

# Constitution of the United States

**Constitution of the United States** sets forth the nation's fundamental laws. It establishes the form of the national government and defines the rights and liberties of the American people. It also lists the aims of the government and the methods of achieving them.

The Constitution was written to organize a strong national government for the American states. Previously,

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the nation's leaders had established a national government under the Articles of Confederation (see **Articles of Confederation**). But the Articles granted independence to each state. They lacked the authority to make the states work together to solve national problems.

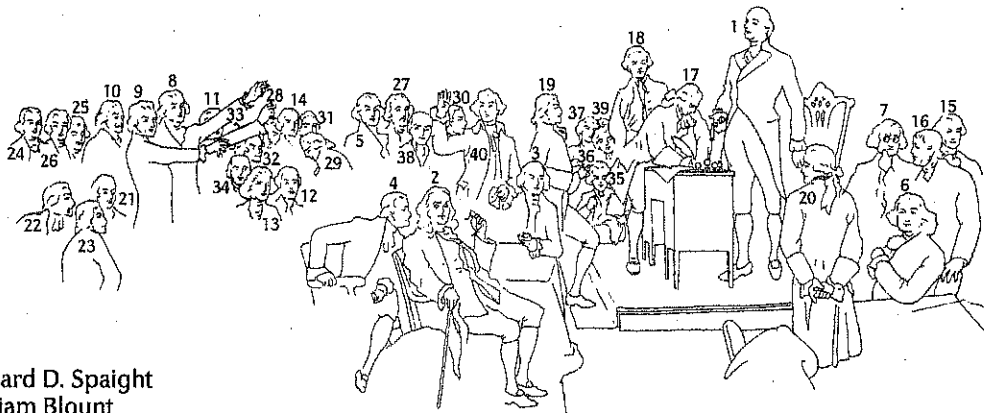
After the states won independence in the Revolutionary War (1775-1783), they faced the problems of peacetime government. The states had to enforce law and order, collect taxes, pay a large public debt, and regulate trade among themselves. They also had to deal with Indian tribes and negotiate with other governments.

**The signing of the Constitution** took place on Sept. 17, 1787, at the Pennsylvania State House (now called Independence Hall) in Philadelphia. American artist Howard Chandler Christy painted this picture in 1940. The painting hangs in the United States Capitol in Washington, D.C.

*Scene at the Signing of the Constitution of the United States, an oil painting on canvas; U.S. Capitol Historical Society (National Geographic Society)*



**Signers of the Constitution** included William Jackson, who was the secretary of the convention but not a delegate. John Dickinson of Delaware was absent but had another delegate sign for him.

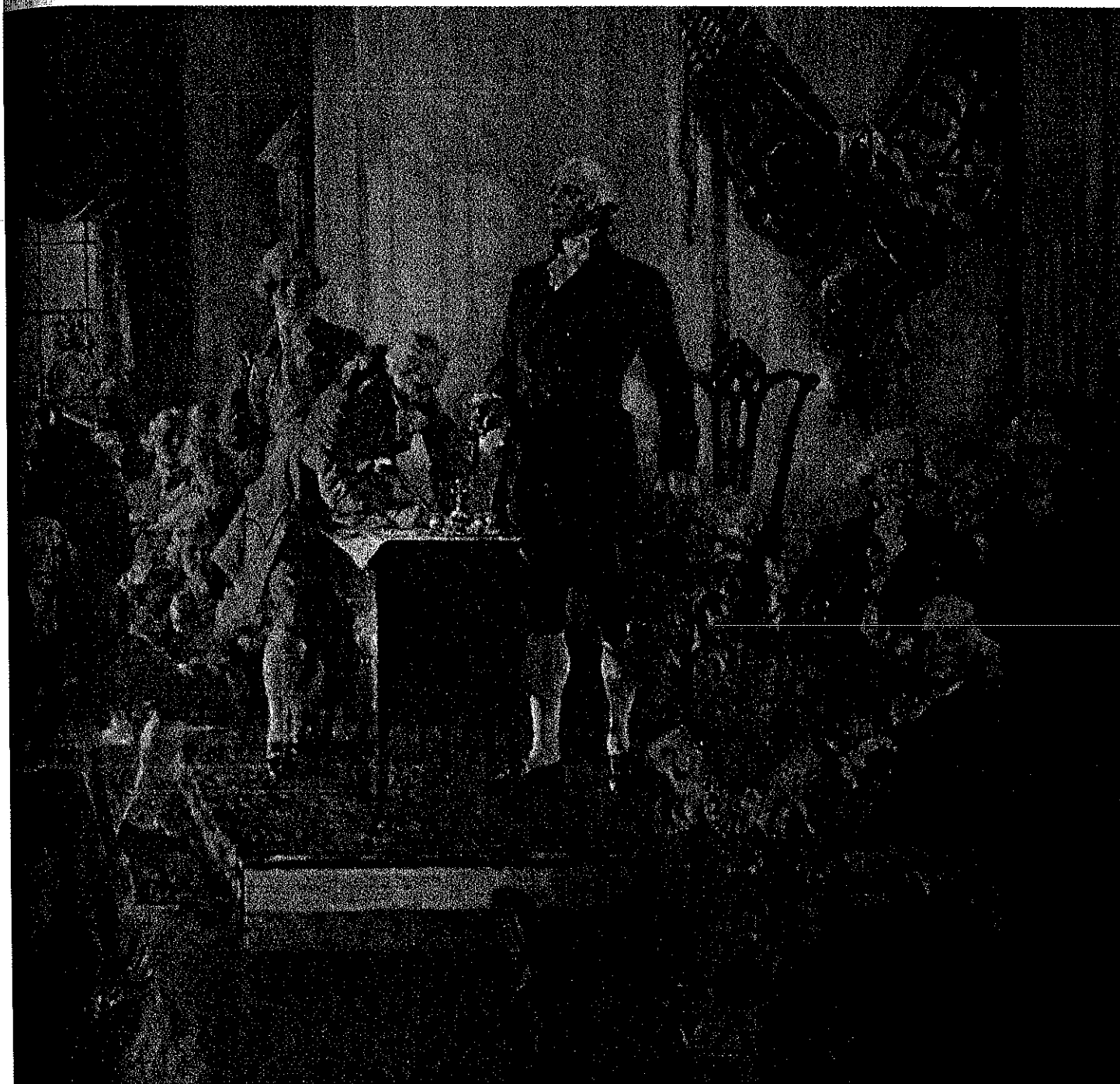


1. George Washington
2. Benjamin Franklin
3. James Madison, Jr.
4. Alexander Hamilton
5. Gouverneur Morris
6. Robert Morris
7. James Wilson
8. Charles C. Pinckney
9. Charles Pinckney
10. John Rutledge
11. Pierce Butler
12. Roger Sherman
13. William S. Johnson
14. James McHenry
15. George Read
16. Richard Bassett

17. Richard D. Spaight
18. William Blount
19. Hugh Williamson
20. Daniel of St. Thomas Jenifer
21. Rufus King
22. Nathaniel Gorham
23. Jonathan Dayton
24. Daniel Carroll
25. William Few
26. Abraham Baldwin

27. John Langdon
28. Nicholas Gilman
29. William Livingston
30. William Paterson
31. Thomas Mifflin
32. George Clymer
33. Thomas FitzSimons

34. Jared Ingersoll
35. Gunning Bedford, Jr.
36. Jacob Broom
37. John Dickinson
38. John Blair
39. David Brearley
40. William Jackson



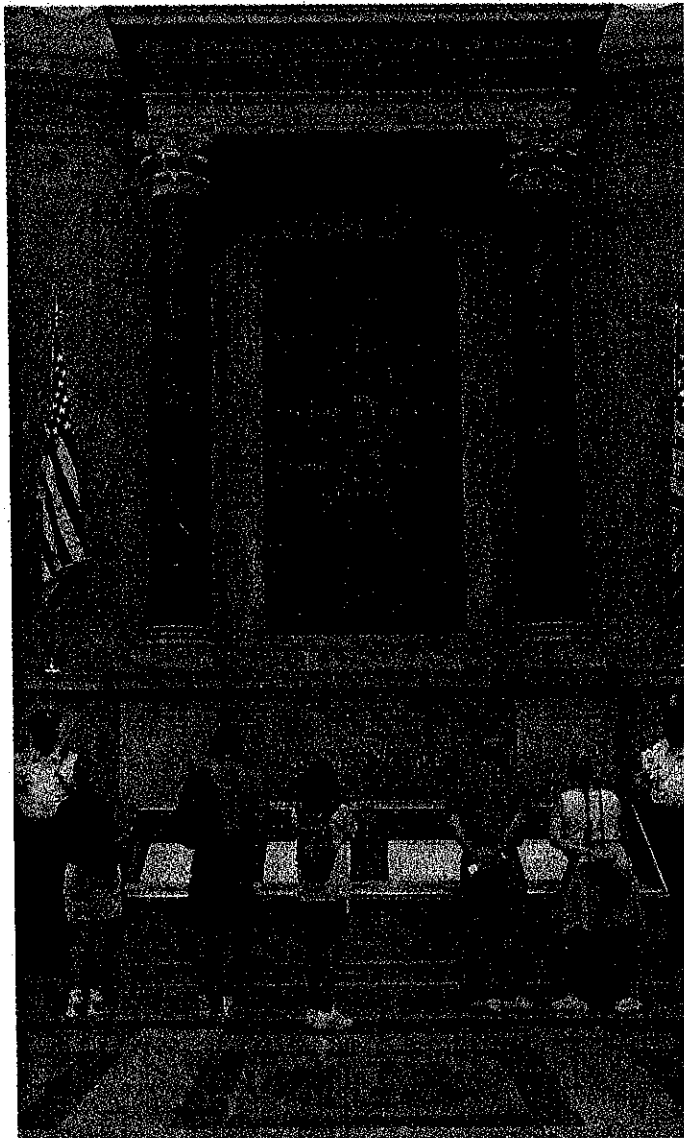
Leading statesmen, such as George Washington and Alexander Hamilton, began to discuss the creation of a strong national government under a new constitution.

