

# The Constitution of the United States: An Outline

## Original Constitution

### Preamble

#### Article I Legislative Branch

Section 1	A Two-House Legislature
Section 2	House of Representatives
Section 3	Senate
Section 4	Elections and Meetings
Section 5	Legislative Proceedings
Section 6	Compensation, Immunities, and Disabilities of Members
Section 7	Law-Making Process
Section 8	Powers of Congress
Section 9	Powers Denied to Congress
Section 10	Powers Denied to the States

#### Article II Executive Branch

Section 1	President and Vice President
Section 2	Powers of the President
Section 3	Duties of the President
Section 4	Impeachment

#### Article III Judicial Branch

Section 1	Courts, Terms of Office
Section 2	Jurisdiction
Section 3	Treason

#### Article IV Relations Among the States

Section 1	Full Faith and Credit
Section 2	Privileges and Immunities of Citizens
Section 3	New States and Territories
Section 4	Protection Afforded to States by the Nation

#### Article V Provisions for Amendment

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

- Section 1 Validity of Debts
- Section 2 Supremacy of National Law
- Section 3 Oaths of Office

## Article VII Ratification of Constitution

### Amendments

#### Bill of Rights

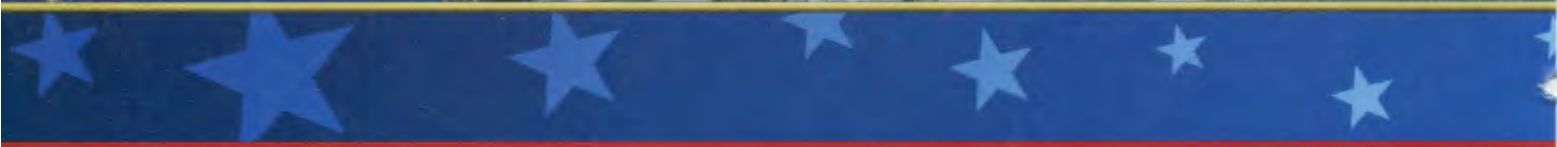
- 1 Freedom of Religion, Speech, Press, Assembly, and Petition
- 2 Bearing Arms
- 3 Quartering of Troops
- 4 Searches and Seizures
- 5 Criminal Proceedings; Due Process; Eminent Domain
- 6 Criminal Proceedings
- 7 Civil Trials
- 8 Punishment for Crimes
- 9 Unenumerated Rights
- 10 Powers Reserved to the States

#### Additional Amendments

- 11 Suits Against States
- 12 Election of President and Vice President
- 13 Slavery and Involuntary Servitude
- 14 Rights of Citizens
- 15 Right to Vote—Race, Color, Servitude
- 16 Income Tax
- 17 Popular Election of Senators
- 18 Prohibition of Alcoholic Beverages
- 19 Women's Suffrage
- 20 Presidential Terms; Sessions of Congress; Death or Disqualification of President-Elect
- 21 Repeal of Prohibition
- 22 Presidential Tenure
- 23 Presidential Electors for the District of Columbia
- 24 Right to Vote in Federal Elections—Tax Payment
- 25 Presidential Succession, Vice Presidential Vacancy, Presidential Inability
- 26 Right to Vote—Age
- 27 Congressional Pay



# The Constitution of the United States



## A Note on the Text of the Constitution

*The complete text of the Constitution, including amendments, appears on the pages that follow. Spelling, capitalization, and punctuation have been modernized, and headings have been added. Portions of the Constitution altered by later amendments or that no longer apply are printed in blue. Commentary appears in the outside column of each page.*

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

## Preamble

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

## Article I ★ Legislative Branch

**Section 1** The Constitution gives Congress the power to make laws. Congress is divided into the Senate and the House of Representatives.

### Section 1. A Two-House Legislature

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



## Section 2. House of Representatives

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

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

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

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

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

## Section 3. Senate

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

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

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

**Clause 3** The number of representatives each state elects is based on its population. An enumeration, or census, must be taken every 10 years to determine population. Today, the number of representatives in the House is fixed at 435. Clause 3 contains the Three-Fifths Compromise worked out at the Constitutional Convention. Persons bound to service meant indentured servants. All other persons meant slaves. All free people in a state were counted. However, only three fifths of the slaves were included in the population count. This three-fifths clause became meaningless when slaves were freed by the Thirteenth Amendment.

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

**Clause 5** The House elects a Speaker. Only the House has the power to impeach, or accuse, a federal official of wrongdoing.

**Clause 2** Every two years, one third of the senators run for reelection. The Seventeenth Amendment changed the way of filling vacancies, or empty seats. Today, the governor of a state must choose a senator to fill a vacancy that occurs between elections.



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

**Clause 6** The Senate acts as a jury if the House impeaches a federal official. The Chief Justice of the Supreme Court presides if the President is on trial. Two thirds of all senators present must vote for conviction, or finding the accused guilty. No President has ever been convicted. The House impeached President Andrew Johnson in 1868, but the Senate acquitted him of the charges. In 1998–99, President Bill Clinton became the second President to be impeached and acquitted.

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

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

Portions of the Constitution altered by later amendments or that no longer apply are printed in blue.

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

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

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

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

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

## Section 4. Elections and Meetings

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

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

## Section 5. Legislative Proceedings

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

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

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



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

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

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

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

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

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

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

## Section 7. Law-Making Process

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

**Clause 1** Revenue is money raised by the government through taxes. Tax bills must be introduced in the House. The Senate, however, can make changes in tax bills.

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

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

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

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

Congress can override the President's veto if each house of Congress passes the bill again by a two-thirds vote.

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



Congress's power is expressed directly in the Constitution. Numbered from 1 to 18, these powers are also known as enumerated powers.

**Clause 1** Duties are tariffs. Imposts are taxes in general. Excises are taxes on the production or sale of certain goods.

**Clause 3** Only Congress has the power to regulate foreign and interstate commerce. This allows a "common market" with a unified set of laws governing trade. This clause has also been interpreted as giving the federal government authority over Native American nations.

**Clause 4** Naturalization is the process whereby a foreigner becomes a citizen. Bankruptcy is the condition in which a person or business cannot pay its debts.

**Clause 5** Congressional power to coin money and set its value is one of the keys to creating a stable economy.

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

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

**Clauses 15, 16** The militia is a body of citizen soldiers. Each state has its own militia, today called the National Guard. Normally, the militia is under the command of a state's governor. However, it can be placed under the command of the President.

Portions of the Constitution altered by later amendments or that no longer apply are printed in blue.

## Section 8. Powers of Congress

### The Congress shall have power

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;
2. To borrow money on the credit of the United States;
3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;
4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;
5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;
6. To provide for the punishment of counterfeiting the securities and current coin of the United States;
7. To establish post offices and post roads;
8. To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;
9. To constitute tribunals inferior to the Supreme Court;
10. To define and punish piracies and felonies committed on the high seas and offenses against the law of nations;
11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;
12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;
13. To provide and maintain a navy;
14. To make rules for the government and regulation of the land and naval forces;
15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;
16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;
17. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; —and



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

**Clause 18** Clause 18 gives Congress the power to make laws as needed to carry out the first 17 clauses. It is sometimes called the elastic clause because it lets Congress stretch the meaning of its power.

## Section 9. Powers Denied to Congress

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

**Clause 1** "Such persons" means slaves. In 1808, as soon as Congress was permitted to abolish the slave trade, it did so.

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

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

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

**Clause 3** A bill of attainder is a law declaring that a person is guilty of a particular crime. An ex post facto law punishes an act which was not illegal when it was committed. Congress cannot pass a bill of attainder or ex post facto laws.

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

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

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

**Clause 7** The federal government cannot spend money unless Congress appropriates it, or passes a law allowing it. The government must publish a statement showing how it spends public funds.

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

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

## Section 10. Powers Denied to the States

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

**Clause 1** The writers of the Constitution did not want the states to act like separate nations, so they prohibited states from making treaties or coining money. Some powers denied to the federal government are also denied to the states.

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

**Clauses 2, 3** Powers listed here are forbidden to the states, but Congress can pass laws that give these powers to the states. **Clause 2** forbids states from taxing imports and exports without the consent of Congress. States may charge inspection fees on goods entering the states. Any profits go to the United States Treasury.



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

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

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

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

Portions of the Constitution altered by later amendments or that no longer apply are printed in blue.

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

## Article II ★ Executive Branch

### Section 1. President and Vice President

**1. Chief Executive; Term** The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:

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

**3. Former Electoral Method** The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.

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



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

**6. Presidential Succession** In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

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

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

## Section 2. Powers of the President

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

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

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

**Clause 6** The powers of the President pass to the Vice President if the President leaves office or cannot discharge his or her duties. The Twenty-fifth Amendment replaced this clause.

**Clause 7** The President is paid a salary. It cannot be raised or lowered during his or her term of office. The President is not allowed to hold any other federal or state position while in office.

**Clause 1** The President is the head of the armed forces and the state militias when they are called into national service. So the military is under civilian, or nonmilitary, control. The President can get advice from the heads of executive departments. In most cases, the President has the power to grant reprieves and pardons. A reprieve suspends punishment ordered by law. A pardon prevents prosecution for a crime or overrides the judgment of a court.

**Clause 2** The President has the power to make treaties with other nations. Under the system of checks and balances, all treaties must be approved by two thirds of the Senate.

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



### Section 3. Duties of the President

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

### Section 4. Impeachment

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

#### Section 4

Civil officers include federal judges and members of the Cabinet. High crimes are major crimes.

Misdemeanors are lesser crimes.

The President, Vice President, and others can be forced out of office if impeached and found guilty of certain crimes.

## Article III ★ Judicial Branch

### Section 1. Courts, Terms of Office

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

### Section 2. Jurisdiction

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

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

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

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

Portions of the Constitution altered by later amendments or that no longer apply are printed in blue.



