

## INFOGRAPHIC

### The Federal Government

#### The Constitution divides power in three ways:

1. Between the federal and state governments
2. Between three branches of government
3. By providing checks and balances



# The Legislative Branch

**MAIN Idea** The Legislative branch makes the nation's laws and appropriates funds.

**HISTORY AND YOU** Have you ever written to your representative to support or oppose a bill? Read to find out how Congress makes laws.

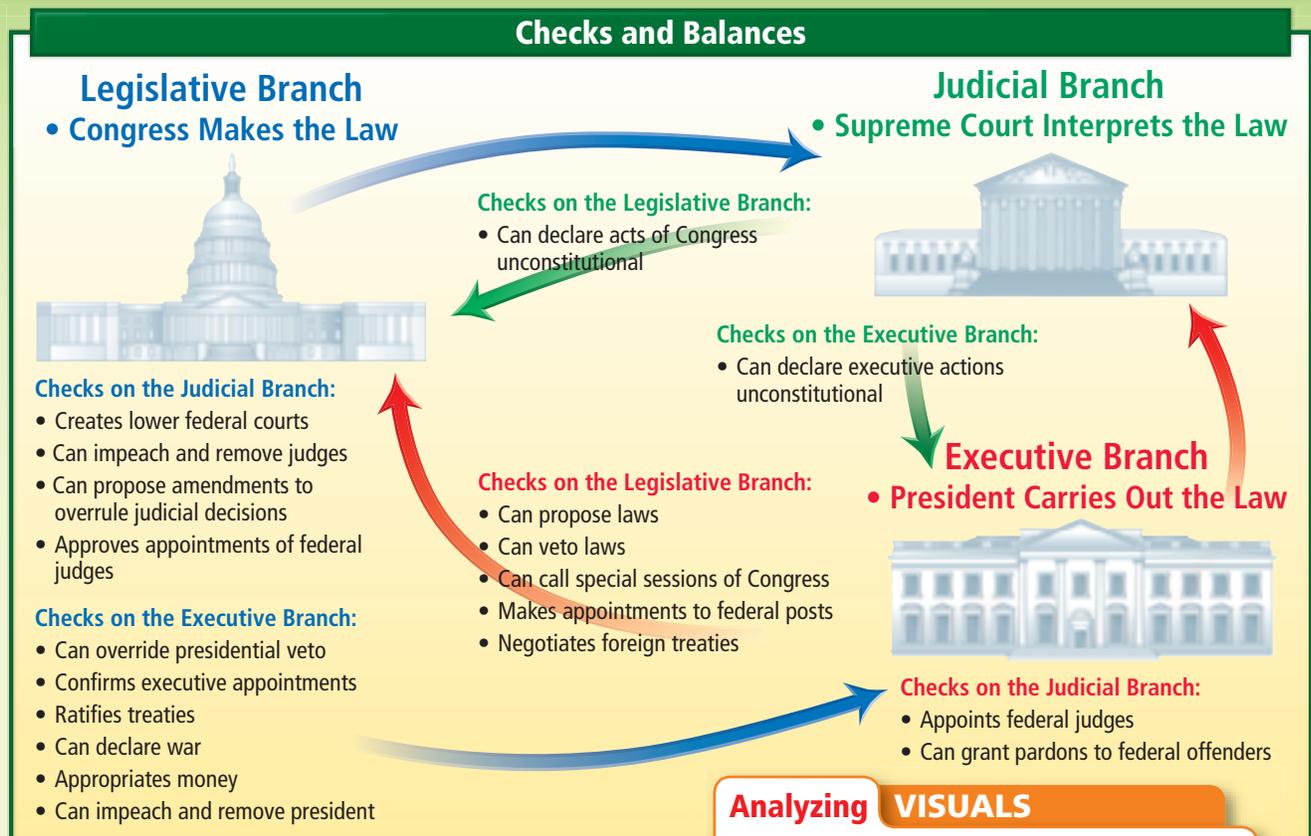
The legislative branch includes the two houses of Congress: the Senate and the House of Representatives. Congress's two primary roles are to make the nation's laws and to decide how federal funds are spent.

The government cannot spend any money unless Congress appropriates, or sets aside, funds. All tax and spending bills must originate in the House of Representatives and be approved in both the House and the Senate

before moving to the president for signature.

Congress also monitors the executive branch and investigates possible abuses of power. The House of Representatives can **impeach**, or bring formal charges against, any federal official it suspects of wrongdoing or misconduct. If an official is impeached, the Senate acts as a court and tries the accused official. Officials who are found guilty may be removed from office.

The Senate has certain additional powers. Two-thirds of the Senate must ratify treaties made by the president. The Senate must also confirm presidential appointments of federal officials such as department heads, ambassadors, and federal judges.



## Analyzing VISUALS

- Explaining** How can the president help control the judiciary?
- Summarizing** What checks does the legislative branch have on the president?

All members of Congress have the responsibility to represent their constituents, the people of their home states and districts. As a constituent, you can expect your senators and representative to promote national and state interests. Thousands of **bills**—proposed laws—are introduced in Congress every year. Because individual members of Congress cannot possibly study all these bills carefully, both houses use committees of selected members to evaluate proposed legislation.

Standing committees are permanent committees in both the House and the Senate that specialize in a particular topic, such as agriculture, commerce, or veterans' affairs. These committees are usually divided into subcommittees that focus on a particular aspect of an issue. The House and the Senate also form temporary select committees to deal with issues requiring special attention. These committees meet only until they complete their task.

Occasionally the House and the Senate form joint committees with members from both houses. These committees meet to consider specific issues. One type of joint committee, a conference committee, has a special function. If the House and the Senate pass different versions of the same bill, a conference committee meets to work out a compromise bill acceptable to both houses.