Hamilton helped bring about a national convention that met in Philadelphia in 1787 to revise the Articles of Confederation. But a majority of the delegates at the convention decided instead to write a new plan of government—the Constitution of the United States.

The Constitution of the United States established not merely a league of states but a government that exercised its authority directly over all citizens. The Constitution also defined clearly the powers of the national government. In addition, the Constitution established protection for the rights of the states and of every individual.

### The supreme law of the land

The Constitution consists of a preamble, 7 articles, and 27 amendments. It sets up a *federal system* by dividing powers between the national and state governments. It also establishes a balanced national government by dividing authority among three independent branches—the executive, the legislative, and the judicial.



**The original United States Constitution** is on display at the National Archives Building in Washington, D.C. The Constitution was signed in 1787 and has been in effect since 1788.

### Ratification of the Constitution

Article VII of the U.S. Constitution required the approval of 9 states to put the Constitution into effect. This table gives the dates on which each of the 13 states ratified the Constitution.

<b>Delaware</b>	Dec. 7, 1787
<b>Pennsylvania</b>	Dec. 12, 1787
<b>New Jersey</b>	Dec. 18, 1787
<b>Georgia</b>	Jan. 2, 1788
<b>Connecticut</b>	Jan. 9, 1788
<b>Massachusetts</b>	Feb. 6, 1788
<b>Maryland</b>	April 28, 1788
<b>South Carolina</b>	May 23, 1788
<b>New Hampshire</b>	June 21, 1788
<b>Virginia</b>	June 25, 1788
<b>New York</b>	July 26, 1788
<b>North Carolina</b>	Nov. 21, 1789
<b>Rhode Island</b>	May 29, 1790

The executive branch enforces the law, the legislative branch makes the law, and the judicial branch interprets the law. The executive branch of the national government is usually represented by the president, the legislative branch by Congress, and the judicial branch by the Supreme Court.

This division of the government into three branches is known as the *separation of powers*. Each branch can use its powers to *check and balance* (exercise control over) the other two. See **United States, Government of the** (Separation of powers).

Federal powers listed in the Constitution include the right to collect taxes, declare war, and regulate trade. In addition to these *delegated*, or *expressed*, powers (those listed in the Constitution), the national government has *implied powers* (those reasonably suggested by the Constitution). The implied powers enable the government to respond to the changing needs of the nation. For example, Congress had no delegated power to print paper money. However, such a power is implied in the delegated powers of borrowing and coining money.

There are some powers that the Constitution does not give to the national government or forbid to the states. These *reserved powers* belong to the people or to the states. State powers include the right to legislate on divorce, marriage, and public schools. Powers reserved for the people include the right to own property and to be tried by a jury. In some cases, the national and state governments have *concurrent powers*—that is, both levels of government may act. The national government has supreme authority in case of a conflict.

The Supreme Court has the final authority to explain the Constitution. The Supreme Court can set aside any law—federal, state, or local—that conflicts with any part of the Constitution.

### The need for the Constitution

The government established by the Articles of Confederation was not strong enough to govern the new nation. For example, it lacked an executive branch and a system of national courts. It could not regulate trade between the states or tax the states or their citizens. In

addition, it could not maintain its own army. The government was little more than an assembly of the representatives of 13 independent states. Before almost any measure could be adopted, it had to be approved by at least 9 of the states.

In 1783, after the Revolutionary War, the nation entered a period of unstable commercial and political conditions. Alexander Hamilton and his supporters would have had little success in their campaign for a new constitution if conditions had been better. Some historians have painted the troubles of the new republic in much too gloomy colors. But little doubt remains that the situation became steadily worse after 1783. Each state acted almost like an independent country. Each ran its own affairs exactly as it saw fit, with little concern for the needs of the republic. The states circulated a dozen different currencies, most of which had little value. Neighboring states taxed each other's goods. Britain refused to reopen the channels of trade that the colonies had depended on for their economic well-being. The state legislatures refused to pay the debts they had assumed during the Revolutionary War. Many states passed laws that enabled debtors to escape paying their obligations.

Worst of all, some people began to think once again of taking up arms in order to solve their problems. In western Massachusetts in 1786, hundreds of farmers under Captain Daniel Shays rebelled against the state gov-

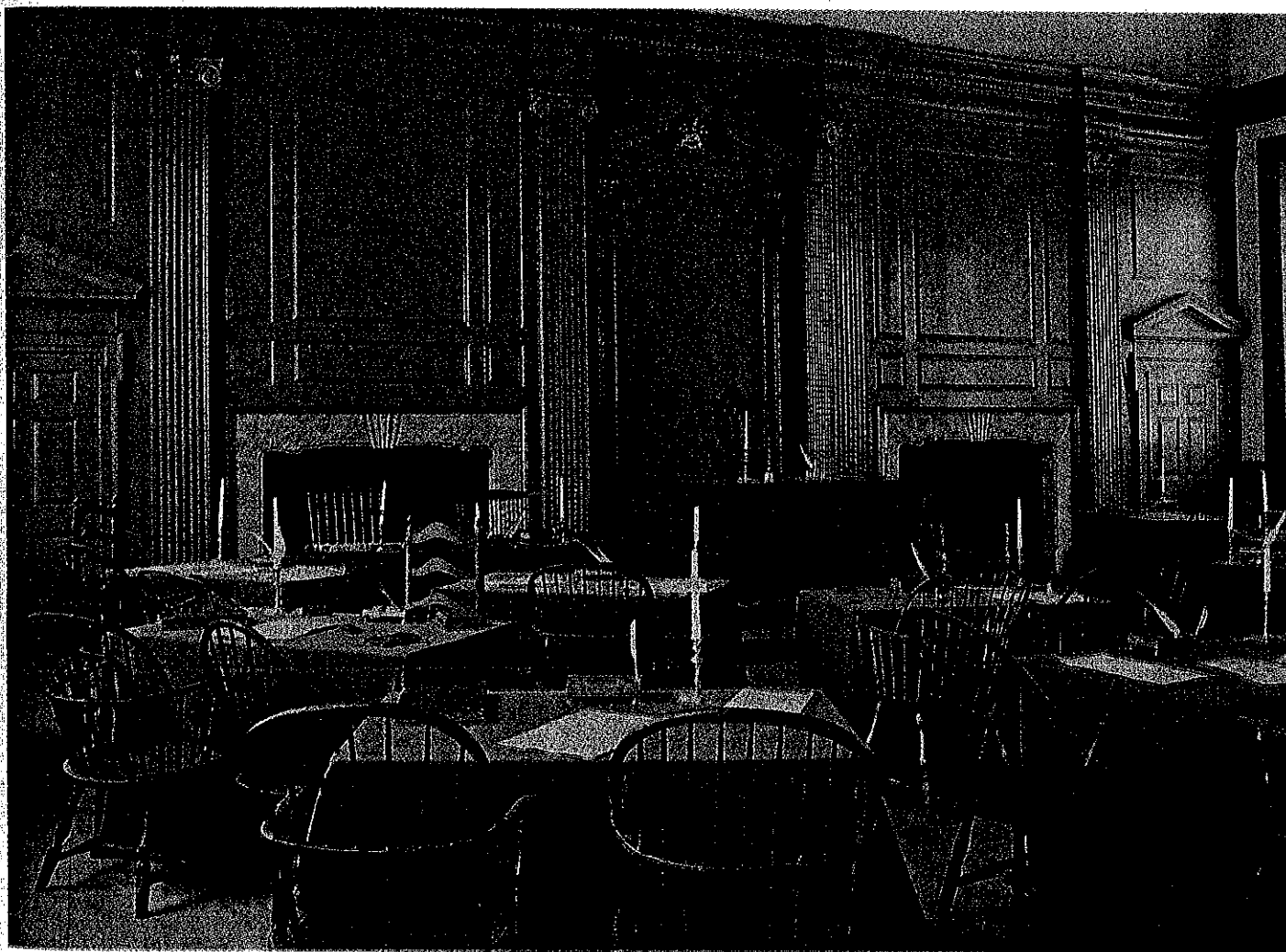
ernment in Boston. State troops finally put down Shays's Rebellion (see **Shays's Rebellion**). George Washington and other leaders wondered whether the colonies had rebelled against Britain in vain. They felt it was time to end these troubles and bring peace and order by forming a new national government. This new government would have to be strong enough to gain obedience at home and respect abroad.

Representatives from five states met in Annapolis, Maryland, in 1786. They proposed that the states appoint commissioners to meet in Philadelphia and consider revising the Articles of Confederation (see **Annapolis Convention**). Congress agreed to the proposal and suggested that each state select delegates to a constitutional convention.

### The Constitutional Convention

The convention was supposed to open on May 14, 1787. But few of the 55 delegates had arrived in Philadelphia by that date. Finally, on May 25, the convention formally opened in Independence Hall. Twelve states had responded to the call for the convention. Rhode Island refused to send delegates because it did not want the national government to interfere with its affairs.

Of the 55 delegates, 39 signed the United States Constitution on Sept. 17, 1787. One of the signers was John Dickinson of Delaware, who left the convention but



**The Assembly Room** of the Pennsylvania State House, where regular sessions of the Constitutional Convention of 1787 were held, is shown as it looks today. The Declaration of Independence was adopted in this room in 1776, and the Articles of Confederation were ratified there in 1781.

Photri

asked another delegate, George Read, to sign for him. William Jackson of Philadelphia, a former major in the Revolutionary War who was chosen to serve as the convention secretary, witnessed the signatures. The delegates included some of the most experienced and patriotic men in the new republic. George Washington served as president of the convention. Benjamin Franklin, at the age of 81, attended as a representative of Pennsylvania. The brilliant Alexander Hamilton represented New York. James Madison of Virginia received the title of "Father of the Constitution" with his speeches, negotiations, and attempts at compromise. Madison told the delegates they were considering a plan that "would decide forever the fate of republican government." He kept a record of the delegates' debates and decisions.