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

### Section 3. Treason

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

**2. Punishment** 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 attained.

**Clause 1** Treason is clearly defined. An overt act is an actual action.

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

## Article IV ★ Relations Among the States

### Section 1. Full Faith and Credit

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

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

### Section 2. Privileges and Immunities of Citizens

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

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

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

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

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

### Section 3. New States and Territories

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

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



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

**Section 4** In a republic, voters choose representatives to govern them. The federal government must protect the states from foreign invasion and from domestic, or internal, disorder if asked to do so by a state.

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

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

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

#### **Article V ★ Provisions for Amendment**

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

Congress has proposed each of the 27 amendments to the Constitution by a vote of two-thirds in both houses. The only amendment ratified by constitutional conventions of the states was the Twenty-first Amendment. State legislatures have ratified all other amendments.

#### **Article VI ★ National Debts, Supremacy of National Law, Oath**

##### **Section 1. Validity of Debts**

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

**Section 2** The “supremacy clause” in this section establishes the Constitution, federal laws, and treaties that the Senate has ratified as the supreme, or highest, law of the land. Thus, they outweigh state laws. A state judge must overturn a state law that conflicts with the Constitution or with a federal law.

##### **Section 2. Supremacy of National Law**

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

Portions of the Constitution altered by later amendments or that no longer apply are printed in blue.



### Section 3. Oaths of Office

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

### Article VII ★ Ratification of Constitution

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

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

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

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

#### *New Hampshire*

John Langdon  
Nicholas Gilman

#### *Massachusetts*

Nathaniel Gorham  
Rufus King

#### *Connecticut*

William Samuel Johnson  
Roger Sherman

#### *New York*

Alexander Hamilton

#### *New Jersey*

William Livingston  
David Brearley  
William Paterson  
Jonathan Dayton

#### *Pennsylvania*

Benjamin Franklin  
Thomas Mifflin  
Robert Morris  
George Clymer  
Thomas Fitzsimons  
Jared Ingersoll  
James Wilson  
Gouverneur Morris

#### *Delaware*

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

#### *Maryland*

James McHenry  
Dan of St. Thomas Jennifer  
Daniel Carroll

#### *Virginia*

John Blair  
James Madison, Jr.

#### *North Carolina*

William Blount  
Richard Dobbs Spaight  
Hugh Williamson

#### *South Carolina*

John Rutledge  
Charles Cotesworth Pinckney  
Charles Pinckney  
Pierce Butler

#### *Georgia*

William Few  
Abraham Baldwin



**The Amendments** Amendments are changes. The Constitution has been amended 27 times since it was ratified in 1788. The first 10 amendments are referred to as the Bill of Rights. These amendments give rights to the people and states, thus putting limits on the power of government.

**First Amendment** The First Amendment protects five basic rights: freedom of religion, speech, the press, assembly, and petition. Congress cannot set up an established, or official, church or religion for the nation. It cannot forbid the practice of religion, nor can it force the practice of religion.

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

**Second Amendment** Americans debate the exact meaning of the Second Amendment. Some believe that it guarantees the right of individuals to own firearms. Others argue that it guarantees the right of each state to maintain a militia. Gun control, or the passage of laws to regulate the ownership and use of firearms, is one of the most controversial issues today.

**Third Amendment** In colonial times, the British could quarter, or house, soldiers in private homes without permission of the owners. The Third Amendment prevents such abuses.

Portions of the Constitution altered by later amendments or that no longer apply are printed in blue.

## Amendments

### First Amendment ★

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

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

### Second Amendment ★

#### (1791) Bearing Arms

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

### Third Amendment ★

#### (1791) Quartering of Troops

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



## Fourth Amendment ★

### (1791) Searches and Seizures

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

## Fifth Amendment ★

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

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

## Sixth Amendment ★

### (1791) Criminal Proceedings

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

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

**Fifth Amendment** This amendment protects the rights of the accused. Capital crimes are those that can be punished with death. Infamous crimes are those that can be punished with prison or loss of rights. The federal government must obtain an indictment, or formal accusation, from a grand jury to prosecute anyone for such crimes. A grand jury is a panel of between 12 and 23 citizens who decide if the government has enough evidence to justify a trial.

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

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

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



**Seventh Amendment** Common law refers to rules of law established by judges in past cases. This amendment guarantees the right to a jury trial in lawsuits where the sum of money at stake is more than \$20. An appeals court can set aside a verdict only if legal errors made the trial unfair.

**Eighth Amendment** Bail is money that the accused leaves with the court as a pledge to appear for trial. If the accused does not appear, the court keeps the money. This amendment prevents the court from imposing bail or fines that are excessive, or too high. The amendment also forbids cruel and unusual punishments, such as physical torture.

**Ninth Amendment** The rights of the people are not limited to those listed in the Bill of Rights. In the Ninth Amendment, the government is prevented from claiming these are the only rights people have.

**Tenth Amendment** Powers not given to the federal government belong to the states. Powers reserved to the states are not listed in the Constitution.

**Eleventh Amendment** A private citizen from one state cannot sue the government of another state in federal court. However, a citizen can sue a state government in a state court.

Portions of the Constitution altered by later amendments or that no longer apply are printed in blue.

## Seventh Amendment ★

### (1791) Civil Trials

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

## Eighth Amendment ★

### (1791) Punishment for Crimes

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

## Ninth Amendment ★

### (1791) Unenumerated Rights

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

## Tenth Amendment ★

### (1791) Powers Reserved to the States

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

## Eleventh Amendment ★

### (1795) Suits Against States

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



## Twelfth Amendment ★

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

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

But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all 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 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 a number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

**Twelfth Amendment** This amendment changed the way the electoral college voted as outlined in Article II, Clause 3.

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

This system is still in use today. However, it is possible for a candidate to win the popular vote and lose in the electoral college. This happened in 1888 and in 2000.

## Thirteenth Amendment ★

### (1865) Slavery and Involuntary Servitude

**Section 1. Outlawing Slavery** Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

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

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



## Fourteenth Amendment ★

### Fourteenth Amendment, Section 1

This amendment defines citizenship for the first time in the Constitution. It was intended to protect the rights of the freed slaves by guaranteeing all citizens "equal protection under the law."

### Fourteenth Amendment, Section 2

This section replaced the three-fifths clause. It provides that representation in the House of Representatives is decided on the basis of the number of people in the state. It also provides that states which deny the vote to male citizens over age 21 will be punished by losing part of their representation in the House. This provision has never been enforced.

### (1868) Rights of Citizens

**Section 1. Citizenship** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**Section 2. Apportionment of Representatives** Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, 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. Former Confederate Officials** No person shall be a senator or representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each house, remove such disability.

**Section 4. Public Debt** The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss of emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

**Section 5. Enforcement** The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.



Portions of the Constitution altered by later amendments or that no longer apply are printed in blue.



## Fifteenth Amendment ★

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

**Section 1. Extending the Right to Vote** The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

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

#### Fifteenth Amendment, Section 1

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

## Sixteenth Amendment ★

### (1913) Income Tax

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.

#### Fifteenth Amendment, Section 2

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

## Seventeenth Amendment ★

### (1913) Popular Election of Senators

**Section 1. Method of Election** The Senate of the United States shall be composed of two senators from each state, elected by the people thereof, for six years; and each senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

**Section 2. Vacancies** When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: provided, that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

**Section 3. Those Elected Under Previous Procedure** This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as part of the Constitution.

#### Sixteenth Amendment

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

#### Seventeenth Amendment, Section 1

This amendment replaced Article 1, Section 2, Clause 1. Before it was adopted, state legislatures chose senators. This amendment provides that senators are directly elected by the people of each state.



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

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

**Twentieth Amendment, Section 1.** The date for the inauguration of the President was changed to January 20th, and the date for Congress to begin its term changed to January 3rd. Prior to this amendment, the beginning of term date was set in March. The outgoing officials with little or no influence on matters were not effective in office. Being so inactive, they were called "lame ducks."

Portions of the Constitution altered by later amendments or that no longer apply are printed in blue.

## Eighteenth Amendment ★

### (1919) Prohibition of Alcoholic Beverages

**Section 1. Ban on Alcohol** After one year from the ratification of this article, the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

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

**Section 3. Method of Ratification** This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by Congress.

## Nineteenth Amendment ★

### (1920) Women's Suffrage

**Section 1. The Right to Vote** The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

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

## Twentieth Amendment ★

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

**Section 1. Beginning of Terms** The terms of the President and Vice President shall end at noon on the 20<sup>th</sup> day of January, and the terms of senators and representatives at noon on the 3<sup>rd</sup> day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

**Section 2. Congressional Sessions** The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3<sup>rd</sup> day of January, unless they shall by law appoint a different day.



**Section 3. Presidential Succession** If, at the time fixed for the beginning of the term of the President, the President-elect shall have died, the Vice President-elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President-elect shall have failed to qualify, the Vice President-elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President-elect nor a Vice President-elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

**Section 4. Elections Decided by Congress** The Congress may by law provide for the case of the death of any persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

**Section 5. Date of Implementation** Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

**Section 6. Ratification Period** This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three fourths of the several states within seven years from the date of its submission.

## Twenty-first Amendment ★

### (1933) Repeal of Prohibition

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

**Section 2. State Laws** The transportation or importation into any state, territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

**Section 3. Ratification Period** This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the Congress.

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

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

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



### Twenty-second Amendment, Section 1

This amendment provides that no President may serve more than two terms. A President who has already served more than half of someone else's term can serve only one more full term. Before Franklin Roosevelt became President, no President served more than two terms in office. Roosevelt broke with this custom and was elected to four terms. The amendment, however, did not apply to Harry Truman, who became President after Franklin Roosevelt's death in 1945.