Once a committee in either house of Congress approves a bill, it is sent to the full Senate or House for debate. After debate the bill may be passed, rejected, or returned to the committee for further changes. When both houses pass a bill, it goes to the president. If the president approves the bill and signs it, the bill becomes law. If the president vetoes the bill, it does not become law unless Congress takes it up again and votes to override the veto.

 **Reading Check Analyzing** What is the most important power of the legislative branch?

## INFOGRAPHIC

### How a Bill Becomes Law

The legislative process is complex. It begins with a representative in Congress introducing a bill and eventually works its way to the president who either signs the bill into law or vetoes it.

#### How a Bill Becomes Law



1. A legislator introduces a bill in the House or Senate, where it is referred to a committee for review.



2. After review, the committee decides whether to shelve it or to send it back to the House or Senate with or without revisions.



3. The House or Senate then debates the bill, making revisions if desired. If the bill is passed, it is sent to the other house.



4. If the House and Senate pass different versions of the bill, the houses must meet in a conference committee to decide on a compromise version.



5. The compromise bill is then sent to both houses.



6. If both houses pass the bill, it is sent to the president to sign.



7. If the president signs the bill, it becomes law.



8. The president may veto the bill, but if two-thirds of the House and Senate vote to approve it, it becomes law without the president's approval.

# The Executive Branch

**MAIN Idea** As the nation's leader, the president carries out laws with the help of executive offices, departments, and agencies.

**HISTORY AND YOU** What would you do if you were the student council president? Read on to learn about the roles of the U.S. president.

The executive branch of government includes the president, the vice president, and various executive offices, departments, and agencies. The executive branch executes, or carries out, the laws that Congress passes.

## The President's Roles

The president plays a number of different roles in government. These roles include serving as the nation's chief executive, chief diplomat, commander in chief of the military, chief of state, and legislative leader.

**Chief Executive** As chief executive, the president is responsible for carrying out the nation's laws. As chief diplomat, the president directs foreign policy, appoints ambassadors, and negotiates treaties with other nations.

**Commander in Chief** As commander in chief of the armed forces, the president can give orders to the military and direct its operations. The president cannot declare war; only Congress holds this power. The president can send troops to other parts of the world for up to 60 days but must notify Congress when doing so. The troops may remain longer only if Congress gives its approval or declares war.

**Chief of State** As chief of state, the president is symbolically the representative of all Americans. The president fulfills this role when receiving foreign ambassadors or heads of state, visiting foreign nations, or honoring Americans.

**Legislative Leader** The president serves as a legislative leader by proposing laws to Congress and working to see that they are passed. In the annual State of the Union address, the president presents his goals for legislation in the upcoming year.

## The Executive at Work

Many executive offices, departments, and independent agencies help the president carry out and enforce the nation's laws. The Executive Office of the President (EOP) is made up of individuals and agencies that directly assist the president. Presidents rely on the EOP for advice and for gathering information needed for decision making.

The executive branch has 15 executive departments, each responsible for a different area of government. For example, the Department of State carries out foreign policy, and the Department of the Treasury manages the nation's finances. The department heads have the title of secretary, and are members of the president's **cabinet**. The cabinet helps the president set policies and make decisions.

**Reading Check** **Explaining** What are the major roles of the president?



▲ President Bush signs the Voting Rights Act of 2006.

### Analyzing VISUALS

- 1. Describing** What is the role of a conference committee?
- 2. Analyzing** How can a bill become law without the approval of the president?

# The Judicial Branch

**MAIN Idea** The judicial branch consists of different federal courts that review and evaluate laws and interpret the Constitution.

**HISTORY AND YOU** The Constitution did not specifically give the judicial branch the power to review laws. Do you think it is a reasonable task? Read to learn about the role of federal judges and the Supreme Court.

Article III of the Constitution calls for the creation of a Supreme Court and “such inferior [lower] courts as Congress may from time to time ordain and establish.” Today the judicial branch consists of three main categories of courts, including:

## District and Appellate Courts

United States district courts are the lowest level of the federal court system. These courts consider criminal and civil cases that come

under federal authority, such as kidnapping, federal tax evasion, claims against the federal government, and cases involving constitutional rights, such as free speech. There are 91 district courts, with at least one in every state.