Other men who had much to do with writing the new Constitution included John Dickinson, Gouverneur Morris, Edmund Randolph, Roger Sherman, James Wilson, and George Wythe. Morris was given the task of putting all the convention's resolutions and decisions into polished form. Morris actually "wrote" the Constitution. The original copy of the document is preserved in the National Archives Building in Washington, D.C.

Several important figures of the time did not attend the convention. John Adams and Thomas Jefferson were absent on other government duties. Samuel Adams and John Jay failed to be appointed delegates from their states. Patrick Henry refused to serve after his appointment because he opposed granting any more power to the national government. Three leading members of the convention—Elbridge Gerry, George Mason, and Edmund Randolph—refused to sign the Constitution because they disagreed with parts of it.

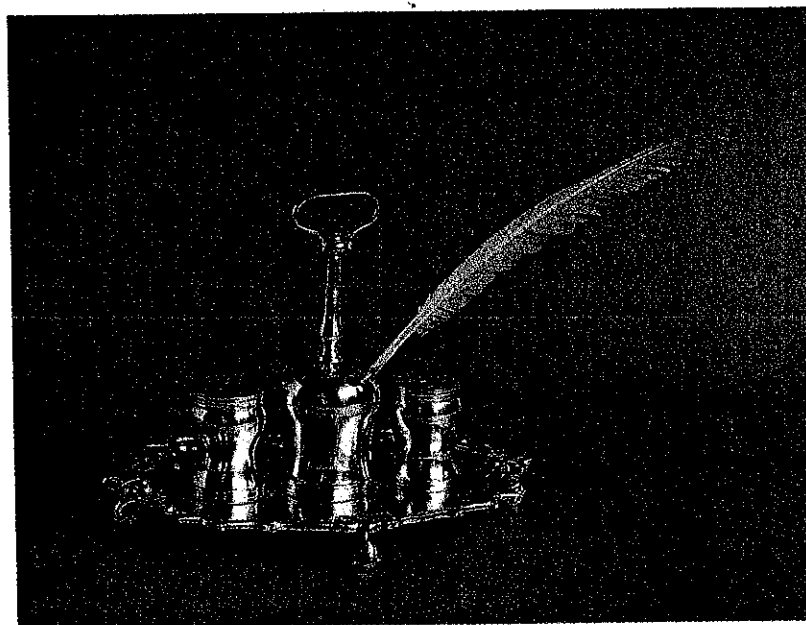
**The background of the Constitution.** The delegates to the Constitutional Convention relied greatly on past experience as they worked to create a new government. They recalled many important events in the development of constitutional government. These included the granting of Magna Carta, an English constitutional document, in 1215 and the meeting of the Jamestown repre-

sentative assembly in 1619 (see *Magna Carta*). Some of the American Colonies also served as examples of constitutional forms of government. While colonial governments had weaknesses, they had progressed beyond other governments of their time in achieving liberty under law.

All American states established constitutional governments after they declared their independence from Britain in 1776. In 1777, John Jay of New York had helped write a constitution for his state. John Adams of Massachusetts had helped write the Massachusetts Constitution of 1780. Delegates to the convention in Philadelphia used many ideas and words from the constitutions of these and other states.

The delegates also drew on their own experiences. Franklin had proposed a plan at the Albany Congress of 1754 to unify the colonies under a central government (see *Albany Congress*). Washington remembered his own problems during the war when, as commander in chief, he had to work with the frequently divided Continental Congress. Almost every delegate to the convention had served as a soldier or administrator of the government. They often disagreed on details but were united in wanting the new government to be strong enough to rule the nation. They also wanted it to respect the liberties of the states and of the people.

**The compromises.** The task of creating a new government was not easily accomplished. Disputes among the delegates nearly ended the convention on several occasions. For example, delegates from the large states disagreed with those from the small states about representation in the national legislature. The larger states favored the *Virginia Plan*, under which population would determine the number of representatives a state could send to the legislature. The small states supported the *New Jersey Plan*, which proposed that all the states would have an equal number of representatives. The Connecticut delegates suggested a compromise that settled the problem. Their plan provided for equal representation in the Senate, along with representation in



Independence National Historical Park Collection

**This silver inkstand** is one of the most historic items in the nation. It was used by the signers of the Constitution of the United States in 1787 and by the signers of the Declaration of Independence in 1776.



Photo

**The chair used by George Washington** during the Constitutional Convention, *shown here*, had a carving of a half sun. On the day the Constitution was signed, Benjamin Franklin expressed a feeling of confidence in the nation's future by declaring that the carving was a "rising and not a setting sun."



proportion to population in the House of Representatives. This proposal became known as the *Connecticut Compromise* or the *Great Compromise*.

Compromises also settled conflicts over the issue of slavery. The delegates from the Northern states wanted Congress to have the power to forbid the foreign slave trade. Most Southern delegates did not wish Congress to have this power. A compromise decided that Congress would not be allowed to regulate the foreign slave trade until 1808. Another compromise involved the question of how to count slaves in determining how many members of Congress a state could have. Slaves were not considered citizens, and so the convention agreed that only three-fifths of a state's slaves could be counted.

The delegates agreed that each state should hold a special convention to discuss and vote on the Constitution. They also decided that as soon as nine states had *ratified* (approved) the Constitution, the Constitution would take effect and they could begin to organize the new government.

### **Ratifying the Constitution**

Less than three months after the Constitution was signed, Delaware became the first state to ratify it, on Dec. 7, 1787. New Hampshire was the ninth state, putting the Constitution into effect on June 21, 1788. But the Founding Fathers could not be sure that the Constitution would be generally accepted until the important states of New York and Virginia had ratified it. Powerful organized opposition to the Constitution had developed in these two states and in others. Such people as Elbridge Gerry, Patrick Henry, Richard Henry Lee, and George Mason spoke out against ratification.

Critics objected that a bill of rights had not been included, that the president had too much independence, and that the Senate was too aristocratic. They also thought Congress had too many powers and the national government had too much authority. Friends of the Constitution rallied support for ratification. They became known as *Federalists*. Their opponents were called *Anti-Federalists*. The two groups promoted their causes in newspapers, in pamphlets, and in debates in the ratifying conventions (see *Anti-Federalists*; *Federalist*, *The*; *Federalist Party*). The groups developed into the first American political parties.

Virginia ratified the Constitution on June 25, 1788, and New York did so on July 26. Early in January 1789, all the ratifying states except New York selected presidential electors in their legislatures or by a direct vote of the people. On February 4, the electors named George Washington as the first president of the United States. The first Congress under the Constitution met in New York City on March 4. Washington was inaugurated on April 30. North Carolina and Rhode Island refused to approve the Constitution and take part in the new government until Congress agreed to add a bill of rights.

### **The Bill of Rights**

The Federalists might never have obtained ratification in several important states if they had not promised to support amendments to the Constitution. These amendments were written to protect individual liberties against possible unjust rule by the national government.

## **Interesting facts about the Constitution**

**Which two signers of the Constitution later became U.S. presidents?** George Washington and James Madison.

**Which signers of the Declaration of Independence also signed the Constitution?** George Clymer, Benjamin Franklin, Robert Morris, George Read, Roger Sherman, and James Wilson.

**Who were the youngest and oldest signers of the Constitution?** Youngest: Jonathan Dayton, 26 years old. Oldest: Benjamin Franklin, 81 years old.

**Who was the first delegate to sign the Constitution?** George Washington.

**Who was called the "Father of the Constitution"?** James Madison earned this title because he was a leading member of the convention and wrote a record of the delegates' debates.

**Who actually "wrote" the Constitution?** Gouverneur Morris.

**When was the Constitution signed?** Sept. 17, 1787.

**What state did not send representatives to the Constitutional Convention?** Rhode Island refused to send representatives because it did not want the federal government to interfere with Rhode Island's affairs.

**In what order did the delegates sign the Constitution?** In geographical order from north to south: New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

**Which three leading delegates refused to sign the Constitution?** Elbridge Gerry, George Mason, and Edmund Randolph refused because they objected to the powers that the Constitution gave the federal government.

**How many delegates signed the Constitution?** 39.

**Where is the original Constitution displayed?** In the National Archives Building in Washington, D.C.

Most state constitutions that were adopted during the Revolution had included a clear declaration of the rights of all people. Most Americans believed that no constitution could be considered complete without such a declaration. George Mason of Virginia was responsible for the first and most famous American bill of rights, the Virginia Declaration of Rights of 1776. He and Patrick Henry might have prevented ratification of the Constitution in Virginia if the Federalists had not agreed to their demands for amendments.

James Madison led the new Congress in proposing amendments. He suggested 15 amendments, and the Congress accepted 12 of them to be submitted for approval by the states under the amending process outlined in the Fifth Article of the Constitution. By Dec. 15, 1791, enough states had approved 10 of the 12 amendments to make them a permanent addition to the Constitution. These amendments are known as the *Bill of Rights*.

One of the two unapproved amendments dealt with the size of the House of Representatives. It would have changed representation from no more than one representative for every 30,000 people to one for every 50,000 people. The other unapproved amendment provided that whenever Congress changed the salaries of its members, the change could not take effect until after the next election of representatives had been held. This amendment was ratified in 1992. See *Bill of rights*.

### **The development of the Constitution**

Through the years, the Constitution has developed to meet changing needs. James Madison declared, "In

framing a system which we wish to last for ages, we should not lose sight of the changes which ages will produce." The Constitution was designed to serve the interests of the people—rich and poor, Northerners and Southerners, farmers, workers, and business people.

The Anti-Federalists accepted defeat when the Constitution was adopted and set about to win power under its rules. Their action set a style for American politics that has never changed. Americans sometimes feel dissatisfied with the policies of those who govern. But few Americans have condemned the constitutional system or demanded a second constitutional convention.

Delegates to the Constitutional Convention believed strongly in the rule of the majority, but they wanted to protect minorities against any unjustness by the majority.