### Twenty-third Amendment, Section 1

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

### Twenty-fourth Amendment, Section 1

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

Portions of the Constitution altered by later amendments or that no longer apply are printed in blue.

## Twenty-second Amendment ★

### (1951) Presidential Tenure

**Section 1. Two-Term Limit** No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once. *But this article shall not apply to any person holding the office of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this article becomes operative from holding the office of President or acting as President during the remainder of such term.*

**Section 2. Ratification Period** This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three fourths of the several states within seven years from the date of its submission to the state by the Congress.

## Twenty-third Amendment ★

### (1961) Presidential Electors for the District of Columbia

**Section 1. Determining the Number of Electors** The district constituting the seat of government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of senators and representatives in Congress to which the district would be entitled if it were a state, but in no event more than the least populous state; they shall be in addition to those appointed by the states, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a state; and they shall meet in the district and perform such duties as provided by the twelfth article of amendment.

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

## Twenty-fourth Amendment ★

### (1964) Right to Vote in Federal Elections—Tax Payment

**Section 1. Poll Tax Banned** The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for senator or representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax.

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



### (1967) Presidential Succession, Vice Presidential Vacancy, Presidential Inability

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

**Section 2. Vacancies in Vice Presidency** Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both houses of Congress.

**Section 3. Disability of the President** Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as acting President.

**Section 4. Vice President as Acting President** Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as acting President; otherwise, the President shall resume the powers and duties of his office.

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

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

**Twenty-fifth Amendment, Section 4**  
Two Presidents, Woodrow Wilson and Dwight Eisenhower, fell gravely ill while in office. The Constitution contained no provision for this kind of emergency. Section 3 provided that the President can inform Congress he or she is too sick to perform the duties of office. However, if the President is unconscious or refuses to admit to a disabling illness, Section 4 provides that the Vice President and Cabinet may declare the President disabled. The Vice President becomes the acting President until the President can return to the duties of office. In case of a disagreement between the President and the Vice President and Cabinet over the President's ability to perform the duties of office, Congress must decide the issue. A two-thirds vote of both houses is needed to find the President is disabled or unable to fulfill the duties of office.



## Twenty-sixth Amendment ★

### Twenty-sixth Amendment, Section 1

In 1970, Congress passed a law allowing 18-year-olds to vote. However, the Supreme Court decided that Congress could not set a minimum age for state elections.

### (1971) Right to Vote—Age

**Section 1. Lowering the Voting Age** 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. Enforcement** The Congress shall have the power to enforce this article by appropriate legislation.

## Twenty-seventh Amendment ★

### Twenty-seventh Amendment

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

### (1992) Congressional Pay

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



Independence Hall room where the Constitution was signed

Portions of the Constitution altered by later amendments or that no longer apply are printed in blue.



# CITIZENSHIP HANDBOOK

## Table of Contents

Part 1: Ideas Behind the Constitution	252
Part 2: Structure of the Constitution	254
Part 3: Principles of the Constitution	256
Part 4: How the Federal Government Works: Legislative Branch	258
Part 5: How the Federal Government Works: Executive Branch	260
Part 6: How the Federal Government Works: Judicial Branch	262
Part 7: Amending the Constitution	264
Part 8: The First Amendment	266
Part 9: State and Local Governments	268
Part 10: Rights and Responsibilities of Citizenship	270

## Key Terms

**amend**, p. 264  
**appeal**, p. 262  
**bill**, p. 259  
**censorship**, p. 267  
**checks and balances**, p. 257  
**citizen**, p. 270  
**dictatorship**, p. 252  
**dissent**, p. 267  
**federalism**, p. 257  
**habeas corpus**, p. 252  
**interest group**, p. 271  
**jurisdiction**, p. 262  
**libel**, p. 267  
**limited government**, p. 256  
**naturalization**, p. 270  
**override**, p. 259  
**popular sovereignty**, p. 256  
**private property**, p. 252  
**ratify**, p. 264  
**repeal**, p. 255  
**republic**, p. 252  
**separation of powers**, p. 253  
**unconstitutional**, p. 263  
**veto**, p. 259





# Ideas Behind the Constitution

## HISTORIAN'S APPRENTICE ACTIVITY PACK

To further explore the topics in this chapter, complete the activity in the Historian's Apprentice Activity Pack to answer this essential question:

**How is the rule of law in the Constitution of the United States rooted in the past?**

The delegates to the Constitutional Convention who gathered in Philadelphia were greatly influenced by past experiments with democracy and natural rights. As they debated the new document for American government, the Founders considered a variety of past political ideas.

### Ancient Rome

Earlier in this textbook, you read about the ancient Roman Republic. The Framers of the United States Constitution looked to Rome as a model. Like the early Romans, they sought to create a lasting **republic**, or a government in which citizens rule themselves through elected representatives. American leaders also admired what they saw as the independent thinking and public service of Roman citizens. Romans, Americans said, had been willing to serve in public office out of devotion to the republic.

However, Americans also took the fate of Rome as a warning. The Roman Republic eventually collapsed and became a **dictatorship**, a government in which one person or a small group holds complete authority. American leaders believed that the Roman Republic faltered when citizens began to value luxury and comfort more than freedom and public service. The Framers of the Constitution wanted to avoid Rome's fate. They hoped to build a system in which informed, independent citizens played an active role in their own government.

### Two Historic Documents

You also learned earlier about the following two important documents in British history: the Magna Carta, which British nobles forced King John to sign in 1215; and the Bill of Rights, which William and Mary issued in 1689 after the Glorious Revolution. These two documents created an English tradition of liberty, which the colonists brought to America.

The following principles found in these two documents became part of the American system of government:

- Citizens have rights which the government must protect.
- Even the head of the government must obey the law.
- Taxes cannot be raised without the consent of the people.
- Elections should be held frequently.
- People accused of crimes have the right to trial by jury and the right of **habeas corpus**, meaning no person may be held in prison without being charged with a specific crime.
- People have the right to **private property**, or property owned by an individual.

King John signing the Magna Carta





## Teachings of the Enlightenment

Many of the Framers were influenced by the works of European Enlightenment thinkers. In his book *Two Treatises on Government*, the English writer John Locke declared that every individual has natural rights to life, liberty, and property. Locke said government is an agreement between the ruler and the ruled. Further, he argued, if a ruler violates the people's natural rights, the people have a right to rebel.

The French thinker Baron de Montesquieu (MOHN tehs kyoo) suggested a concept known as **separation of powers**—the idea that powers of government must be clearly defined and divided into legislative, executive, and judicial branches. This concept was designed to keep one person or group from gaining too much power.



John Locke

## Representative Traditions and the Declaration of Independence

Americans enjoyed a long tradition of representative government. The Virginia colonists set up the House of Burgesses, and the Pilgrims drafted the Mayflower Compact in 1620. The compact was the first document of self-government in North America.

Each of the 13 colonies had a written charter that identified the powers and limits of government granted by the British Crown. In addition to these traditions, the Framers of the Constitution drew on the grievances Thomas Jefferson had listed against George III in the Declaration of Independence. In writing the Constitution, they sought to prevent similar abuses in the new American government.



### Declaring Independence

Delegates sign the Declaration of Independence.

### Assessment

1. Identify two principles of American government that came from the Magna Carta or the English Bill of Rights.
2. How did Montesquieu's ideas affect the crafting of the Constitution?

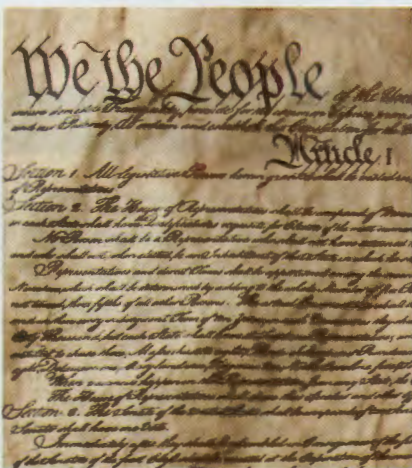


# Structure of the Constitution

The principles of the Constitution have guided the United States for more than 200 years. The Constitution is divided into three main parts: the Preamble, or opening statement; the Articles; and the Amendments. The Preamble begins with the words, “We the people of the United States.” These words show that the authority of the government comes from its citizens. The Preamble then goes on to outline six basic goals for the new government. They are shown on the chart below.

## Goals of the Preamble

Goals	What It Means to Us
<ul style="list-style-type: none"> <li>To form a more perfect union</li> </ul>	All states should work together as a unified nation.
<ul style="list-style-type: none"> <li>To establish justice</li> </ul>	Everyone should be treated equally and fairly under the law.
<ul style="list-style-type: none"> <li>To ensure domestic tranquility</li> </ul>	The government has the responsibility to ensure peace and order at home.
<ul style="list-style-type: none"> <li>To provide for the common defense</li> </ul>	The government has the responsibility to protect its citizens against foreign attack.
<ul style="list-style-type: none"> <li>To promote the general welfare</li> </ul>	The government has the responsibility to promote the well-being of all its citizens.
<ul style="list-style-type: none"> <li>To secure the blessings of liberty</li> </ul>	The government should value and protect the rights of its citizens.



The Constitution

## Articles

The main body of the Constitution is divided into seven sections called articles. Together, they establish the framework for American government. The first three articles describe the three branches of the national government: legislative, executive, and judicial. Article 1 establishes the powers and limits on Congress. Articles 2 and 3 do the same for the President and the courts.

Article 4 deals with relations between states. It requires states to honor one another's laws and also sets out a system for admitting new states. Article 5 provides a process to amend the Constitution. Article 6 states that the Constitution is the “supreme law of the land.” States cannot make laws that violate the Constitution and federal laws prevail in all disputes. The final article, Article 7, sets up a procedure for the states to ratify the Constitution.