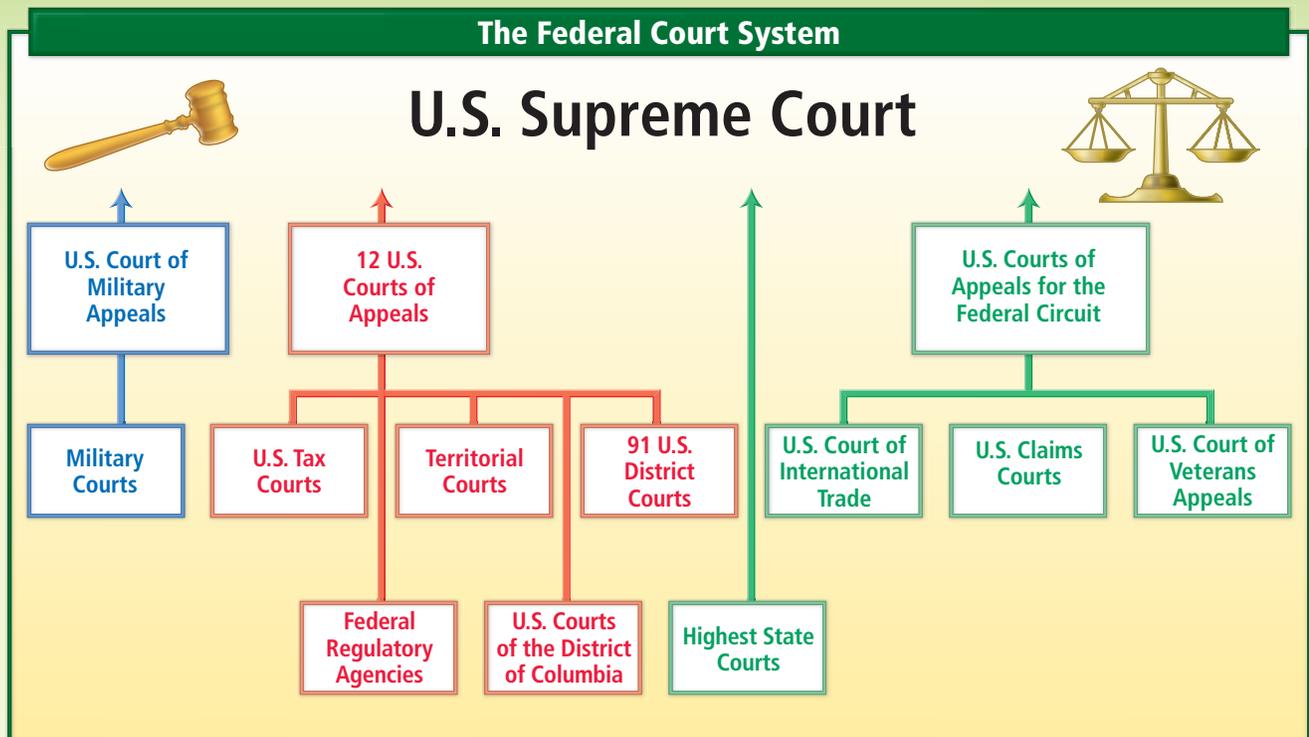
The appellate courts, or appeals courts, consider district court decisions in which the losing side has asked for a review of the verdict. If an appeals court disagrees with the lower court’s decision, it can overturn the verdict or order a retrial. There are 14 appeals courts, one for each of 12 federal districts, one military appeals court, and an appellate court for the federal circuit.

## The Supreme Court

The Supreme Court is the final authority in the federal court system. It consists of a chief justice and eight associate justices. Most of the Supreme Court’s cases come from appeals of lower court decisions. Only cases involving foreign ambassadors or disputes between states can begin in the Supreme Court.

### INFOGRAPHIC

## The Federal Court System



**Supreme Court Independence** The president appoints the Court's justices for life, and the Senate confirms the appointments. The public has no input. The Framers hoped that by appointing judges, they would be free to evaluate the law with no concern for pleasing voters.

**Judicial Review** The role of the judicial branch is not described in detail in the Constitution, but the role of the courts has grown as powers implied in the Constitution have been put into practice. In 1803 Chief Justice John Marshall expanded the power of the Supreme Court by striking down an act of Congress in the case of *Marbury v. Madison*. Although not mentioned in the Constitution, judicial review has become a major power of the judicial branch. **Judicial review** gives the Supreme Court the ultimate authority to interpret the meaning of the Constitution.

**Reading Check** **Analyzing** How does the Supreme Court protect the Constitution?



▲ The U.S. Supreme Court, front row, left to right, Justices Anthony Kennedy and John Paul Stevens, Chief Justice John Roberts, Justices Antonin Scalia and David Souter; back row, left to right, Justices Stephen Breyer, Clarence Thomas, Ruth Bader Ginsburg, Samuel Alito

### Analyzing VISUALS

- 1. Interpreting** How many routes to the U.S. Supreme Court are depicted in the chart?
- 2. Analyzing** How would a case originating in Puerto Rico be appealed to the U.S. Supreme Court?

## Rights and Responsibilities

**MAIN Idea** The Constitution and the Bill of Rights provide Americans with protection and freedoms.

**HISTORY AND YOU** How do you think the Constitution protects your rights as a student? Read on to find out about the major rights of Americans.

All American citizens have certain basic rights, but they also have specific responsibilities. Living in a system of self-government means ultimately that every citizen is partly responsible for how their society is governed and for the actions the government takes on their behalf.

### The Rights of Americans

The rights of Americans fall into three broad categories: the right to be protected from unfair actions of the government, to receive equal treatment under the law, and to retain certain basic freedoms.

**Protection from Unfair Actions** Parts of the Constitution and the Bill of Rights protect all Americans from unfair treatment by the government or the law. Among these rights are the right to a lawyer when accused of a crime and the right to trial by jury when charged with a crime. In addition, the Fourth Amendment protects us from unreasonable searches and seizures. This provision requires police to have a court order before searching a person's home for criminal evidence. To obtain this, the police must have a very strong reason to suspect the person of committing a crime.

**Equal Treatment** All Americans, regardless of race, religion, or political beliefs, have the right to be treated the same under the law. The Fifth Amendment states that no person shall "be deprived of life, liberty, or property, without due process of law." **Due process** means that the government must follow procedures established by law and guaranteed by the Constitution, treating all people equally. The Fourteenth Amendment requires every state to grant its citizens "equal protection of the laws."

**Basic Freedoms** The basic freedoms are described in the First Amendment—freedom of speech, freedom of religion, freedom of the press, freedom of assembly, and the right to petition. In a democracy, power rests in the hands of the people. Therefore, citizens in a democratic society must be able to exchange ideas freely. The First Amendment allows citizens to criticize the government, in speech or in the press, without fear of punishment.

In addition, the Ninth Amendment states that the rights of Americans are not limited to those in the Constitution. This has allowed Americans to assert other basic rights over the years that have been upheld in court, or assured by amending the Constitution.