## Index to the Constitution

This index lists some important subjects discussed in the Constitution and the specific article or amendment that deals with each one. The index also gives the page in this article on which the information appears.

Subject	Article or amendment	Page	Subject	Article or amendment	Page
<b>Advice and consent</b>	Article II, Section 2	1009	<b>Lame duck amendment</b>	Amendment 20	1015
<b>Amendment</b>	Article V	1010-1011	<b>Legislative branch</b>	Article I	1004-1008
<b>Appointment</b>	Article II, Section 2	1009	<b>National debt</b>	Article VI	1011
<b>Assembly, Right of</b>	Amendment 1	1011-1012	<b>Pocket veto</b>	Article I, Section 7	1006
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<b>Bill of Rights</b>	Amendments 1 to 10	1011-1013	<b>President</b>	Article II	1008-1009
<b>Church and state</b>	Article VI	1011		Amendment 12	1013
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<b>Citizenship</b>	Amendment 14	1013-1014	<b>Presidential succession</b>	Article II, Section 1	1008-1009
<b>Civil rights</b>	Amendment 14	1013-1014		Amendment 20	1015
	Amendment 15	1014		Amendment 25	1016
<b>Commander in chief</b>	Article II, Section 2	1009	<b>Prohibition</b>	Amendment 18	1014-1015
<b>Commerce clause</b>	Article I, Section 8	1007		Amendment 21	1015
<b>Congress</b>	Article I	1004-1008	<b>Ratification of amend- ments</b>	Article V	1010-1011
	Amendment 12	1013	<b>Ratification of the Consti- tution</b>	Article VII	1011
<b>Congressional Record</b>	Article I, Section 5	1006	<b>Right of assembly</b>	Amendment 1	1011-1012
<b>Congressional salaries</b>	Amendment 27	1016	<b>Search warrant</b>	Amendment 4	1012
<b>Court</b>	Article III	1009-1010	<b>Senate</b>	Article I	1004-1008
<b>Double jeopardy</b>	Amendment 5	1012		Amendment 12	1013
<b>Due process of law</b>	Amendment 5	1012		Amendment 17	1014
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<b>Electoral College</b>	Article II, Section 1	1008-1009		Amendment 14	1013-1014
	Amendment 12	1013	<b>State</b>	Article IV	1010
	Amendment 23	1015-1016	<b>State of the Union message</b>	Article II, Section 3	1009
<b>Ex post facto</b>	Article I, Section 9	1008	<b>States' rights</b>	Amendment 10	1013
<b>Executive branch</b>	Article II	1008-1009	<b>Supremacy clause</b>	Article VI	1011
<b>Extradition</b>	Article IV, Section 2	1010	<b>Supreme Court</b>	Article III	1009-1010
<b>Freedom of religion</b>	Amendment 1	1011-1012	<b>Treason</b>	Article III, Section 3	1010
<b>Freedom of speech</b>	Amendment 1	1011-1012	<b>Trial</b>	Amendment 5	1012
<b>Freedom of the press</b>	Amendment 1	1011-1012	<b>Vice President</b>	Article I, Section 3	1005
<b>House of Representatives</b>	Article I	1004-1008		Amendment 12	1013
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<b>Immunity, Congressional</b>	Article I, Section 6	1006		Amendment 25	1016
<b>Impeachment</b>	Article I, Section 2	1004-1005	<b>Voting</b>	Amendment 14	1013-1014
	Article I, Section 3	1005		Amendment 15	1014
	Article II, Section 4	1009		Amendment 19	1015
<b>Income tax</b>	Article I, Section 9	1008		Amendment 23	1015-1016
	Amendment 16	1014		Amendment 24	1016
<b>Judicial branch</b>	Article III	1009-1010		Amendment 26	1016
<b>Judicial review</b>	Article III, Section 2	1009-1010	<b>Washington, D.C.</b>	Amendment 23	1015-1016
<b>Jury and trial by jury</b>	Article III, Section 2	1009-1010	<b>Woman suffrage</b>	Amendment 19	1015
	Amendment 6	1012			
	Amendment 7	1012			

the states have to consider each amendment. In many cases, Congress has chosen a seven-year period for such consideration. The process of amending the Constitution was designed to be difficult, so that the nation would have to think carefully about any proposed changes before adopting them.

**Laws** have added to the meaning of the Constitution. The delegates to the Constitutional Convention knew they could not write laws for every possible situation. Therefore, they gave Congress the right to pass all laws that were "necessary and proper" to carry out powers granted by the Constitution to the president, Congress, and federal courts. Congress has passed laws to establish such administrative organizations as the Federal Aviation Administration and the Postal Service. Congress has also passed laws to regulate interstate commerce, thereby controlling many aspects of the economy.

**Court decisions.** Federal and state judges apply the Constitution in many court cases. The Supreme Court has the final authority in interpreting the meaning of the Constitution in any specific case. The court has the power of *judicial review*—that is, it can declare a law unconstitutional. The court has this power largely because of the decision of Chief Justice John Marshall in the case of *Marbury v. Madison* in 1803 (see *Marbury v. Madison*). Since that time, the court has ruled that all or parts of more than 125 federal laws and over 1,000 state laws were unconstitutional. The court can also overrule itself, and it has done so about 200 times.

**Presidential actions.** Strong presidents have used their authority to expand the simple words of the Second Article of the Constitution into a source of great presidential power. Such presidents include George Washington, Thomas Jefferson, Andrew Jackson, Abraham Lincoln, Theodore Roosevelt, Woodrow Wilson, and Franklin D. Roosevelt. Washington, for example, made the president the leading figure in foreign affairs. Lincoln used the powers set forth in the article to free slaves during the American Civil War (1861-1865).

**Customs** have made the Constitution flexible and have added to the powers of the national government. For example, the president's Cabinet developed from the words in the Second Article that permit the chief executive to "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..."

**State and party actions.** The Constitution provides for a general method of electing a president. It does not mention political parties. But state laws and political-party practices have changed the constitutional system of voting into the exciting campaigns and elections that take place today.

The Constitution has continued to develop in response to the demands of an ever-growing society through all these methods. Yet the spirit and wording of the Constitution have remained constant. People of each generation have applied its provisions to their own problems in ways that seem reasonable to them.

The British statesman William E. Gladstone described the Constitution as "the most wonderful work ever struck off at a given time by the brain and purpose of man." In a world of change and struggle, the American people have no more precious possession than this

great document. The complete text of the Constitution of the United States, with explanatory notes, begins on the next page.

Bruce Allen Murphy

**Related articles** in *World Book* include:

### Biographies

There is a biography in *World Book* on each delegate who signed the Constitution of the United States as listed after the Seventh Article. See also the biographies on the following notable Americans:

Adams, John	Jay, John	Mason, George
Adams, Samuel	Jefferson, Thomas	Randolph,
Gerry, Elbridge	Marshall, John	Edmund
Henry, Patrick		

### History

Albany Congress  
Annapolis Convention  
Anti-Federalists  
Articles of Confederation  
Continental Congress  
Federalist, The  
Federalist Party  
Founding Fathers  
Shays's Rebellion  
United States, History of the (Forming a new nation)

### Other related articles

Bill of rights	Second Amendment
Congress of the United States	States' rights
Court	Supreme Court of the United States
Fifteenth Amendment	United States, Government of the
Fifth Amendment	Vice president of the United States
Fourteenth Amendment	Voting
Judicial review	
Political party	
President of the United States	

### Outline

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- II. The need for the Constitution
- III. The Constitutional Convention
  - A. The background of the Constitution
  - B. The compromises
- IV. Ratifying the Constitution
- V. The Bill of Rights
- VI. The development of the Constitution

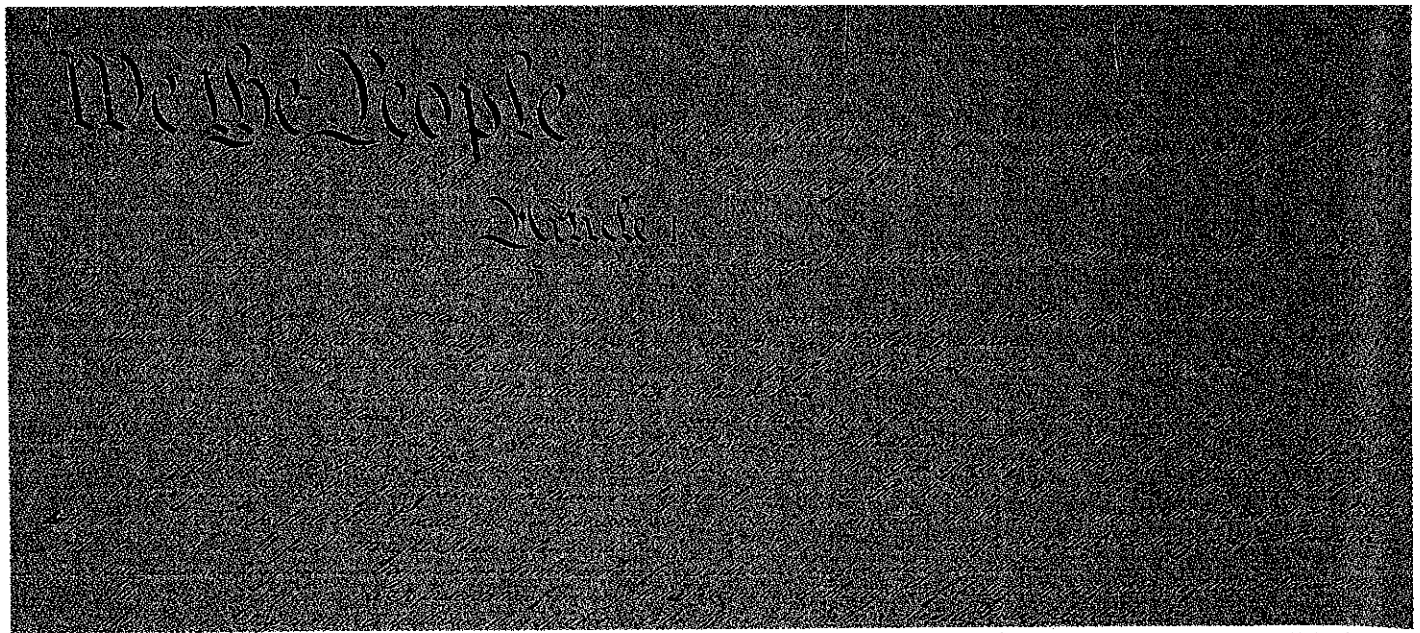
### Questions

Why were the Articles of Confederation of 1781 inadequate for governing the United States?  
What compromises were made in forming the Constitution?  
What were some major objections against the newly formed Constitution?  
How did controversy over the Constitution result in creating the first American political parties?  
In what two states was there especially powerful organized opposition to ratifying the Constitution?  
What government body has the final authority in interpreting the Constitution?  
What were some of the reasons for including a bill of rights in the Constitution?  
What are *delegated powers*? *Implied powers*? *Reserved powers*? *Concurrent powers*?