## Amendments

The Amendments are formal changes that have been made to the Constitution. Some of these changes added new ideas to the document. Others **repealed**, or **canceled**, other parts of the Constitution.

In more than 200 years, only 27 changes have been made to the Constitution. The first 10 amendments, known as the Bill of Rights, were added in 1791. You will read more about the Bill of Rights later in this handbook.

Some later amendments had an immediate and powerful impact on American society. A few of them are illustrated below.

The Thirteenth Amendment ended slavery throughout the United States.



▲ The Nineteenth Amendment guaranteed women the right to vote.



▲ The Eighteenth Amendment prohibited, or banned, the manufacture and sale of alcoholic beverages. This amendment was later repealed by the Twenty-first Amendment.

▲ The Twenty-sixth Amendment lowered the minimum voting age from 21 to 18.

### Assessment

1. What are the three main parts of the Constitution?
2. What does the goal "to provide for the common defense" mean? How might this be done?



# Principles of the Constitution

The Constitution rests on seven basic principles. They are popular sovereignty, limited government, separation of powers, federalism, checks and balances, republicanism, and individual rights.

- Popular Sovereignty** The Framers of the Constitution lived at a time when monarchs claimed that their power came from God. The Preamble, which begins “We the people,” reflects a revolutionary new idea: a government gets its authority from the people. This principle, known as **popular sovereignty**, asserts that the people are the primary source of the government’s authority.
- Limited Government** The colonists believed that the British king had ruled them harshly. To avoid a repeat of this rule in their new government, the Framers made limited government a principle of the Constitution. In a **limited government**, the government has only the powers that the Constitution gives it. Equally important, every citizen of the United States—including the President—must obey the law.
- Separation of Powers** To further limit the power of the government, the Framers provided for separation of powers. The Constitution divides the government into three branches, and each branch has its own duties. The chart below outlines the duties of each branch of government.

## Separation of Powers

### Legislative Branch (Congress)



#### Passes Laws

- Can override President’s veto
- Approves treaties
- Can impeach and remove President and other high officials
- Prints and coins money
- Raises and supports armed forces
- Can declare war
- Regulates foreign and interstate trade

### Executive Branch (President)



#### Carries Out Laws

- Proposes laws
- Can veto laws
- Negotiates foreign treaties
- Serves as commander in chief of armed forces
- Appoints federal judges, ambassadors, and other high officials
- Can grant pardons to federal offenders

### Judicial Branch (Supreme Court and Other Federal Courts)



#### Interprets Laws

- Can declare laws unconstitutional
- Can declare executive actions unconstitutional



## Checks and Balances

### Legislative Branch (Congress makes laws)



#### Checks on the Executive Branch

- Can override President's veto
- Confirms executive appointments
- Ratifies treaties
- Can declare war
- Appropriates money
- Can impeach and remove President

#### Checks on the Judicial Branch

- Creates lower federal courts
- Can impeach and remove judges
- Can propose amendments to overrule judicial decisions
- Approves appointments of federal judges

### Executive Branch (President carries out laws)



#### Checks on the Legislative Branch

- Can propose laws
- Can veto laws
- Can call special sessions of Congress
- Makes appointments
- Negotiates foreign treaties

#### Checks on the Judicial Branch

- Appoints federal judges
- Can grant pardons to federal offenders

### Judicial Branch (Supreme Court interprets laws)



#### Check on the Executive Branch

- Can declare executive actions unconstitutional

#### Check on the Legislative Branch

- Can declare acts of Congress unconstitutional

- **Checks and Balances** A system of **checks and balances** safeguards against abuse of power. **Each branch of government has the power to check, or limit, the actions of the other two.** This arrangement guarantees that no branch of government will become too powerful. The chart above describes the specific checks each branch has on the other two. The next six pages of this handbook will detail how each branch of government works.
- **Federalism** The Constitution also establishes the principle of **federalism, or division of power between the federal government and the states.** The Constitution grants specific powers to the federal government and other powers to the states. Powers that are not clearly given to the federal government belong to the states.
- **Republicanism** The Constitution provides for a republican form of government. Instead of direct participation in government, citizens elect representatives to carry out their will.
- **Individual Rights** The Constitution protects individual rights, such as freedom of speech, freedom of religion, and the right to trial by jury. You will learn more about the rights protected by the Constitution later in this handbook.

## Assessment

1. How does the Constitution reflect the principle of separation of powers?
2. How can the judicial branch check the powers of the executive and legislative branches?



# 4 How the Federal Government Works: The Legislative Branch

The first and longest article of the Constitution deals with the legislative, or lawmaking, branch. Article 1 sets up the Congress to make the nation's laws. Congress is made up of two bodies: the House of Representatives and the Senate.

## The Senate

The Senate is based on equal representation, with two senators for each state. Senators are elected to six-year terms. The Vice President of the United States is the president of the Senate. The Vice President presides over the Senate—casting a vote when there is a tie—but cannot take part in Senate debates.

## The House of Representatives

The larger of the two bodies is the House of Representatives, which currently has 435 members. Representation in the House is based on population, with larger states having more representatives than smaller states. Every state has at least one representative. Representatives are elected by the people of their district for two-year terms. The leader of the House is called the Speaker. The Speaker, who is chosen by the representatives, regulates debates and controls the agenda.