**Limits on Rights** The rights of Americans are not absolute. They are limited based on the principle of respecting everyone’s rights equally. For example, many cities and towns require groups to obtain a permit to march on city streets. Such laws do limit free speech, but they also protect the community by ensuring that the march will not endanger other people.

In this and other cases, the government balances an individual’s rights, the rights of others, and the community’s health and safety. Most Americans are willing to accept some limitations on their rights to gain these protections as long as the restrictions are reasonable and apply equally to all. A law banning all marches would violate the First Amendment rights of free speech and assembly and be unacceptable. Similarly, a law preventing only certain groups from marching would be unfair because it would not apply equally to everyone.

## Citizens’ Responsibilities

Citizens in a democratic society have both duties and responsibilities. Duties are actions required by law. Responsibilities are voluntary actions. Fulfilling both your duties and your responsibilities helps ensure good government and protects your rights.

**Duties** One basic duty of all Americans is to obey the law. Laws serve three important functions. They help maintain order; they protect

### INFOGRAPHIC

## Amending the Constitution

Article V of the Constitution enables Congress and the states to amend, or change, the Constitution.

### The Amendment Process

#### Proposal

Amendment proposed by a vote of two-thirds of both houses of Congress

or

Amendment proposed by a national convention requested by two-thirds of states

#### Ratification

After approval by three-fourths of state legislatures

or

After approval by three-fourths of state ratifying conventions



### Analyzing VISUALS

- Summarizing** What role do the states play in the amendment process?
- Explaining** How many approvals by state legislatures are required for an amendment to the Constitution?

the health, safety, and property of all citizens; and they make it possible for people to live together peacefully. If you believe a law is wrong, you can work through your representatives to change it.

Americans also have a duty to pay taxes. The government uses tax money to defend the nation, to build roads and bridges, and to assist people in need. Americans benefit from services provided by the government. Another duty of citizens is to defend the nation. All males aged 18 and older must register with the government in case the nation needs to call on them for military service. Military service is not automatic, but a war could make it necessary.

The Constitution guarantees all Americans the right to a trial by a jury of their equals. For this reason, you may be called to jury duty when you reach the age of 18. Having a large group of jurors on hand is necessary to guarantee the right to a fair and speedy trial. You also have a duty to serve as a trial witness if called to do so.

Most states require you to attend school until a certain age. School is where you gain the knowledge and skills needed to be a good citizen. In school you learn to think more clearly, to express your opinions more accurately, and to analyze the ideas of others. These skills will help you make informed choices when you vote.

**Responsibilities** The responsibilities of citizens are not as clear-cut as their duties, but they are as important because they help maintain the quality of government and society. One important responsibility is to be well informed. You need to know what is happening in your community, your state, your country, and the world. Knowing what your government is doing and expressing your thoughts about its actions helps to keep it **responsive** to the wishes of the people. You also need to be informed about your rights and to assert them when necessary. Knowing your rights helps preserve them. Other responsibilities include accepting responsibility for your actions, and supporting your family.

To enjoy your rights to the fullest, you must be prepared to respect the rights of others. Respecting the rights of others also means respecting the rights of people with whom you disagree. Respecting and accepting others regardless of race, religion, beliefs, or other differences is essential in a democracy.

**Vote, Vote, Vote!** Perhaps the most important responsibility of American citizens is to vote when they reach the age of 18. Voting allows you to participate in government and to guide its direction. When you vote for people to represent you in government, you will be exercising your right of self-government. If you disapprove of the job your representatives are doing, it will be your responsibility to help elect other people in the next election. You can also let your representatives know what you think about issues through letters, telephone calls, and petitions and by taking part in public meetings or political rallies.

 **Describing** What are the major rights and responsibilities of an American citizen?

### Vocabulary

**1. Explain** the significance of: popular sovereignty, federalism, enumerated powers, reserved powers, concurrent powers, override, appropriate, impeach, constituent, bill, standing committee, select committee, joint committee, conference committee, cabinet, judicial review, due process.

### Main Ideas

- 2. Explaining** What are the provisions of the First Amendment?
- 3. Summarizing** How are popular sovereignty and voting connected?

### Critical Thinking

- 4. Big Ideas** What is the difference between a duty and a responsibility?
- 5. Organizing** Use a graphic organizer similar to the one below to list reasons why the framers of the Constitution provided for separation of powers.



**6. Analyzing Visuals** Study the photograph on page 127. How has the composition of the Supreme Court changed over time?

### Writing About History

**7. Expository Writing** Working with a partner, choose one of the constitutional rights listed below. Write a report that traces the right's historical development, from the time the Constitution was ratified to the present.

suffrage  
freedom of speech  
freedom of religion  
equal protection of law



**Study Central** To review this section, go to [glencoe.com](http://glencoe.com) and click on Study Central.

# THE CONSTITUTION OF THE UNITED STATES

The Constitution of the United States is a truly remarkable document. It was one of the first written constitutions in modern history. The entire text of the Constitution and its amendments follow. For easier study, those passages that have been set aside or changed by the adoption of amendments are printed in blue. Also included are explanatory notes that will help clarify the meaning of important ideas presented in the Constitution.

**A burst of fireworks over the Lincoln Memorial in Washington, D.C.**



## Preamble

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, 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

### Section 1

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

[1.] 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.] 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.] 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 chuse 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.] When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

[5.] The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of **Impeachment.**

The Preamble introduces the Constitution and sets forth the general purposes for which the government was established. The Preamble also declares that the power of the government comes from the people.

The printed text of the document shows the spelling and punctuation of the parchment original.