### Additional resources

Amar, Akhil R. *America's Constitution*. Random Hse., 2005.  
Fradin, Dennis B. *The Founders: The 39 Stories Behind the U. S. Constitution*. Walker, 2005. Younger readers.  
Leebrick, Kristal. *The United States Constitution*. Bridgestone, 2002. Younger readers.  
Levy, Leonard W., and Karst, K. L., eds. *Encyclopedia of the American Constitution*. 2nd ed. 6 vols. Macmillan Lib. Reference, 2000.  
Maddex, Robert L. *The U. S. Constitution A to Z*. CQ Pr., 2002.





National Archives

This copy of the Constitution shows the Preamble and part of the first article.

## The Constitution of the United States

*The text of the Constitution is printed here in boldface type. All words are given their modern spelling and capitalization. Brackets [ ] indicate parts that have been changed or set aside by amendments. The paragraphs printed in lightface type are not part of the Constitution. They explain the meaning of certain passages or describe how certain passages have worked in practice.*

### Preamble

We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common 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

#### The legislative branch

**Section 1.** All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

The first three articles of the Constitution divide the powers of the United States government among three separate branches: (1) the legislative branch, represented by Congress; (2) the executive branch, represented by the president; and (3) the judicial branch, represented by the Supreme Court. This division, called the *separation of powers*, is designed to prevent any branch of the government from becoming too powerful.

Article I says that only Congress has the power to make laws. Congress cannot give these powers to any other body. Through the years, however, Congress has created various federal agencies to make regulations and put its policies into practice. Such agencies include the Federal Trade Commission, the Federal Power Commission, and the Commission on Civil Rights.

The two-house Congress was one of the most important compromises of the Constitutional Convention. The small states at the convention supported the *New Jersey plan*, under which each state would have had the same number of representatives. The large states at the convention wanted the *Virginia plan*, which provided representation based on population. As a compromise, one house was chosen according to each plan.

### The House of Representatives

**Section 2. (1)** The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

Members of the House of Representatives are elected to two-year terms. If a person is eligible to vote for the "most numerous branch" of his or her state legislature, he or she is also eligible to vote for members of Congress. The "most numerous branch" is the house that has the most members. All states except Nebraska have a two-house state legislature. The question of who can vote for state legislators is entirely up to the state, subject to the restrictions of the Constitution and federal law. The 15th, 19th, 24th, and 26th amendments forbid the states to deny or restrict a citizen's right to vote because of race, sex, or failure to pay a tax; or age if the person is at least 18 years old.

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

Each state decides for itself the requirements for legal residence, subject to constitutional limits. Most representatives live not only in the state but also in the district from which they are chosen.

**(3)** Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, [which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons].

The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose 3, Massachusetts 8, Rhode Island and Providence Plantations 1, Connecticut 5, New York 6, New Jersey 4, Pennsylvania 8, Delaware 1, Maryland 6, Virginia 10, North Carolina 5, South Carolina 5, and Georgia 3.

The effect of this paragraph has been greatly changed, both by amendments and by new conditions. It now provides only three things: (1) the number of representatives given to each state shall be based on its population; (2) Congress must see that the people of the United States are counted every 10 years; and (3) each state gets at least one representative.

The Founding Fathers probably considered the words "and direct taxes" to apply to poll and property taxes. The 16th Amendment gives Congress the right to tax a person according to the size of his or her income, rather than to tax a person according to the population of the state in which the person happens to live.

In the reference to "three-fifths of all other persons," the "other persons" meant black slaves. Since there are no longer any slaves in the United States, this part of the paragraph no longer has any meaning.

The average House district has well over half a million people, so the requirement that there shall be no more than one representative for every 30,000 people no longer has any practical force. In 1929, Congress fixed the total number of representatives at 435.

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

If a vacancy occurs in a House seat, the state governor must call a special election to fill it. However, if the next regularly scheduled election is to be held soon, the governor may allow the seat to remain empty rather than call a special election.

(5) The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

The House chooses an officer called the Speaker to lead meetings (see Speaker). The House alone has the power to bring impeachment charges against an official. The Senate tries impeachment cases. See Impeachment.

## The Senate

**Section 3.** (1) The Senate of the United States shall be composed of two senators from each state, [chosen by the legislature thereof,] for six years; and each senator shall have one vote.

The Constitution at first provided that each state legislature should pick two senators. The 17th Amendment changed this rule by allowing the voters of each state to choose their own senators.

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

Senators are elected to six-year terms. Every two years, one-third of the senators are elected and two-thirds are holdovers. This arrangement makes the Senate a continuing body, unlike the House, whose entire membership is elected every two years.

The 17th Amendment changed the method of filling vacancies in the Senate. The governor chooses a senator until the people elect one.

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

In 1806, Henry Clay of Kentucky was appointed to fill an unexpired term in the Senate. He was only 29, a few months younger than the minimum age, but no one challenged the appointment. In 1793, Albert Gallatin was elected to the Senate from Pennsylvania. He was removed from office when the Senate ruled that he had not yet been a citizen for nine years.

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

The Vice President serves as president of the Senate, but votes only when a tie vote occurs. The Vice President's power to break ties can be important. In 1789, for example, Vice President John Adams cast the vote that decided the President could remove Cabinet members without Senate approval.

(5) 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 President of the United States.

The Senate elects an officer called the president pro tempore to lead meetings when the Vice President is absent.

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

The provision that the Chief Justice, rather than the Vice President, shall preside over the Senate when a President is on trial probably grows out of the fact that a conviction would make the Vice President the President. The phrase "on oath or affirmation" means that senators are placed under oath when trying impeachment cases, just as jurors are in a regular court trial.

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

If an impeached person is found guilty, he or she can be removed from office and forbidden to hold federal office again. The Senate cannot impose any other punishment, but the person may also be tried in regular courts. The Senate has convicted only seven people, all of them judges. These men were removed from office.

## Organization of Congress

**Section 4.** (1) The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

As long as state legislatures chose the senators, it would not do to let Congress fix the place of choosing. This would have amounted to giving Congress the power to tell each state where to locate its capital. The words of the Constitution "except as to the places of choosing senators" were set aside by the 17th Amendment.

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

In Europe, monarchs could keep parliaments from meeting, sometimes for many years, simply by not calling them together. This is the reason for the requirement that the Congress of the United States must meet at least once a year. The 20th Amendment changed the date of the opening day of the session to January 3, unless Congress sets another date by law.

**Section 5.** (1) Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

Each house determines if its members are legally qualified and have been elected fairly. In judging the qualifications of its members, each house may consider only the age, citizenship, and residence requirements set forth in the Constitution. In acting on motions to expel a member, however, either house of Congress may consider other matters bearing on that member's fitness for office. A *quorum* is a group large enough to carry on business. Discussion and debate can go on whether a quorum is present or not, as long as a quorum comes in to vote.

(2) 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.

Either house can expel one of its members by a two-thirds vote. Each house makes its own rules. For example, the House of Representatives puts strict time limits on debate to speed up business. It is much more difficult to end debate in the Senate. A senator may speak as long as he or she wishes. Senators use this privilege to make long speeches called *filibusters* to delay Senate action. The Senate, however, may vote for *cloture*, a motion to end debate. On most matters, cloture requires a vote of 60 senators, or three-fifths of the total Senate membership. See *Cloture*.

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

The House *Journal* and the Senate *Journal* are published at the end of each session of Congress. They list all the bills and resolutions considered during the session, as well as every vote. All messages from the President to Congress also are included. The journals are considered the official documents for the proceedings of Congress.

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

**Section 6.** (1) The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

The privilege of *immunity* (freedom from arrest) while going to and from congressional business has little importance today. Members of Congress, like anyone else, may be arrested, tried, convicted, and sent to prison.

Congressional immunity from charges of *libel* and *slander* remains important. Libel is an untrue written statement that damages a person's reputation. Slander is a spoken statement that does so. Immunity under the speech and debate clause means that members of Congress may say whatever they wish in connection with congressional business without fear of being sued. This immunity extends to anything said by members during debate, in an official report, or while voting.

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

These provisions keep members of Congress from creating jobs to which they can later be appointed, from raising salaries of jobs they hope to hold in the future, or from holding office in the other branches of government while they are serving in Congress.

**Section 7.** (1) All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Tax bills must originate in the House. The tradition that tax laws should originate in the lower house of the legislature came from England. There, the lower house—the House of Commons—is more likely to reflect the people's wishes because the people elect its members. They do not elect the upper house, the House of Lords. In the United States, this rule has little importance because the people elect both the Senate and the House. In addition, the Senate can amend a tax bill to such an extent that it rewrites the whole measure.

(2) Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

A bill passed by Congress goes to the President for the President's signature. If the President disapproves the bill, it must be returned to Congress with a statement of the objections within 10 days, not including Sundays. This action is called a *veto*. Congress can pass a law over the President's veto by a two-thirds vote of each house of those members present. The President can also let a bill become law without signing it merely by letting 10 days pass. But a bill sent to the President during the last 10 days of a session of Congress cannot become law unless it is signed. If a bill the President dislikes reaches the President near the end of a session, the bill may simply be held unsigned. This practice is known as a *pocket veto*.