### Senate

**Office:** Senator

**Number:** 2 per state

**Term:** 6 years

**Requirements:** Age 30 or over; citizen for 9 years; resident of state in which elected

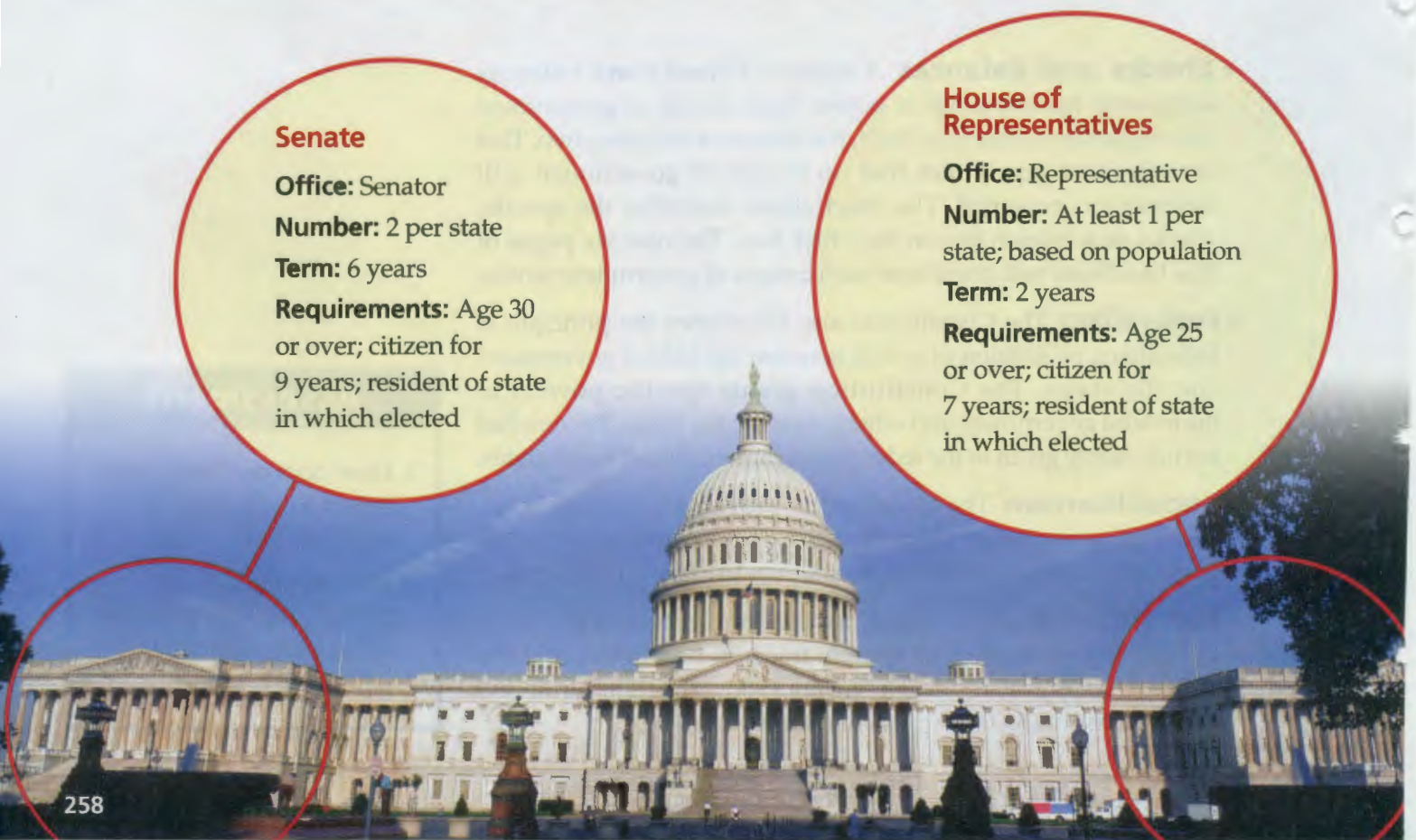
### House of Representatives

**Office:** Representative

**Number:** At least 1 per state; based on population

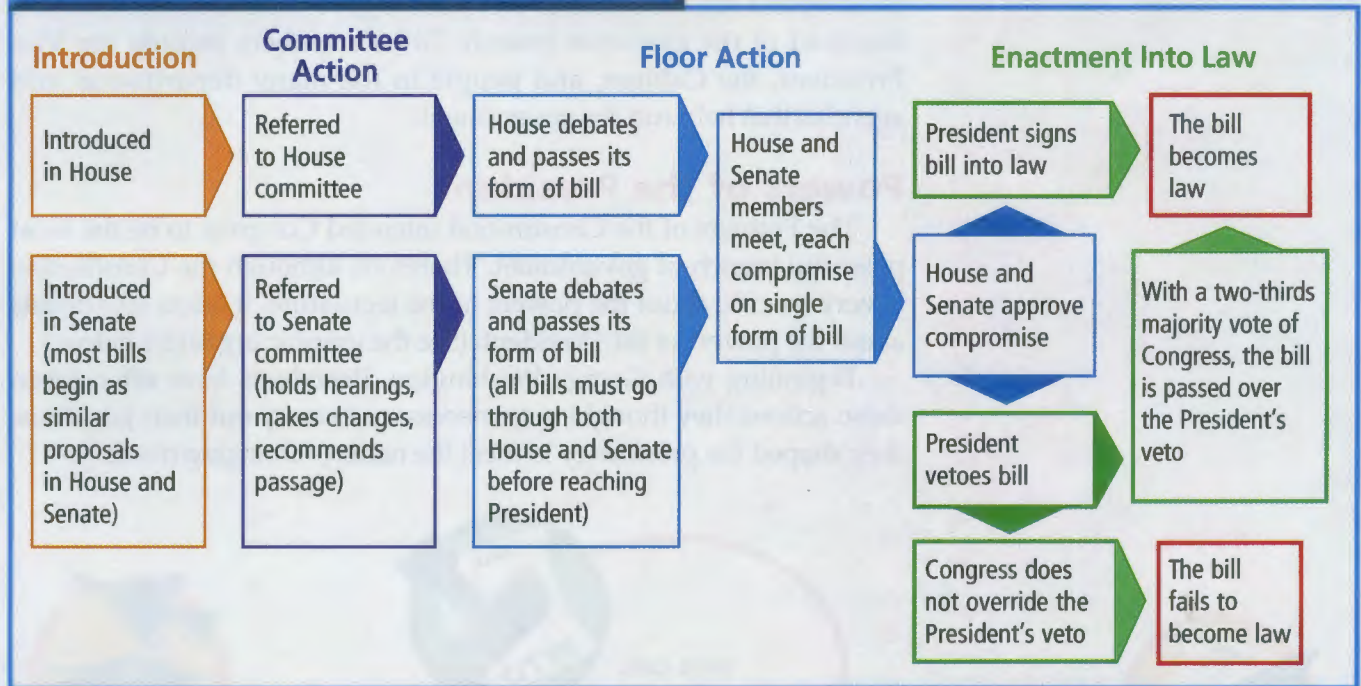
**Term:** 2 years

**Requirements:** Age 25 or over; citizen for 7 years; resident of state in which elected





## How a Bill Becomes a Law



## Powers of Congress

The most important power of Congress is the power to make the nation's laws. A **bill**, or **proposal for a new law**, may be introduced either in the House or the Senate. After debate and changes, the bill is voted on. If both houses vote to approve the bill, it then goes to the President to be signed. If the President signs the bill, it becomes a law. The President, however, has the power to **veto**, or **reject**, the bill. Congress may vote to **override**, or **pass a law despite a presidential veto**. A two-thirds vote is needed to override. (See flowchart above.)

Other powers of Congress are listed in Article 1, Section 8. These include the power to collect taxes, to coin money, to establish post offices, to fix standard weights and measures, and to declare war.

## Congressional Committees

Much of the work in Congress is done through committees. Each committee deals with a specific topic. For example, if someone in Congress introduces a bill to improve the nation's railroad service, the bill would first go to the Transportation Committee for study. Other standing committees deal with such areas as defense, education, taxation, foreign affairs, agriculture, or science.

## Assessment

1. What are the major differences between membership in the Senate and membership in the House?
2. How can Congress pass a bill over a presidential veto?



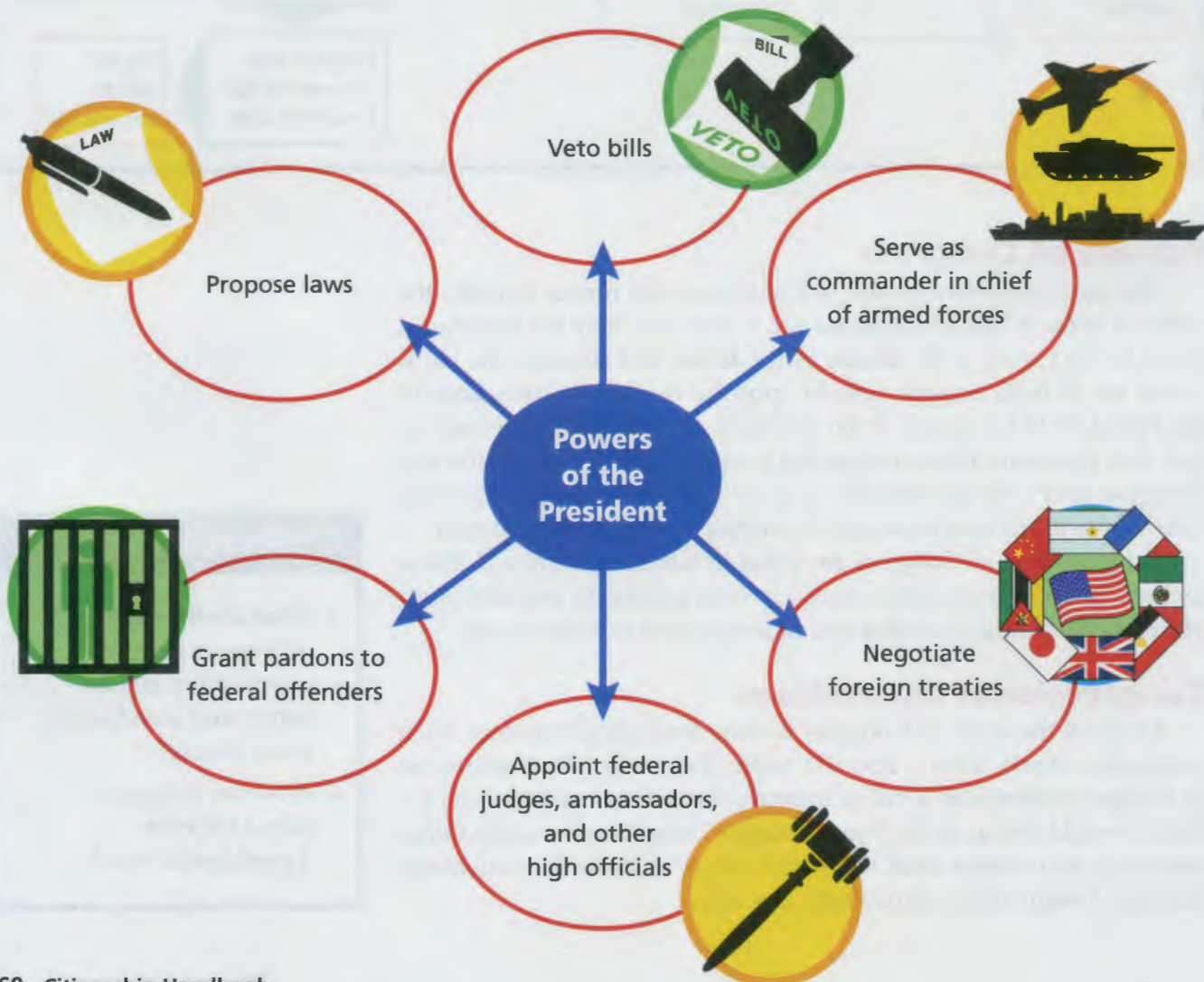
# 5 How the Federal Government Works: The Executive Branch

Article 2 of the Constitution sets up an executive branch to carry out the laws and run the affairs of the national government. The President is the head of the executive branch. Other members include the Vice President, the Cabinet, and people in the many departments and agencies that help run the government.

## Powers of the President

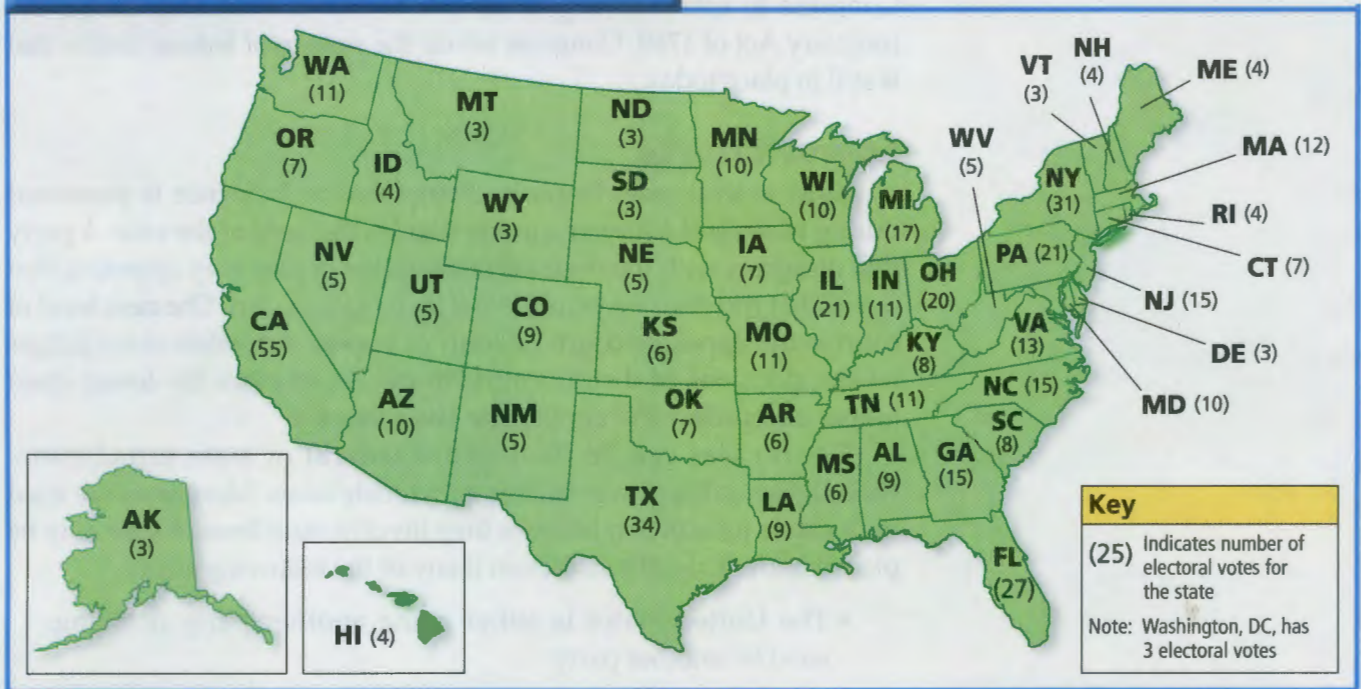
The Framers of the Constitution intended Congress to be the most powerful branch of government. Therefore, although the Constitution is very specific about the powers of the legislature, it offers few details about the powers of the President. (See the graphic organizer below.)