## Article I. The Legislative Branch

The Constitution contains seven divisions called articles. Each article covers a general topic. For example, Articles I, II, and III create the three branches of the national government—the legislative, executive, and judicial branches. Most of the articles are divided into sections.

### Section 1. Congress

**Lawmaking** The power to make laws is given to a Congress made up of two chambers to represent different interests: the Senate to represent the states and the House to be more responsive to the people's will.

### Section 2. House of Representatives Division of Representatives Among the States

The number of representatives from each state is based on the size of the state's population. Each state is entitled to at least one representative. The Constitution states that each state may specify who can vote, but the Fifteenth, Nineteenth, Twenty-fourth, and Twenty-sixth Amendments have established guidelines that all states must follow regarding the right to vote. **What are the qualifications for members of the House of Representatives?**

## Vocabulary

**preamble:** *introduction*

**constitution:** *principles and laws of a nation*

**enumeration:** *census or population count*

**impeachment:** *bringing charges against an official*

### Section 3. The Senate

**Voting Procedure** Originally, senators were chosen by the legislators of their own states. The Seventeenth Amendment changed this, so that senators are now elected by their state's people. There are 100 senators, 2 from each state.

### What Might Have Been

**Electing Senators** South Carolina delegate Charles Pinckney suggested during the Convention that the members of the Senate come from four equally proportioned districts within the United States and that the legislature elect the executive every seven years.

### Section 3. The Senate

**Trial of Impeachments** One of Congress's powers is the power to impeach—to accuse government officials of wrongdoing, put them on trial, and, if necessary, remove them from office. The House decides if the offense is impeachable. The Senate acts as a jury, and when the president is impeached, the Chief Justice of the United States serves as the judge. A two-thirds vote of the members present is needed to convict impeached officials. **What punishment can the Senate give if an impeached official is convicted?**

## Vocabulary

**president pro tempore:** *presiding officer of Senate who serves when the vice president is absent*

**quorum:** *minimum number of members that must be present to conduct sessions*

**adjourn:** *to suspend a session*

## Section 3

[1.] 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.] 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.] 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.] The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

[5.] The Senate shall chuse 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.] 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.] 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

[1.] 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 chusing Senators.

[2.] 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.**

## Section 5

[1.] 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.] Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the **Concurrence** of two thirds, expel a Member.

[3.] 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.] 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

[1.] 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.] 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

[1.] 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.] 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 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.

## Vocabulary

**concurrence:** *agreement*

**emoluments:** *salaries*

**revenue:** *income raised by government*

**bill:** *draft of a proposed law*

### Section 6. Privileges and Restrictions

**Pay and Privileges** To strengthen the federal government, the Founders set congressional salaries to be paid by the United States Treasury rather than by members' respective states. Originally, members were paid \$6 per day. In 2002, all members of Congress received a base salary of \$150,000.

### Section 7. Passing Laws

**Revenue Bill** All tax laws must originate in the House of Representatives. This ensures that the branch of Congress that is elected by the people every two years has the major role in determining taxes.

### Section 7. Passing Laws

**How Bills Become Laws** A bill may become a law only by passing both houses of Congress and by being signed by the president. The president can check Congress by rejecting—vetoing—its legislation. [How can Congress override the president's veto?](#)

## Section 8. Powers Granted to Congress

**Expressed Powers** Expressed powers are those powers directly stated in the Constitution. Most of the expressed powers of Congress are itemized in Article I, Section 8. These powers are also called enumerated powers because they are numbered 1 to 18. Which clause gives Congress the power to declare war?

## Vocabulary

**resolution:** legislature's formal expression of opinion

**naturalization:** procedure by which a citizen of a foreign nation becomes a citizen of the United States

[3.] 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

[1.] The Congress shall have the Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence 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;

[9.] To constitute Tribunals inferior to the supreme Court;

[10.] To define and punish Piracies and Felonies committed on the high Seas, and Offences 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 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

[1.] **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.] 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.] No Bill of Attainder or ex post facto Law shall be passed.

[4.] No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

[5.] No Tax or Duty shall be laid on Articles exported from any State.

[6.] 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.] 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.] 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

[1.] 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.] 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 it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports and Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

[3.] 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.

### Section 8. Powers Granted to Congress

**Elastic Clause** The final enumerated power is often called the "elastic clause." This clause gives Congress the right to make all laws "necessary and proper" to carry out the powers expressed in the other clauses of Article I. It is called the elastic clause because it lets Congress "stretch" its powers to meet situations the Founders could not have anticipated.

What does the phrase "necessary and proper" in the elastic clause mean? It was a subject of dispute from the beginning. The issue was whether a strict or a broad interpretation of the Constitution should be applied. The dispute was first addressed in 1819, in the case of *McCulloch v. Maryland*, when the Supreme Court ruled in favor of a broad interpretation. The Court stated that the elastic clause allowed Congress to use its powers in any way that was not specifically prohibited by the Constitution.

### Section 9. Powers Denied to the Federal Government

**Original Rights** A writ of habeas corpus issued by a judge requires a law official to bring a prisoner to court and show cause for holding the prisoner. A bill of attainder is a bill that punishes a person without a jury trial. An "ex post facto" law is one that makes an act a crime after the act has been committed. **What does the Constitution say about bills of attainder?**

### Section 10. Powers Denied to the States

**Limitations on Powers** Section 10 lists limits on the states. These restrictions were designed, in part, to prevent an overlapping in functions and authority with the federal government.

## Article II. The Executive Branch

Article II creates an executive branch to carry out laws passed by Congress. Article II lists the powers and duties of the president, describes qualifications for office and procedures for electing the president, and provides for a vice president.