In 1996, Congress enacted a law designed to add to the veto powers established by the Constitution. This law, which went into effect in 1997, gave the President the power to veto certain parts of bills passed by Congress. These parts included some spending items and tax breaks. The power to veto individual items in bills is often called a *line-item veto*. In 1998, however, the Supreme Court ruled that the power created by the 1996 law was unconstitutional. See *Veto*.

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

## Powers granted to Congress

### Section 8. 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;

*Duties* are taxes on goods coming into the United States. *Excises* are taxes on sales, use, or production, and sometimes on business procedures or privileges. For example, corporation taxes, cigarette taxes, and amusement taxes are excises. *Imposts* is a general tax term that includes both duties and excises.

(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;

This section, the *commerce clause*, gives Congress some of its most important powers. The Supreme Court has interpreted *commerce* to mean not only trade but also all kinds of commercial activity. Commerce "among the several states" is usually called *interstate commerce*. The Supreme Court has ruled that interstate commerce includes not only transactions across state boundaries but also any activity that affects commerce in more than one state. The court has interpreted *regulate* to mean *encourage, promote, protect, prohibit, or restrain*. As a result, Congress can pass laws and provide funds to improve waterways, to enforce air safety measures, and to forbid interstate shipment of certain goods. It can regulate the movement of people, of trains, of stocks and bonds, and even of television signals. Congress has made it a federal crime to flee across state lines from state or local police. It also has forbidden people who operate interstate facilities or who serve interstate passengers to treat customers unfairly because of race. See Interstate commerce.

(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;

From this section, along with the section that allows the Congress to regulate commerce and to borrow money, Congress gets its right to charter national banks and to establish the Federal Reserve System. See Federal Reserve System.

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

*Securities* are government bonds.

(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;

Photographs and films may also be copyrighted under this rule (see Copyright; Patent).

(9) To constitute tribunals inferior to the Supreme Court;

Examples of federal courts "inferior to the Supreme Court" include the U.S. district courts and the U.S. courts of appeals.

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

Congress, rather than the states, has jurisdiction over crimes committed at sea.

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

Only Congress can declare war. However, the president, as commander in chief, has engaged the United States in wars without a declaration by Congress. Undeclared wars include the Korean War (1950-1953), the Vietnam War (1957-1975), the Per-

sian Gulf War of 1991, and the Iraq War, which began in 2003. *Letters of marque and reprisal* are documents that authorize private vessels to attack enemy shipping.

(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;

Congress has given the president power to decide when a state of invasion or *insurrection* (uprising) exists. At such times, the president can call out the National Guard.

(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;

The federal government helps the states maintain the militia, also known as the National Guard. Until 1916, the states controlled the militia entirely. That year, the National Defense Act provided for federal funding of the guard and for drafting the guard into national service under certain circumstances.

(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, dockyards, and other needful buildings;—And

This section makes Congress the legislative body not only for the District of Columbia, but also for federal property on which forts and other federal works or buildings are located.

(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.

This section is known as the "necessary and proper" clause or the *elastic clause*. It allows Congress to deal with many matters not specifically mentioned in the Constitution but suggested by powers granted to Congress in Article I. As times have changed, Congress has been able to pass needed laws with few amendments to the Constitution. This flexibility helps explain why the Constitution is one of the oldest written constitutions.

## Powers forbidden to Congress

**Section 9.** (1) The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

This paragraph refers to the slave trade. Dealers in slaves, as well as some slaveholders, wanted to make sure that Congress could not stop anyone from bringing African slaves into the country before the year 1808. That year, Congress did ban the importing of slaves into the United States.

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

A *writ of habeas corpus* is a legal order that commands people who have a person in custody to bring the person into court.

They must explain in court why the person is being restrained. If their explanation is unsatisfactory, the judge can order the prisoner released. See *Habeas corpus*.

(3) No bill of attainder or ex post facto law shall be passed.

A *bill of attainder* is an act passed by a legislature to punish a person without trial. An *ex post facto law* is one that provides punishment for an act that was not illegal when the act was committed. See *Attainder*; *Ex post facto*.

(4) No capitation, [or other direct,] tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

A *capitation* is a tax that is collected equally from everyone. A capitation is also called a *head tax* or a *poll tax*. The Supreme Court held that this section of the Constitution prohibits an income tax. The 16th Amendment set aside the court's decision.

(5) No tax or duty shall be laid on articles exported from any state.

In this sentence, *exported* means sent to other states or to foreign countries. The Southern States feared that the new government would tax their exports and that their economies would suffer as a result. This sentence forbids such a tax. However, Congress can prohibit shipment of certain items or regulate the conditions of their shipment.

(6) No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another: nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties in another.

Congress cannot make laws concerning trade that favor one state over another. Ships going from one state to another need not pay taxes to do so.

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

Government money cannot be spent without the consent of Congress. Congress must issue a financial statement from time to time. Congress authorizes money for most government programs in lump sums because too much time would be needed to authorize each item separately.

(8) No title of nobility shall be granted by the United States: And no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatsoever, from any king, prince, or foreign state.

Congress cannot give anyone a title of nobility, such as countess or duke. Federal officials may not accept a gift, office, payment, or title from a foreign country without the consent of Congress.

### **Powers forbidden to the states**

**Section 10.** (1) No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

(2) No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing 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.

Without the consent of Congress, a state cannot tax goods entering or leaving the state except for small fees to cover the cost of inspection. Profits from a tax on interstate commerce go to the federal government.

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

Only the federal government has the power to make treaties and to carry out measures for national defense.

## **Article II**

### **The executive branch**

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

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

This section establishes the Electoral College, a group of people chosen by the voters of each state to elect the President and Vice President (see *Electoral College*).

(3) [The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately 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.]

The 12th Amendment changed this procedure for electing the President and Vice President.

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

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



On Aug. 9, 1974, President Richard M. Nixon resigned as chief executive and was succeeded by Vice President Gerald R. Ford. Until then, only death had ever cut short the term of a President of the United States. The 25th Amendment provides that the Vice President succeed to the presidency if the President becomes disabled, and specifies the conditions applying to that succession. See Presidential succession.

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

The Constitution made it possible for a poor person to become President by providing a salary for that office. The President's salary cannot be raised or lowered during his or her term of office. The chief executive may not receive any other pay from the federal government or the states.

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

The Constitution does not say who shall administer the oath to the newly elected President. President George Washington was sworn in by Robert R. Livingston, then a state official in New York. After that, it became customary for the chief justice of the United States to administer the oath. Calvin Coolidge was sworn in by his father, a justice of the peace, at his home in Vermont. Coolidge took the oath again before Justice Adolph A. Hoehling of the Supreme Court of the District of Columbia.

**Section 2.** (1) The President shall be commander in chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

The President's powers as commander in chief are far-reaching. But even in wartime, the President must obey the law.

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

The framers of the Constitution intended that in some matters the Senate should serve as an advisory body for the President.

The President can make treaties and appoint various government officials. But two-thirds of the senators present must approve before a treaty is confirmed. Also, high appointments require approval of more than half the senators present.

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

This means that when the Senate is not in session, the President can make temporary appointments to offices which require Senate confirmation.

**Section 3.** He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and

expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

The President gives a State of the Union message to Congress each year. Presidents George Washington and John Adams delivered their messages in person. For more than 100 years after that, most Presidents sent a written message, which was read in Congress. President Woodrow Wilson delivered his State of the Union messages in person, as did President Franklin D. Roosevelt and all Presidents after Roosevelt. The President's messages often have great influence on public opinion, and thus on Congress. Famous messages to Congress include the Monroe Doctrine and President Wilson's "Fourteen Points."

During the 1800's, Presidents often called Congress into session. Today, Congress is in session most of the time. No President has ever had to adjourn a session of Congress.

The responsibility to "take care that the laws be faithfully executed" puts the President at the head of law enforcement for the national government. Every federal official, civilian or military, gets his or her authority from the President.

**Section 4.** The President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

## Article III

### The judicial branch

**Section 1.** The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

The Constitution makes every effort to keep the courts independent of both the legislature and the President. The guarantee that judges shall hold office during "good behavior" means that, unless they are impeached and convicted, they can hold office for life. This protects judges from any threat of dismissal by the President. The rule that a judge's salary may not be reduced protects the judge against pressure from Congress, which could otherwise threaten to fix the salary so low that the judge could be forced to resign. See *Court; Supreme Court of the United States*.

**Section 2.** (1) The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more states; [between a state and citizens of another state;] between citizens of different states;—between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, [citizens or subjects].

The right of the federal courts to handle "cases arising under this Constitution" is the basis of the Supreme Court's right to declare laws of Congress unconstitutional. This right of "judicial review" was established by Chief Justice John Marshall's historic decision in the case of *Marbury v. Madison* (1803). See *Marbury v. Madison*.

The 11th Amendment to the Constitution set aside the phrase *between a state and citizens of another state*. A citizen of one state cannot sue another state in a federal court.

(2) In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the



Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The statement that the Supreme Court has *original jurisdiction* in cases affecting the representatives of foreign countries and in cases to which a state is one of the parties means that cases of this kind go directly to the Supreme Court. In other kinds of cases, the Supreme Court has *appellate jurisdiction*. This means that the cases are tried first in a lower court and may come up to the Supreme Court for review if Congress authorizes an appeal. Congress cannot take away or modify the original jurisdiction of the Supreme Court. However, it can take away the right to appeal to the Supreme Court, or it can fix the conditions one must meet to present an appeal.

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

**Section 3.** (1) Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

No person can be convicted of treason against the United States unless he or she confesses in open court, or unless two witnesses testify that he or she has committed a treasonable act. Talking or thinking about committing a treasonable act is not treason. See **Treason**.