Beginning with George Washington, Presidents have often taken those actions they thought were necessary to carry out their job. Thus, they shaped the presidency to meet the nation's changing needs.





## The Electoral College, 2008



### Electing the President

The President is elected for a four-year term. As a result of the Twenty-second Amendment, adopted in 1951, no President may be elected to more than two complete terms.

The Framers set up a complex system for electing the President, known as the electoral college. When Americans vote for President, they do not vote directly for the candidate of their choice. Rather, they vote for a group of "electors" who are pledged to the candidate. The number of a state's electors depends on the number of its senators and representatives. (See the map above.)

A few weeks after Election Day, these electors meet in each state to cast their votes for President. In most states, the candidate with the majority of the popular vote receives all that state's electoral votes. The candidate who receives a majority of the electoral votes nationwide becomes President. Although electors are not required by federal law to vote for their pledged candidate, only a few have broken their pledges and voted for other candidates in past elections.

### Assessment

1. Why do you think the Framers chose not to give the President the power to declare war?
2. How many electors does your state have?



# How the Federal Government Works: The Judicial Branch

The Constitution establishes a Supreme Court and authorizes Congress to establish any other courts that are needed. Under the Judiciary Act of 1789, Congress set up the system of federal courts that is still in place today.

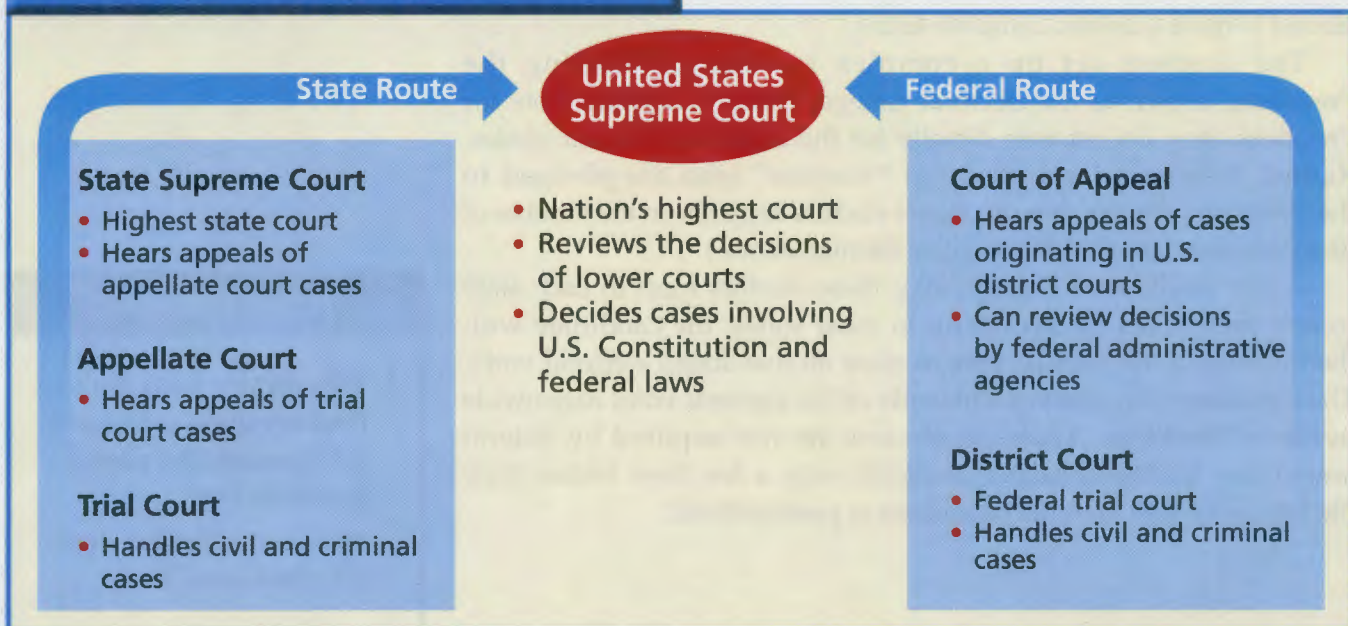
## Lower Courts

Most federal cases begin in district courts. Evidence is presented during trials, and a jury or a judge decides the facts of the case. A party that disagrees with the decision of the judge or jury may **appeal it, that is, ask that the decision be reviewed by a higher court**. The next level of court is the appellate court, or court of appeal. Appellate court judges review decisions of district courts to decide whether the lower court judges interpreted and applied the law correctly.

Court cases can be filed under federal or state jurisdiction. **Jurisdiction is the power to hear and decide cases**. Most cases are tried under state jurisdiction because they involve state laws. A case may be placed under federal jurisdiction if any of the following apply:

- The United States is either suing another party or being sued by another party.
- The case is based on the Constitution or on a federal law.
- The case involves disputes between different states.

## Federal Court System







### The Supreme Court

The nine members of the Supreme Court pose for their annual portrait. Chief Justice John G. Roberts, Jr., is seated, center.

## The Supreme Court

At the top of the American judicial system is the Supreme Court. (See the chart on the facing page.) The Court is made up of a chief justice and eight associate justices. The President appoints the justices, but Congress must approve the appointments. Justices serve until they resign, retire, or die. However, like other federal officials, Supreme Court justices may be impeached and removed from office.

The main job of the Supreme Court is to serve as the nation's final court of appeal. It hears the cases that have been tried and appealed in lower federal and state courts. The Court hears and decides fewer than 100 cases each year.

Decisions rest on a majority vote of at least five justices. One justice then writes a majority opinion, a document that explains the constitutional reasons for the decision. A justice who voted against the majority may submit a dissenting opinion, explaining his or her reasons for disagreeing with the majority opinion.

There is no court of appeal beyond the Supreme Court. However, if another case dealing with the same issues comes up, the Supreme Court may sometimes reverse its own past decisions.

## Judicial Review

The most important power of the Supreme Court is the power to decide what the Constitution means. At the beginning of the 1800s, the Court asserted the right to declare whether acts of the President or laws passed by Congress are **unconstitutional, that is, not allowed under the Constitution**. The landmark 1803 case of *Marbury v. Madison* established this power of judicial review for the Supreme Court.

### Assessment

1. How does a case reach the United States Supreme Court?
2. What is judicial review?



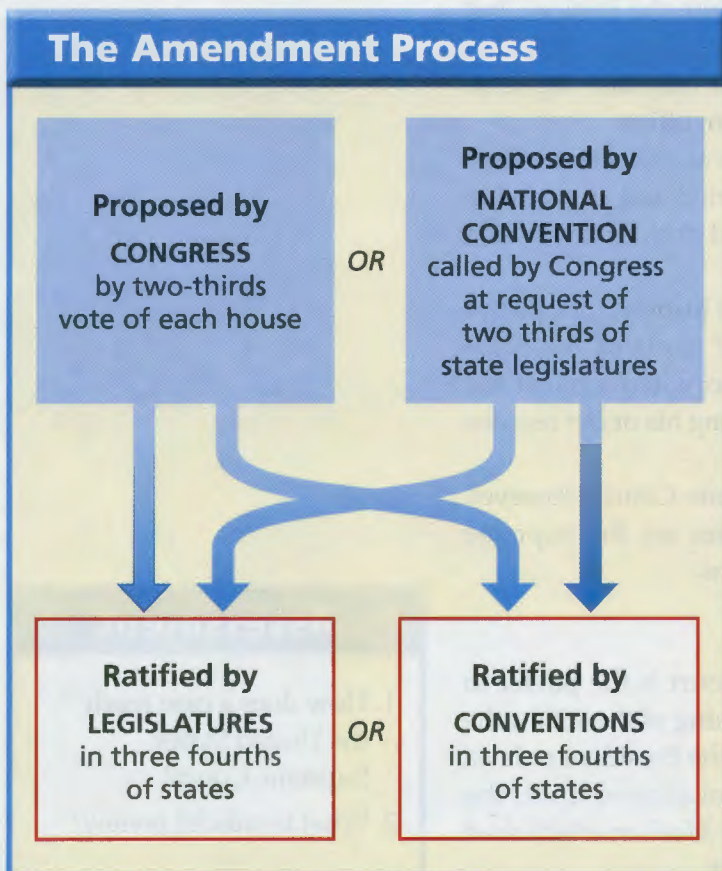
# Amending the Constitution

Although the Framers were pleased with the government they had established through the Constitution, some were dissatisfied with the final document. For one thing, while establishing the powers of the state and federal governments, the document said nothing about the rights of the American people. In 1791, the new nation would do something about this omission when it added the Bill of Rights, the first 10 amendments to the Constitution.