### What Might Have Been

**Term of Office** Alexander Hamilton also provided his own governmental outline at the Constitutional Convention. Some of its most distinctive elements were that both the executive and the members of the Senate were "elected to serve during good behaviour," meaning there was no specified limit on their time in office.

### Section 1. President and Vice President

**Former Method of Election** In the election of 1800, the top two candidates received the same number of electoral votes, making it necessary for the House of Representatives to decide the election. To eliminate this problem, the Twelfth Amendment, added in 1804, changed the method of electing the president stated in Article II, Section 3. The Twelfth Amendment requires that the electors cast separate ballots for president and vice president.

### Section 1. President and Vice President

**Qualifications** The president must be a citizen of the United States by birth, at least 35 years of age, and a resident of the United States for 14 years.

### What Might Have Been

**Qualifications** At the Constitutional Convention, the New Jersey Amendments, sponsored by the smaller states, raised the possibility of making the executive a committee of people rather than a single individual. Also, executives were not allowed to run for a second term of office under this plan.

## Article II

### Section 1

[1.] The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice-President, chosen for the same Term, be elected, as follows

[2.] 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.] **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 chuse 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 chuse the president. But in chusing 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 chuse from them by Ballot the Vice President.**

[4.] The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

[5.] 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.] 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 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.] 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.] 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 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

[1.] 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 Offences against the United States, except in Cases of Impeachment.

[2.] 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.] 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

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.

### Section 1. President and Vice President

**Vacancies** If the president dies, resigns, is removed from office by impeachment, or is unable to carry out the duties of the office, the vice president becomes president.

### Section 1. President and Vice President

**Salary** Originally, the president's salary was \$25,000 per year. The president's current salary is \$400,000 plus a \$50,000 expense account per year. The president also receives living accommodations in the White House and Camp David.

### Section 2. Powers of the President

**Cabinet** Mention of "the principal officer in each of the executive departments" is the only suggestion of the president's cabinet to be found in the Constitution. The cabinet is an advisory body, and its power depends on the president. Section 2, Clause 1 also makes the president the head of the armed forces. This established the principle of civilian control of the military.

### Section 2. Powers of the President

**Treaties** The president is responsible for the conduct of relations with foreign countries. [What role does the Senate have in approving treaties?](#)

### Section 3. Duties of the President

**Executive Orders** An important presidential power is the ability to issue executive orders. An executive order is a rule or command the president issues that has the force of law. Only Congress can make laws under the Constitution, but executive orders are considered part of the president's duty to "take care that the laws be faithfully executed." This power is often used during emergencies. Over time the scope of executive orders has expanded. Decisions by federal agencies and departments are also considered to be executive orders.

### Section 4. Impeachment Reasons for Removal From Office

This section states the reasons for which the president and vice president may be impeached and removed from office. Only Andrew Johnson and Bill Clinton have been impeached by the House. Richard Nixon resigned before the House could vote on possible impeachment.

## Article III. The Judicial Branch

The term *judicial* refers to courts. The Constitution set up only the Supreme Court but provided for the establishment of other federal courts. The judiciary of the United States has two different systems of courts. One system consists of the federal courts, whose powers derive from the Constitution and federal laws. The other includes the courts of each of the 50 states, whose powers derive from state constitutions and laws.

### Section 2. Jurisdiction

**General Jurisdiction** Federal courts deal mostly with “statute law,” or laws passed by Congress, treaties, and cases involving the Constitution itself.

### Section 2. Jurisdiction

**The Supreme Court** A court with “original jurisdiction” has the authority to be the first court to hear a case. The Supreme Court generally has “appellate jurisdiction” in that it mostly hears cases appealed from lower courts.

### Section 2. Jurisdiction

**Jury Trial** Except in cases of impeachment, anyone accused of a crime has the right to a trial by jury. The trial must be held in the state where the crime was committed. Jury trial guarantees were strengthened in the Sixth, Seventh, Eighth, and Ninth Amendments.

## Vocabulary

**original jurisdiction:** *authority to be the first court to hear a case*

**appellate jurisdiction:** *authority to hear cases that have been appealed from lower courts*

### Section 4

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

### Section 1

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 Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

### Section 2

[1.] 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.] In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be 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.] 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

[1.] 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.

[2.] The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

## Article IV

### Section 1

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

[1.] The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.  
[2.] 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.] **No Person held to Service of Labour 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 Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.**

### Section 3

[1.] New States may be admitted by the Congress into this Union; but no new State 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.] 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

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.

## Article V

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

## Article IV. Relations Among the States

Article IV explains the relationship of the states to one another and to the national government. This article requires each state to give citizens of other states the same rights as its own citizens, addresses the admission of new states, and guarantees that the national government will protect the states.

### Section 1. Official Acts

**Recognition by States** This provision ensures that each state recognizes the laws, court decisions, and records of all other states. For example, a marriage license issued by one state must be accepted by all states.

## Vocabulary

**treason:** *violation of the allegiance owed by a person to his or her own country, for example, by aiding an enemy*

**amendment:** *a change to the Constitution*

**ratification:** *process by which an amendment is approved*

### Section 3. New States and Territories

**New States** Congress has the power to admit new states. It also determines the basic guidelines for applying for statehood. Two states, Maine and West Virginia, were created within the boundaries of another state. In the case of West Virginia, President Lincoln recognized the West Virginia government as the legal government of Virginia during the Civil War. This allowed West Virginia to secede from Virginia without obtaining approval from the Virginia legislature.

## Article V. The Amendment Process

Article V explains how the Constitution can be amended, or changed. All of the 27 amendments were proposed by a two-thirds vote of both houses of Congress. Only the Twenty-first Amendment was ratified by constitutional conventions of the states. All other amendments have been ratified by state legislatures. [What is an amendment?](#)

## Article VI. Constitutional Supremacy

Article VI contains the "supremacy clause." This clause establishes that the Constitution, laws passed by Congress, and treaties of the United States "shall be the supreme Law of the Land." The "supremacy clause" recognizes the Constitution and federal laws as supreme when in conflict with those of the states.