(2) The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

The phrase *no attainder of treason shall work corruption of blood* means that the family of a traitor does not share the guilt. Formerly, an offender's family could also be punished.

## Article IV

### Relation of the states to each other

Much of this article was taken word for word from the old Articles of Confederation.

**Section 1.** Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

This section requires the states to honor one another's laws, records, and court rulings. The rule prevents a person from avoiding justice by leaving a state.

**Section 2.** (1) The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

This means that citizens traveling from state to state are entitled to all the privileges and immunities that automatically go to citizens of those states. Some privileges, such as the right to vote, do not automatically go with citizenship, but require a period of residence and perhaps other qualifications. The word *citizen* in this provision does not include corporations.

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

If a person commits a crime in one state and flees to another, the governor of the state in which the crime was committed can

demand that the fugitive be handed over. Returning an accused person is called *extradition*. A few governors have refused to extradite, perhaps because the crime was committed many years ago, or because they believed the accused would not get a fair trial. It is not clear how the federal government could enforce this section. See **Extradition**.

(3) 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.]

A "person held to service or labor" was a slave or an *indentured servant* (a person bound by contract to serve someone for several years). No one is now bound to servitude in the United States, so this part of the Constitution no longer has any force, being overruled by the 13th Amendment.

### Federal-state relations

**Section 3.** (1) New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.

New states cannot be formed by dividing or joining existing states without the consent of the state legislatures and Congress. During the Civil War (1861-1865), Virginia fought for the Confederacy, but people in the state's western part supported the Union. After West Virginia split from Virginia, Congress accepted the new state on the ground that Virginia had rebelled.

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

**Section 4.** The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

This section requires the federal government to make sure that every state has a "republican form of government." A republican government is one in which the people elect representatives to govern. The Supreme Court ruled that Congress, not the courts, must decide whether a state government is republican. According to the court, if Congress admits a state's senators and representatives, that action indicates that Congress considers the state's government republican.

The legislature or governor of a state can request federal aid in dealing with riots or other violence. During the Pullman strike of 1894, federal troops were sent to Illinois even though the governor said he did not want them (see **Pullman strike**).

## Article V

### Amending the Constitution

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.

Amendments may be proposed by a two-thirds vote of each house of Congress or by a national convention called by Congress at the request of two-thirds of the states. A national convention has never been called, in part because there are no established procedures for operating such a meeting and because of fear that such a convention could result in vast and possibly dangerous changes. To become part of the Constitution, amendments must be *ratified* (approved) by the legislatures of three-fourths of the states or by conventions in three-fourths of the states.

The framers of the Constitution purposely made it hard to put through an amendment. Congress has considered more than 9,000 amendments, but it has passed only 33 and submitted them to the states. Of these, 27 have been ratified. Only one amendment, the 21st, was ratified by state conventions. All the others were ratified by state legislatures.

The Constitution sets no time limit during which the states must ratify a proposed amendment. Ratification of the 27th Amendment took 203 years, longer by far than that of any other amendment. The amendment was first proposed in 1789 and did not become part of the Constitution until 1992. Nevertheless, the courts have held that amendments must be ratified within a "reasonable time" and that Congress decides what is reasonable. Since the early 1900's, most amendments have included a requirement that ratification be obtained within seven years.

## Article VI

### National debts

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

This section promises that all debts and obligations made by the United States before the adoption of the Constitution will be honored.

### Supremacy of the national government

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

This section, known as the *supremacy clause*, has been called *the linchpin of the Constitution*—that is, the part that keeps the entire structure from falling apart. It means simply that when state laws conflict with national laws, the national laws are superior. It also means that, to be valid, a national law must follow the Constitution.

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

This section requires both federal and state officials to give supreme allegiance to the Constitution of the United States rather than to any state constitution. The section also forbids any religious test for holding federal office. The 14th Amendment applies the same rule to state and local governments.

## Article VII

### Ratifying the 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,

George Washington—President and deputy from Virginia

### Delaware

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

### Maryland

James McHenry  
Daniel of St. Thomas Jenifer  
Daniel Carroll

### Virginia

John Blair  
James Madison, Jr.

### North Carolina

William Blount  
Richard Dobbs Spaight  
Hugh Williamson

### South Carolina

John Rutledge  
Charles Cotesworth Pinckney  
Charles Pinckney  
Pierce Butler

### Georgia

William Few  
Abraham Baldwin

### 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

## Amendments to the Constitution

### The Bill of Rights

*The first 10 amendments, known as the Bill of Rights, were proposed on Sept. 25, 1789. They were ratified on Dec. 15, 1791. They were adopted because some states refused to approve the Constitution unless a bill of rights was added.*

*The amendments protect individuals from various unjust acts of government. Originally, the amendments applied only to the federal government. But the 14th Amendment declares that no state can deprive any person of life, liberty, or property without "due process of law." The Supreme Court has interpreted those words to mean that most of the Bill of Rights applies to the states as well. See Bill of rights.*

### Amendment 1

#### Freedom of religion, speech, and the press; rights of 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.

Many countries have made one religion the *established* (official) church and supported it with government funds. This amendment forbids Congress to set up or in any way provide for an established church. It has been interpreted to forbid government endorsement of, or aid to, religious doctrines. In addition, Congress may not pass laws limiting worship, speech, or the press, or preventing people from meeting peacefully. Con-

gress also may not keep people from asking the government for relief from unfair treatment.

All the rights protected by this amendment have limits. For example, the guarantee of freedom of religion does not mean that the government must allow all religious practices. In the 1800's, some Mormons believed it was a man's religious duty to have more than one wife. The Supreme Court ruled that Mormons had to obey the laws forbidding that practice. See *Freedom of religion; Freedom of speech; Freedom of the press.*

## **Amendment 2**

### **Right to bear 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.

This amendment has been interpreted in two ways. Some people believe it gives ordinary citizens the right to possess firearms. Others believe it only gives each state the right to maintain its own militia.

## **Amendment 3**

### **Housing of soldiers**

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.

This amendment grew out of an old complaint against the British, who had forced people to take soldiers into their homes.

## **Amendment 4**

### **Search and arrest warrants**

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.

This measure does not forbid legal authorities to search, to seize goods, or to arrest people. It simply requires that in most cases the authorities obtain a search or arrest warrant from a judge by showing the need for it. If a warrant cannot be obtained, the search or arrest is permitted only if the state's need for evidence outweighs the individual's right to privacy. In addition, the search or arrest may not be carried out in an unreasonable manner. See *Search warrant.*

## **Amendment 5**

### **Rights in criminal cases**

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 or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

A *capital crime* is one punishable by death. An *infamous crime* is one punishable by death or imprisonment. This amendment guarantees that no one has to stand trial for such a federal crime unless he or she has been *indicted* (accused) by a *grand jury*. A grand jury is a special group of people selected to decide whether there is enough evidence against a person to hold a trial. A person cannot be *put in double jeopardy* (tried twice) for the same offense by the same government. But a person may be tried a second time if a jury cannot agree on a verdict, if a mistrial is declared for some other reason, or if the person requests a new trial. The amendment also guarantees that people cannot be forced to testify against themselves.

The statement that no person shall be deprived of life, liberty, or property "without due process of law" expresses one of the most important rules of the Constitution. The same words are in the 14th Amendment as restrictions on the power of the states. The phrase expresses the idea that a person's life, liberty, and property are not subject to the uncontrolled power of the government. This idea can be traced to Magna Carta, which provided that the king could not imprison or harm a person "except by the lawful judgment of his peers or by the law of the land." Due process is a vague rule, and the Supreme Court has applied it to widely different cases. At one time, the court used the due-process rule to strike down laws that prevented people from using their property as they wished. In 1857, for example, the court overturned the Missouri Compromise, which prohibited slavery in certain U.S. territories. The court said the compromise unjustly prevented slave owners from taking slaves—their property—into the territories. Today, the courts use the rule to strike down laws that interfere with personal liberty. See *Due process of law.*

The amendment also forbids the government to take a person's property for public use without fair payment. The government's right to take property for public use is called *eminent domain*. Governments use it to acquire land for highways, schools, and other public facilities. See *Fifth Amendment.*

## **Amendment 6**

### **Rights to a fair trial**

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.

A person accused of crime must have a prompt, public trial by an open-minded jury. The requirement for a speedy and public trial grew out of the fact that some political trials in England had been delayed for years and then were held in secret. Accused persons must be informed of the charges against them and must be allowed to meet the witnesses against them face to face. Otherwise, innocent individuals may be punished if a court allows the testimony of unknown witnesses to be used as evidence. This amendment guarantees that persons on trial can face and cross-examine those who have accused them. They may be able to show that their accusers lied or made a mistake. Finally, accused individuals must have a lawyer to defend them if they want one.

## **Amendment 7**

### **Rights in civil cases**

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of a 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.

The framers of the Constitution considered the right to jury trial extremely important. In the Sixth Amendment, they provided for jury trials in criminal cases. In the Seventh Amendment, they provided for such trials in civil suits where the amount contested exceeds \$20. The amendment applies only to civil cases in federal courts. But because of a great decline in the value of the dollar over the years, it now applies to almost all such cases. Most states also call for jury trials in civil cases.

## **Amendment 8**

### **Bails, fines, and punishments**

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

Bails, fines, and punishments must be fair and humane. In the case of *Furman v. Georgia*, the Supreme Court ruled in 1972 that

capital punishment, as it was then imposed, violated this amendment. The court held that the death penalty was cruel and unusual punishment because it was not applied fairly and uniformly. Many states then adopted new laws designed to meet the court's objections. The court has ruled that the death penalty may be imposed if certain standards are applied to guard against its arbitrary use. See Capital punishment.

### **Amendment 9**

#### **Rights retained by the people**

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

Some people feared that the listing of some rights in the Bill of Rights would be interpreted to mean that other rights not listed were not protected. This amendment was adopted to prevent such an interpretation.

### **Amendment 10**

#### **Powers retained by the states and the people**

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.