This addition was possible because the founders had written a Constitution that allowed for change. The Constitution was flexible enough to be changed but not so flexible that it could be *easily* changed. Article 5 laid out the method for **amending, or changing, the Constitution**. The flowchart below shows the amendment process.

## The Amendment Process

The Constitution can be changed in one of four ways. There are two different procedures for proposing amendments to the Constitution. There are also two different procedures for **ratifying, or approving,** amendments to the Constitution, the second step in the process.



**Proposing an Amendment** Congress can propose an amendment if both the House and Senate vote for a change to the Constitution. Each of the Constitution's 27 amendments has been proposed in this way.

The second way to propose an amendment begins at the state level. Currently, the legislatures of 34 states must call for a national convention. It is then up to the national convention to formally propose an amendment.

**Ratifying an Amendment** An amendment can be ratified through the action of state legislatures. Currently, the yes vote of 38 states is needed. Twenty-six of the 27 amendments to the Constitution have been ratified in this way.

An amendment can also be ratified through the action of state conventions rather than through state legislatures. Conventions, are special meetings that are called to address a specific issue. Only the Twenty-first Amendment was added through the process of state conventions.





### **The Sixth Amendment**

The right to trial by jury in a criminal case is guaranteed by the Sixth Amendment. It also ensures that a person accused of a crime has the right to be represented by a lawyer and to hear the testimony given by witnesses in the trial.

## **The Bill of Rights**

The Preamble of the Constitution begins with the words, "We the People of the United States." However, the seven articles of the original document deal mostly with issues involving the structure and powers of the branches of government, not with the rights of individuals. The Bill of Rights, the name given to the first 10 amendments to the Constitution, addresses the freedoms guaranteed to citizens.

- *First Amendment:* freedom of religion, speech, and the press; right of petition and assembly (See the following page.)
- *Second Amendment:* right to bear arms
- *Third Amendment:* government cannot force people to quarter troops in their homes
- *Fourth Amendment:* protects against unreasonable search and seizure
- *Fifth Amendment:* rights of people accused of crimes
- *Sixth Amendment:* right to trial by jury in criminal cases
- *Seventh Amendment:* right to trial by jury in civil cases
- *Eighth Amendment:* forbids excessive bail and cruel or unusual punishment
- *Ninth Amendment:* people's rights are not limited to those listed in the Constitution
- *Tenth Amendment:* states or people have all powers not denied or given to federal government by the Constitution

### **Assessment**

1. Which one of the four different two-step processes has most often been used to add amendments to the Constitution?
2. Why do you think the Founders added the Ninth Amendment to the Bill of Rights?



# The First Amendment

The colonial past was very much on the minds of American leaders when they set out to write the Bill of Rights in the early 1790s. It is not surprising, therefore, that the colonial experience inspired the very first amendment to the Constitution.

## *First Amendment*

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.

**Freedom of Religion** As you have learned, Pilgrims, Puritans, Quakers, Catholics, and Jews had come to North America because they wanted to practice their religion freely. Yet, colonial religious leaders such as Thomas Hooker, Roger Williams, and Anne Hutchinson were later driven from Massachusetts after clashing with community leaders over religious questions. The Founders wanted to avoid such church-versus-state disputes. Thus, the First Amendment affirms freedom of religion as a basic right. Americans are free to follow any religion or no religion, as they choose.

This part of the First Amendment was inspired by the Virginia Statute on Religious Freedom, written by Thomas Jefferson. Jefferson later spoke of a “wall of separation between Church and State.” However, not everyone agrees on the nature of that separation. Some people believe that the First Amendment means that religion should play no role in government. Others argue that the Amendment merely says that Congress cannot establish an official, state-supported church or make any laws that interfere with freedom of worship.



## Freedom of the Press

American reporters do their jobs without fear of government interference.



**Freedom of Speech and Freedom of the Press** Dictators understand that their power depends on silencing **dissent, or disagreement**. They will often shut down newspapers and jail people who criticize the government. By contrast, the First Amendment protects the right of Americans to speak without fear of punishment.

The First Amendment also protects the press from government censorship. **Censorship is the power to review, change, or prevent the publication of news**. Freedom of the press also means that journalists cannot be arrested for criticizing the government or public officials. (As you have read, this principle was established in the colonies by the case of John Peter Zenger.)

The Framers knew that a free flow of ideas is vital to a democratic government. Still, freedom of the press is not unlimited. The press has a responsibility to present the news fairly and accurately. Individuals may sue journalists for **libel, or the publication of false and malicious information that damages a person's reputation**.

**Peaceful Assembly and Petition** As you have read, King George III and Parliament ignored the colonists' petition protesting the Stamp Act. Such experiences had a powerful effect on the leaders who wrote the Bill of Rights. The First Amendment thus guarantees the right of Americans to assemble in peaceful protest. It also protects their right to petition the government for a change in policy.



## Peaceful Assembly

These striking workers are exercising their right of peaceful assembly.

## Assessment

1. What does the First Amendment say about freedom of religion?
2. Identify two rights of a free press.



# State and Local Governments

As you have learned, under the principle of federalism, the Constitution assigns some powers to the government in Washington, D.C., and other powers to the states. You have already read about the role of the federal government in our nation's life. Now you will learn about the role played by state and local governments.

## State Governments

In general, the federal government deals with national issues. The states concern themselves with needs within each state.

State governments resemble the federal government in many ways. Each state has a constitution of its own, for example, and each state constitution can be amended. In addition, every state is divided into three branches of government. Each state has a legislature, a governor who serves as the chief executive, and a judiciary. But there are some differences between the state and federal governments. Nebraska, for instance, is the only state in the Union with a one-house legislature.

### The Federal System







### **Local Government**

City or town governments usually set up and fund fire departments.

### **State Services**

Enforcing the law, protecting property, regulating business, building and maintaining highways, and operating state parks are just a few of the many tasks the state oversees. In addition, states supervise public education by setting standards and by funding school programs.

### **Local Governments**

As we have seen, the Constitution carefully identifies the powers of state and federal governments. However, it says nothing about local government. Local governments administer smaller units, such as counties, cities, and towns.

Local governments have budgets just like the federal government and state government. Most of the money in their budgets is spent on education. Cities, towns, or school districts hire teachers and staff, buy books and supplies, and maintain school buildings. But local governments do not have sole control over the school system. They are required by law to meet the state's education standards.

Local government generally plays a more direct role in our lives than federal or state government does. For example, local governments hire people who interact with us on a regular basis, such as firefighters, police officers, and garbage collectors. In addition, local governments maintain local roads and hospitals, provide sewers and water, run libraries, oversee parks and recreational facilities, and conduct safety inspections of buildings.

### **Assessment**

1. Name two powers the federal government and state governments share. Name two powers that are reserved to the states.
2. What permits local governments to function even though they are not mentioned in the Constitution? Explain your answer.



# 10 Rights and Responsibilities of Citizenship

What is a citizen? A **citizen** is someone who is entitled to all the rights and privileges of a particular nation. Not everyone who lives in a certain nation is a citizen of that nation. On the other hand, some citizens live outside the nation to which they belong.

## Becoming an American Citizen

To become a citizen of the United States, you must fulfill one of the following three requirements:

- You were born in the United States or have at least one parent who is a citizen of the United States.
- You were naturalized. **Naturalization** is the official legal process of becoming a citizen.
- You were 18 years old or younger when your parents were naturalized.

Each year, millions of people born in other countries and living in the United States become naturalized. To become a naturalized citizen, a person must live legally in the United States for at least five years. The person then applies for citizenship. He or she must take a citizenship examination and undergo a series of interviews. Finally, the applicant takes the citizenship oath before a judge, swearing to “support and defend the Constitution and laws of the United States.”

A naturalized citizen enjoys every right of a natural-born citizen except one. Only natural-born citizens may serve as President or Vice President.

### Naturalization

New citizens of the United States proudly take the citizenship oath.





## Rights of Citizens

As you have seen, the Bill of Rights guarantees certain rights to citizens. You have the right to worship as you please, the right to express your opinion, and the right to consult a lawyer if you are arrested. But the Ninth Amendment states that citizens' rights are not limited to those listed in the Constitution. Over the years, federal and state laws have identified other rights. For example, the Constitution does not mention education. But today, laws in every state guarantee that children have the right to an education.

## Responsibilities of Citizens

In addition to rights, citizens have responsibilities. Some actions are required of every citizen. For example, all citizens *must*

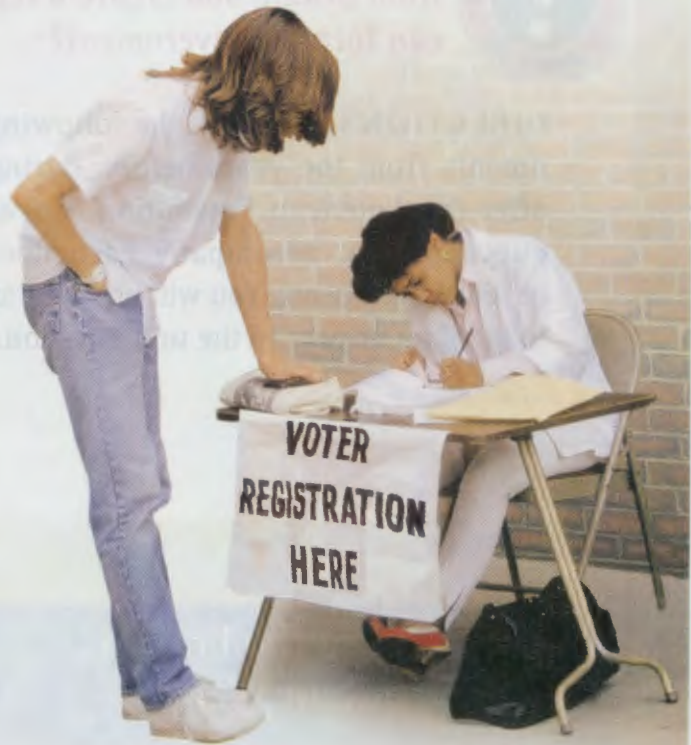
- obey federal, state, and local laws;
- pay their fair share of taxes;
- serve on juries if called;
- defend the nation if called.