## Article VII. Ratification

Article VII addresses ratification and states that, unlike the Articles of Confederation, which required approval of all thirteen states for adoption, the Constitution would take effect after it was ratified by nine states.

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

[1.] 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.

[2.] 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, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

[3.] 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

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,

## Signers

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

Maryland  
James McHenry  
Daniel of St. Thomas  
Jenifer  
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

Attest:  
William Jackson,  
Secretary

## Amendment I

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.

## Amendment II

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.

## Amendment III

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.

## Amendment IV

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.

## Amendment V

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 offence to be twice put in jeopardy of life or 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.

## Amendment VI

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 defence.

## Amendment VII

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 reexamined in any Court of the United States, than according to the rules of **common law**.

## The Amendments

This part of the Constitution consists of changes and additions. The Constitution has been amended 27 times throughout the nation's history.

### The Bill of Rights

The first 10 amendments are known as the Bill of Rights (1791). These amendments limit the powers of the federal government. The First Amendment protects the civil liberties of individuals in the United States. The amendment freedoms are not absolute, however. They are limited by the rights of other individuals. [What freedoms does the First Amendment protect?](#)

## Vocabulary

**quarter:** to provide living accommodations

**warrant:** document that gives police particular rights or powers

**probable cause:** police must have a reasonable basis to believe a person is linked to a crime

### Amendment 5 Rights of the Accused

This amendment contains important protections for people accused of crimes. One of the protections is that government may not deprive any person of life, liberty, or property without due process of law. This means that the government must follow proper constitutional procedures in trials and in other actions it takes against individuals. [According to Amendment V, what is the function of a grand jury?](#)

### Amendment 6 Right to Speedy and Fair Trial

A basic protection is the right to a speedy, public trial. The jury must hear witnesses and evidence on both sides before deciding the guilt or innocence of a person charged with a crime. This amendment also provides that legal counsel must be provided to a defendant. In 1963, in *Gideon v. Wainwright*, the Supreme Court ruled that if a defendant cannot afford a lawyer, the government must provide one to defend him or her. [Why is the right to a "speedy" trial important?](#)

## Vocabulary

**common law:** law established by previous court decisions

## Vocabulary

**bail:** money that an accused person provides to the court as a guarantee that he or she will be present for a trial

### Amendment 9

**Powers Reserved to the People** This amendment prevents government from claiming that the only rights people have are those listed in the Bill of Rights.

### Amendment 10

**Powers Reserved to the States** This amendment protects the states and the people from the federal government. It establishes that powers not given to the national government and not denied to the states by the Constitution belong to the states or to the people. These are checks on the “necessary and proper” power of the federal government, which is provided for in Article I, Section 8, Clause 18.

### Amendment 11

**Suits Against States** The Eleventh Amendment (1795) provides that a lawsuit brought by a citizen of the United States or a foreign nation against a state must be tried in a state court, not in a federal court. The Supreme Court had ruled in *Chisholm v. Georgia* (1793) that a federal court could try a lawsuit brought by citizens of South Carolina against a citizen of Georgia.

## Vocabulary

**majority:** more than half

### Amendment 12

**Election of President and Vice President** The Twelfth Amendment (1804) corrects a problem that had arisen in the method of electing the president and vice president, which is described in Article II, Section 1, Clause 3. This amendment provides for the Electoral College to use separate ballots in voting for president and vice president. **If no candidate receives a majority of the electoral votes, who elects the president?**

## Amendment VIII

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

## Amendment IX

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

## Amendment X

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.

## Amendment XI

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

## Amendment XII

The electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a **majority** of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all 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.

## Amendment XIII

### Section 1

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

### Section 2

Congress shall have power to enforce this article by appropriate legislation.

## Amendment XIV

### Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall **abridge** the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

### Section 2

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

### Section 3

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution

### Amendment 13

**Abolition of Slavery** Amendments Thirteen (1865), Fourteen, and Fifteen often are called the Civil War amendments because they grew out of that conflict. The Thirteenth Amendment outlaws slavery.

### Amendment 14

**Rights of Citizens** The Fourteenth Amendment (1868) originally was intended to protect the legal rights of the freed slaves. Its interpretation has been extended to protect the rights of citizenship in general by prohibiting a state from depriving any person of life, liberty, or property without "due process of law." In addition, it states that all citizens have the right to equal protection of the laws in all states.

### Amendment 14. Section 2 Representation in Congress

This section reduced the number of members a state had in the House of Representatives if it denied its citizens the right to vote. Later civil rights laws and the Twenty-fourth Amendment guaranteed the vote to African Americans.

## Vocabulary

**abridge:** *to reduce*

### Amendment 14. Section 3 Penalty for Engaging in Insurrection

The leaders of the Confederacy were barred from state or federal offices unless Congress agreed to remove this ban. By the end of Reconstruction, all but a few Confederate leaders were allowed to return to public service.

### Amendment 14. Section 4

**Public Debt** The public debt acquired by the federal government during the Civil War was valid and could not be questioned by the South. However, the debts of the Confederacy were declared to be illegal. **Could former slaveholders collect payment for the loss of their slaves?**

### Amendment 15

**Voting Rights** The Fifteenth Amendment (1870) prohibits the government from denying a person's right to vote on the basis of race. Despite the law, many states denied African Americans the right to vote by such means as poll taxes, literacy tests, and white primaries.