This amendment was adopted to reassure people that the national government would not swallow up the states. It confirms that the states or the people retain all powers not given to the national government. For example, the states have authority over such matters as marriage and divorce. But the Constitution says the federal government can make any laws "necessary and proper" to carry out its specific powers. This rule makes it hard to determine the exact rights of states.

### **Amendment 11**

#### **Lawsuits against states**

This amendment was proposed on March 4, 1794, and ratified on Feb. 7, 1795. However, the amendment was not proclaimed until 1798 because of delays that occurred in certifying the ratification.

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.

This amendment makes it impossible for a citizen of one state to sue another state in federal court. The amendment resulted from the 1793 case of *Chisholm v. Georgia*, in which a man from South Carolina sued the state of Georgia over an inheritance. Georgia argued that it could not be sued in federal court, but the Supreme Court ruled that the state could be. Georgia then led a movement to adopt this amendment. However, individuals can still sue state authorities in federal court for depriving them of their constitutional rights.

### **Amendment 12**

#### **Election of the President and Vice President**

This amendment was proposed on Dec. 9, 1803, and ratified on July 27, 1804.

The electors shall meet in their respective states and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate;—the president of the Senate shall, in the presence of the Senate and House of Representatives, open all the

certificates and the votes shall then be counted;—the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, [before the fourth day of March next following,] then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

This amendment provides that members of the Electoral College, called *electors*, vote for one person as President and for another as Vice President. The amendment resulted from the election of 1800. At that time, each elector voted for two men, not saying which he wanted for President. The man who received the most votes became President, and the runner-up became Vice President. Thomas Jefferson, the presidential candidate, and Aaron Burr, the vice presidential candidate, received the same number of votes. The tie threw the election into the House of Representatives. The House chose Jefferson but took so long that people feared it would fail to choose before Inauguration Day. The House has chosen one other President—John Quincy Adams in 1825.

### **Amendment 13**

#### **Abolition of slavery**

This amendment was proposed on Jan. 31, 1865, and ratified on Dec. 6, 1865.

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

President Abraham Lincoln's Emancipation Proclamation of 1863 had declared slaves free in the Confederate States still in rebellion. This amendment completed the abolition of slavery in the United States.

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

### **Amendment 14**

#### **Civil rights**

This amendment was proposed on June 13, 1866, and ratified on July 9, 1868.

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

The principal purpose of this amendment was to make former slaves citizens of both the United States and the state in which they lived. The amendment also forbids the states to deny equal rights to any person. The terms of the amendment clarify how citizenship is acquired. State citizenship is a by-product of national citizenship. By living in a state, every U.S. citizen automatically becomes a citizen of that state as well. All persons *naturalized* (granted citizenship) according to law are U.S. citizens. People born in the United States are also citizens regardless of the nationality of their parents, unless they are diplomatic representatives of another country or enemies during a wartime occupation. Such cases are exceptions because the parents are not "subject to the jurisdiction" of the United States. The amendment does not grant citizenship to Indians on reservations, but Congress passed a law that did so.

The phrase "due process of law" has been ruled to forbid the states to violate most rights protected by the Bill of Rights. The statement that a state cannot deny anyone "equal protection of the laws" has provided the basis for many Supreme Court rulings on civil rights. For example, the court has outlawed segregation in public schools. The judges declared that "equal protection" means a state must make sure all children, regardless of race, have an equal opportunity for education.

**Section 2.** Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, (excluding Indians not taxed). But when the right to vote at any election for the choice of electors for President and Vice President of the United States, representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

This section proposes a penalty for states which refuse to give the vote in federal elections to all adult male citizens. States which restrict voting can have their representation in Congress cut down. This penalty has never been used. The section has been set aside by the 19th and 26th amendments.

**Section 3.** No person shall be a senator or representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

This section's purpose was to keep federal officers who joined the Confederacy from becoming federal officers again. Congress could vote to overlook such a record.

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

This section ensured that the Union's Civil War debt would be paid, but voided all war debts run up by the Confederacy. The section also said that former slaveowners would not be paid for slaves who were freed.

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

## **Amendment 15**

### **Black suffrage**

This amendment was proposed on Feb. 26, 1869, and ratified on Feb. 3, 1870.

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

Blacks who had been slaves became citizens under the terms of the 14th Amendment. The 15th Amendment does not specifically say that all Blacks must be allowed to vote. The states are free to set qualifications for voters. But a voter cannot be denied the ballot because of race. Attempts by some states to do this indirectly have been struck down by Supreme Court decisions, federal and state laws, and the 24th Amendment. See Fifteenth Amendment; Grandfather clause; Voting.

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

## **Amendment 16**

### **Income taxes**

This amendment was proposed on July 12, 1909, and ratified on Feb. 3, 1913.

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.

In 1894, Congress passed an income tax law, but the Supreme Court declared it unconstitutional. This amendment authorized Congress to levy such a tax.

## **Amendment 17**

### **Direct election of senators**

This amendment was proposed on May 13, 1912, and ratified on April 8, 1913.

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

(2) When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided, That the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

(3) This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as part of the Constitution.

This amendment takes the power of electing senators from the state legislatures and gives it to the people of the states.

## **Amendment 18**

### **Prohibition of liquor**

This amendment was proposed on Dec. 18, 1917, and ratified on Jan. 16, 1919.

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

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

This is the prohibition amendment, which forbade people to make, sell, or transport liquor. It was widely ignored by the people and was repealed by the 21st Amendment in 1933.

### **Amendment 19**

#### **Woman suffrage**

This amendment was proposed on June 4, 1919, and ratified on Aug. 18, 1920.

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

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

Amendments giving women the right to vote were introduced in Congress one after another for more than 40 years before this one was finally passed.

### **Amendment 20**

#### **Terms of the President and Congress**

This amendment was proposed on March 2, 1932, and ratified on Jan. 23, 1933.

**Section 1.** The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of senators and representatives at noon on the third day of January, of the year in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

**Section 2.** The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the third day of January, unless they shall by law appoint a different day.

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

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

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

**Section 6.** This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the

legislatures of three-fourths of the several states within seven years from the date of its submission.

This *lame duck amendment* moves the date that newly elected Presidents and members of Congress take office closer to election time. A *lame duck* is an official who continues to serve though not reelected. Before the amendment came into force, defeated members of Congress continued to hold office for four months. See Lame duck amendment.

### **Amendment 21**

#### **Repeal of prohibition**

This amendment was proposed on Feb. 20, 1933, and ratified on Dec. 5, 1933.

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

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

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

This amendment repeals the 18th Amendment. Section 2 promises federal help to "dry" states in enforcing their own laws.

### **Amendment 22**

#### **Limitation of Presidents to two terms**

This amendment was proposed on March 24, 1947, and ratified on Feb. 27, 1951.

**Section 1.** 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 the President more than once. But this article shall not apply to any person holding the office of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this article becomes operative from holding the office of President or acting as President during the remainder of such term.

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

This amendment provides that no person can be elected President more than twice. Nobody who has served for more than two years of someone else's term can be elected more than once. A President can hold office for no more than 10 years. The amendment was supported by those who thought Franklin D. Roosevelt should not serve four terms. No other President had run for election to more than two consecutive terms.

### **Amendment 23**

#### **Suffrage in the District of Columbia**

This amendment was proposed on June 16, 1960, and ratified on March 29, 1961.

**Section 1.** The district constituting the seat of government of the United States shall appoint in such manner as the Congress may direct: A number of electors of President and Vice



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

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

This amendment allows citizens of the District of Columbia to vote in presidential elections. However, they cannot vote for members of Congress.

## Amendment 24

### Poll taxes

This amendment was proposed on Aug. 27, 1962, and ratified on Jan. 23, 1964.

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

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

This amendment forbids making voters pay a *poll tax* before they can vote in a national election. A poll tax, also called a *head tax*, is a tax collected equally from everyone. Some states once used such taxes to keep poor people and blacks from voting. The term *poll tax* does not mean a tax on voting. It comes from the old English word *poll*, meaning *head*. See Poll tax.

## Amendment 25

### Presidential disability and succession

This amendment was proposed on July 6, 1965, and ratified on Feb. 10, 1967.

**Section 1.** In case of the removal of the president from office or of his death or resignation, the vice president shall become president.

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

This section provides for filling a vacancy in the vice presidency. In 1973, Gerald R. Ford became the first person chosen vice president under this provision. He was nominated by President Richard M. Nixon after Vice President Spiro T. Agnew resigned. In 1974, Nixon resigned and Ford became president. Nelson A. Rockefeller then became vice president under the new procedure. For the first time, the nation had both a president and vice president who had not been elected to their office. Before this amendment came into force, vacancies in the vice presidency remained unfilled until the next election.

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

This section provides that the vice president succeeds to the presidency if the president becomes disabled. Vice President George H. W. Bush became the first acting president. He officially held the position eight hours on July 13, 1985, when President

Ronald Reagan had cancer surgery.

**Section 4.** Whenever the vice president and 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.

## Amendment 26

### Suffrage for 18-year-olds

This amendment was proposed on March 23, 1971, and ratified on July 1, 1971.

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

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

This amendment grants the vote to citizens 18 years of age or older. Passed during the Vietnam War, it reflected the opinion of many people of the time that young men who are old enough to be drafted into the armed forces should be able to vote for or against officials who lead the nation into war.

## Amendment 27

### Congressional salaries

This amendment was proposed on Sept. 25, 1789, and ratified on May 7, 1792.

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

This amendment prevents Congress from passing immediate salary increases for itself. It requires that salary changes passed by Congress cannot take effect until after the next congressional election. It had been passed in 1789 and sent to the states for ratification. The amendment had no time limit for ratification. It became part of the Constitution in 1792, after Michigan became the 38th state to ratify it. Annotations by Bruce Allen Murphy

**Constitutional Convention.** See Constitution of the United States (The Constitutional Convention).

**Constitutional Union Party** was an American political party formed in 1859 by former members of the Whig and Know-Nothing parties. At a convention in Baltimore in 1860, the party nominated John Bell and Ed-