Citizens have other responsibilities that are not required by law. Good citizens *should*

- vote in federal, state, and local elections;
- stay informed on important issues;
- serve the community;
- help to create a just society.

Some citizens participate in the political process through interest groups. An **interest group** is an organization that represents the concerns of a particular group. The American Association of Retired Persons, the National Rifle Association, and the Sierra Club are examples of interest groups that try to influence lawmakers and raise public awareness of certain issues.

Young people, too, can get involved in the political process. For example, in one California community, poor children could not afford to pay for public transportation to school every day. Some students organized to solve this problem. Using their First Amendment rights, they collected signatures on petitions and held public rallies. As a result, the local transportation board took up the issue. Like thousands of other Americans, these students used their rights as citizens to voice their views and help their communities.



### Registering to Vote

Before a U.S. citizen can vote, he or she must register.

### Assessment

1. How does a person become an American citizen?
2. Identify three ways that Americans can participate in the political process.





How did the colonists break away from Britain and create a republican form of government?

**DIRECTIONS:** Analyze the following documents from the years before, during, and after the American Revolution. Answer the questions that accompany each document or set of documents. You will use your answers to build an answer to the unit question.

## HISTORIAN'S CHECKLIST

**WHO** produced the document?

**WHERE** was it made?

**WHEN** was it produced?

**WHY** was it made and for what audience?

**WHAT** is its viewpoint?

**HOW** does it connect to what I've learned?

**WHY** is the document important?

## 1 Effects of the French and Indian War

document

### THE FRENCH AND INDIAN WAR

- Colonists develop a sense of unity.
- Britain gains territory west of the Appalachians.
- To avoid war with Indians, Britain bans colonial settlement west of the Appalachians.
- War leaves Britain in debt.
- Britain raises taxes to pay for the war.

How did the French and Indian War lead to friction between American colonists and Britain?

## 2 Americans Protest British Taxes

document

“... 3. That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them, but with their own consent, given personally, or by their representatives.  
4. That the people of these colonies are not, and from their local circumstances cannot be, represented in the House of Commons in Great-Britain.”

—Resolutions of the Stamp Act Congress, 1765



Why did American colonists think that the Stamp Act was unfair?



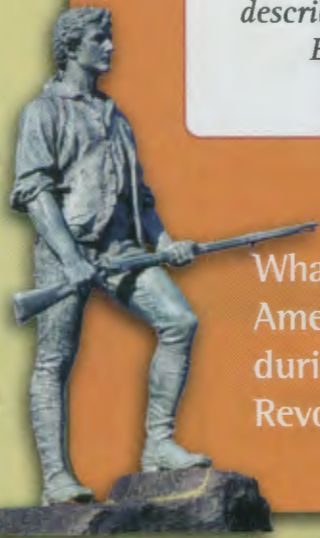
document 3

### The American Revolution

“Our loss was greater than that of the British. . . . The British were on the march. . . . Night came on, there was no house we dare go into; we had no tents. I had no blanket even and must make no fire. . . . We had heavy rains, were exposed to them all, were wet to the skin but we walked, nay marched ourselves dry! We continued in this way for several days longer—near the British through the day—in the leaves and bushes at night.”

—Captain Enoch Anderson,  
describing American retreat after  
Battle of Brandywine, 1777

What challenges did American soldiers face during the American Revolution?



document 4

### George Washington

“His integrity was most pure, his justice the most inflexible I have ever known, no motives of interest. . . . of friendship or hatred, being able to bias his decision. He was, indeed, in every sense of the words, a wise, a good, a great man.”

—Thomas Jefferson,  
describing General Washington



How do you think Washington’s personal characteristics helped the Americans defeat the British?

document 5

### The Declaration of Independence

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it, and to institute new Government. . . .”

Why did American patriots feel that they had a right to rebel against British rule?



## 6 Foreign Aid

document

“May 6, 1778. This day we fired a grand feu de joy on account of the news . . . which was that the Courts of France and Spain had declared the U States of America to be free and independent . . . and also to assist us in carrying on this just and necessary war. . . . In consequence of this intelligence, this day was set apart for a day of rejoicing throughout the whole army. Accordingly at ten o'clock A.M. a cannon was fired as a signal for the whole to parade.”

—*Diary of George Ewing, American patriot and soldier*

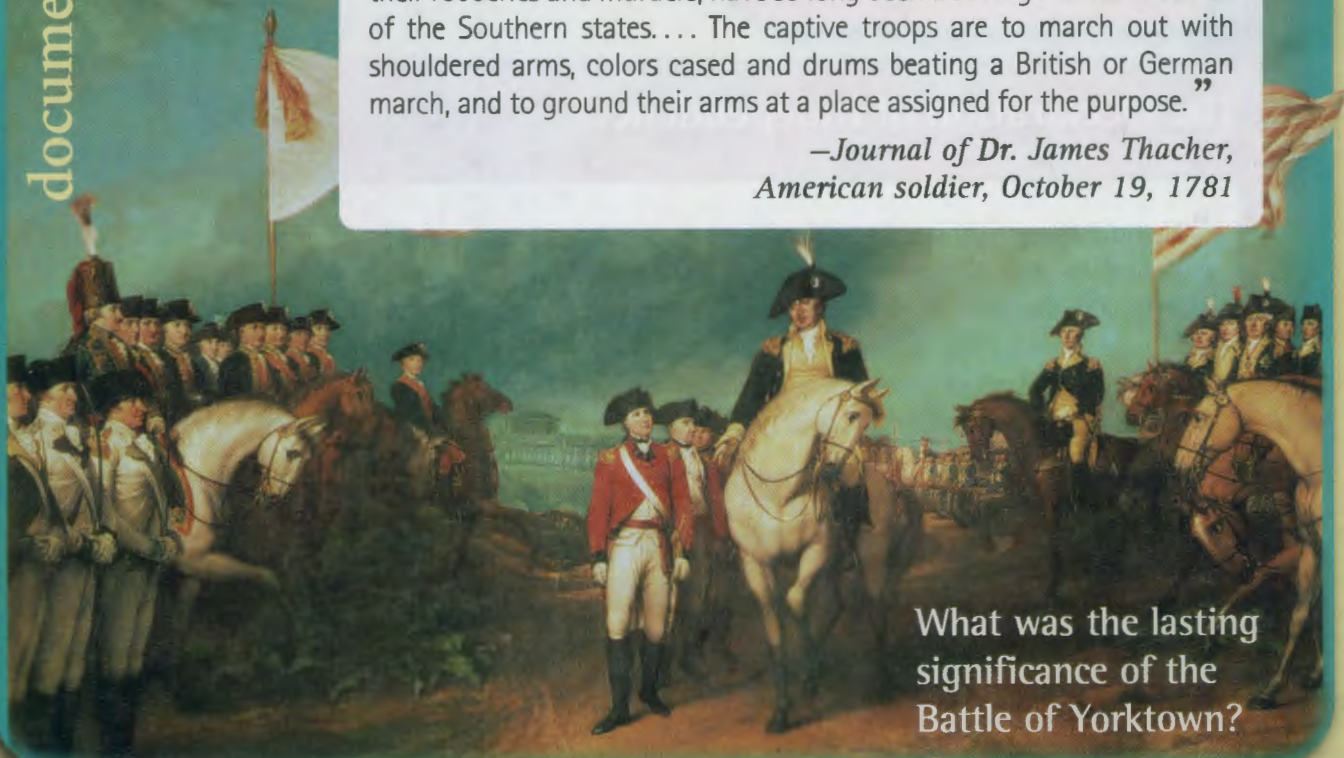
How did the offer of French and Spanish assistance mark a turning point in the American war effort?

## 7 Yorktown

document

“This is to us a most glorious day, but to the English, one of bitter chagrin and disappointment. Preparations are now making to receive as captives that vindictive, haughty commander and that . . . army, who by their robberies and murders, have so long been a scourge to our brethren of the Southern states. . . . The captive troops are to march out with shouldered arms, colors cased and drums beating a British or German march, and to ground their arms at a place assigned for the purpose.”

—*Journal of Dr. James Thacher, American soldier, October 19, 1781*



What was the lasting significance of the Battle of Yorktown?



document 8

## Shays' Rebellion

“There are combustibles in every State, which a spark might set fire to. . . . That Great Britain will be an unconcerned Spectator of the present insurrections (if they continue) is not to be expected. That she is at this moment sowing the Seeds of jealousy and discontent among the various tribes of Indians. . . . We ought not therefore to sleep nor to slumber. Vigilance in watching, and vigour in acting, is, in my opinion, become indispensably necessary. . . .”

—George Washington, in a letter to Henry Knox, 1786



Why did Washington recommend “vigour in acting” against Shays’ Rebellion?

document 9

## A More Perfect Union

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

—The United States Constitution, September 17, 1787



How was the new American government different from British colonial government?

# ACTIVITY

Review the documents and other information to make political cartoons on the unit question:

**?** How did the colonists break away from Britain and create a republican form of government?

Create a series of three or more political cartoons about the colonists’ breakaway from Britain and their creation of a new republican form of government. Remember that political cartoons express a point of view about a situation. They also often use symbols or exaggeration to make a point. Hang your cartoons in your classroom. Be prepared to explain them to the class and to show how they help to answer the unit question.