### Amendment 16

**Income Tax** The origins of the Sixteenth Amendment (1913) date back to 1895, when the Supreme Court declared a federal income tax unconstitutional. To overturn this decision, this amendment authorizes an income tax that is levied on a direct basis.

### Amendment 17

**Direct Election of Senators** The Seventeenth Amendment (1913) states that the people, instead of state legislatures, elect United States senators. **How many years are in a Senate term?**

## Vocabulary

**insurrection:** *rebellion against the government*

**apportionment:** *distribution of seats in House based on population*

**vacancy:** *an office or position that is unfilled or unoccupied*

of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

### Section 4

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for service, 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

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

## Amendment XV

### Section 1

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

### Section 2

The Congress shall have power to enforce this article by appropriate legislation.

## Amendment XVI

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.

## Amendment XVII

### Section 1

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

### Section 2

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

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.

## Amendment XVIII

### Section 1

After one year from 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

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

### Section 3

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 the Congress.

## Amendment XIX

### Section 1

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

### Section 2

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

## Amendment XX

### Section 1

The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of the Senators and Representatives at noon on the 3rd 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

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3rd day of January, unless they shall by law appoint a different day.

### Amendment 18

**Prohibition** The Eighteenth Amendment (1919) prohibited the production, sale, or transportation of alcoholic beverages in the United States. Prohibition proved to be difficult to enforce. This amendment was later repealed by the Twenty-first Amendment.

### Amendment 19

**Woman Suffrage** The Nineteenth Amendment (1920) guaranteed women the right to vote. By then women had already won the right to vote in many state elections, but the amendment made their right to vote in all state and national elections constitutional.

### Amendment 20

**"Lame Duck"** The Twentieth Amendment (1933) sets new dates for Congress to begin its term and for the inauguration of the president and vice president. Under the original Constitution, elected officials who retired or who had been defeated remained in office for several months. For the outgoing president, this period ran from November until March. Such outgoing officials, referred to as "lame ducks," could accomplish little. [What date was fixed as Inauguration Day?](#)

**Amendment 20. Section 3  
Succession of President and  
Vice President** This section provides that if the president-elect dies before taking office, the vice president-elect becomes president.

## Vocabulary

**president-elect:** *individual who is elected president but has not yet begun serving his or her term*

**Amendment 21  
Repeal of Prohibition** The Twenty-first Amendment (1933) repeals the Eighteenth Amendment. It is the only amendment ever passed to overturn an earlier amendment. It is also the only amendment ratified by special state conventions instead of state legislatures.

### Section 3

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

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

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

### Section 6

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.

## Amendment XXI

### Section 1

The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

### Section 2

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

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.

## Amendment XXII

### Section 1

No person shall be elected to the office of the President more than twice, and no person who had held the office of President, or acted as President, for more than two years of a term to which some other person was elected 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

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.

## Amendment XXIII

### Section 1

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

The Congress shall have power to enforce this article by appropriate legislation.

## Amendment XXIV

### Section 1

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.

### Amendment 22

#### Presidential Term Limit

The Twenty-second Amendment (1951) limits presidents to a maximum of two elected terms. The amendment wrote into the Constitution a custom started by George Washington. It was passed largely as a reaction to Franklin D. Roosevelt's election to four terms between 1933 and 1945. It also provides that anyone who succeeds to the presidency and serves for more than two years of the term may not be elected more than one more time.

### Amendment 23

#### D.C. Electors

The Twenty-third Amendment (1961) allows citizens living in Washington, D.C., to vote for president and vice president, a right previously denied residents of the nation's capital. The District of Columbia now has three presidential electors, the number to which it would be entitled if it were a state.

### Amendment 24

#### Abolition of the Poll Tax

The Twenty-fourth Amendment (1964) prohibits poll taxes in federal elections. Prior to the passage of this amendment, some states had used such taxes to keep low-income African Americans from voting. In 1966 the Supreme Court banned poll taxes in state elections as well.

### **Amendment 25 Presidential Disability and Succession**

The Twenty-fifth Amendment (1967) established a process for the vice president to take over leadership of the nation when a president is disabled. It also set procedures for filling a vacancy in the office of vice president.

This amendment was used in 1973, when Vice President Spiro Agnew resigned from office after being charged with accepting bribes. President Richard Nixon then appointed Gerald R. Ford as vice president in accordance with the provisions of the Twenty-fifth Amendment. A year later, President Nixon resigned during the Watergate scandal, and Ford became president. President Ford then had to fill the vice presidency, which he had left vacant upon assuming the presidency. He named Nelson A. Rockefeller as vice president. Thus individuals who had not been elected held both the presidency and the vice presidency. **Whom does the president inform if he or she cannot carry out the duties of the office?**

### **Section 2**

The Congress shall have power to enforce this article by appropriate legislation.

## **Amendment XXV**

### **Section 1**

In case of the removal of the President from office or his death or resignation, the Vice President shall become President.

### **Section 2**

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take the office upon confirmation by a majority vote of both Houses of Congress.

### **Section 3**

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**

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 power and duties of the office of 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 power and duties of his office.

## Amendment XXVI

### Section 1

The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

### Section 2

The Congress shall have power to enforce this article by appropriate legislation.

## Amendment XXVII

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

### Amendment 26

**Voting Age of 18** The Twenty-sixth Amendment (1971) lowered the voting age in both federal and state elections to 18.

### Amendment 27

**Congressional Salary Restraints** The Twenty-seventh Amendment (1992) makes congressional pay raises effective during the term following their passage. James Madison offered the amendment in 1789, but it was never adopted. In 1982 Gregory Watson, then a student at the University of Texas, discovered the forgotten amendment while doing research for a school paper. Watson made the amendment's passage his crusade.