

We
the People of
The U.S.
the United
Constitution
in Order to
in a
Nutshell
Form a
more perfect
Union

The U.S. Constitution in a Nutshell

Table of Contents

Teachers' Guide	i
Constitution Outline Handout.....	1
Constitution Outline Teacher's Guide (Answers)	7
U.S. Constitution	13
Bill of Rights	23
Amendments 11 through 27	24
Amendments At a Glance Chart (Fill-in Handout).....	31
Amendments At a Glance Chart Teacher's Guide (Answers)	32
Appendix	
Glossary with Links to Outline	33
Federalism, Checks & Balances and the Constitution Links	38
Copyright and Ordering Info	38

Overview

Students use the outline to read through and understand what the Constitution says. They use the chart to organize and categorize the amendments. Teachers' Guides (answer keys) are provided for both. This project includes the actual text of the Constitution and amendments. There is also a glossary.¹

What's Included

- A fill-in outline of the U.S. Constitution
- The Teacher's Guide version with answers
- A blank chart for organizing the amendment by topic (e.g. Rights, Freedoms, Taxes)
- A Teacher's Guide version with answers
- The U.S. Constitution (including all amendments)
- The Amendments
- A Glossary

The Glossary (beginning on page 33), contains explanations of some key ideas such as Habeas Corpus and ex post facto laws as well as some general Constitution links on page 38. A { } in the text of the **Constitution** means that the word or phrase is defined in the Glossary. A {GI} in the **answer key** indicates there is a longer explanation in the Glossary. You can click on the link (page number) and go directly to the glossary page. Other possibly unfamiliar words and phrases are defined for you in brackets **within** the text, e.g. "chusing." [choosing].

As you know, certain parts of the Constitution have been amended or eliminated (e.g. slavery). These changes are indicated as follows:

- ~~strikethrough and gray text~~ of old language
- *Italics for the new text.*

¹ In addition to being a stand-alone lesson, this project is designed as a reference for my Constitution lessons in particular, and the government/civics lessons in general.

Grade Levels/Subjects/Disciplines

U.S. History and high school civics/government

Objectives

Give students a thorough grounding in the text and meaning of the document that defines our democracy, namely the U.S. Constitution and its amendments.

Standards

Common Core: Reading 9–12 §§1, 2, 5, 10; Speaking & Listening, 9–12 §1

CA Civics: 12.4.1–6

National Standards (Center for Civic Education–CCE): III A, B, D

Time Needed

Two 45-minute class periods for both the outline and the amendment chart

Preparation and Materials Needed

Photo copy the following:

- Blank outline
- Blank amendment chart
- Constitution
- Amendments
- Glossary²

The Lesson

- Put students in groups and let them work through the outline for about 1/2 of the period.
- Go through the outline, calling students to give answers and cite where they found it (the outline goes through the Constitution text in order).
- Do the same with the Amendment chart.
- You can have a class discussion about how the Constitution applies in their lives or do one of the other Constitution lessons (e.g. *Check and Balances Skits*, College or *Amendment Charades*, or *Celebrate Constitution Day* (as set of 17 lessons).

About the Constitution Outline and Unit

When I taught high school government, I gave students a copy of the Constitution and let them refer to it at any time (including on tests).³ I began my class with this outline and had the pleasure of watching them flip through the Constitution when they had questions.

I used this outline as a stepping stone for my government simulations: *Did My Bill Pass?* (Congress), *Running for Office* (elections), and *Puttin' On the Robes* (courts). These give students hands-on experience with how the Constitution applies to real-life, current situations, e.g. laws on same-sex marriage and voting, presidential power and Constitution rights.

² Although the glossary is designed to help **you** explain some of the more esoteric terms to your class, feel free to copy it for your students.

³ I wanted students to be thoroughly familiar with our founding document and to look to it for answers to questions about our democracy.

Outline the Constitution

ARTICLE I LEGISLATIVE DEPARTMENT

A) Two houses

- a)
- b)

B) House of Representatives

- a) Term:
- b) % elected every election year:
- c) How often is there an election year:
- d) Minimum age:
- e) Years a citizen:
- f) How elected:
- g) How vacancy is filled:
- h) Main Officer:
- i) # of House Members:
- j) Number from each state:

C) Senate

- a) Term:
- b) Fraction elected every election year:
- c) How often is there an election year:
- d) Minimum age:
- e) Years a citizen:
- f) How elected:
- g) How vacancy is filled:
- h) President of the Senate:
 - 1) When he/she can vote?
 - 2) Who takes his/her place when absent?
- i) # of Senators
- j) Number from each state:

D) Enumeration (Census)

- a) Why important:
- b) How often:

E) Impeachment: Who has what power

- a) House:
- b) Senate:
- c) what fraction of the vote required for impeachment¹

F) Who makes rules for election:²

G) How often Congress meets:

H) When term begins (Changed by Amendment XX, § 1)

Section 5³

I) Compensation and Privilege

- a) what are they paid?
- b) What are they free from?
- c) How freely can they speak?
- d) Changing pay (Amendment XXVII):

J) What 4 actions can a President take on any bill

- 1)
- 2)
- 3)
- 4)

K) Where revenue raising bills must start:

1 The number of House members need to impeach is not specified, so presumably its a majority.

2 In 2014, the U.S. Supreme Court decided an important case about reapportionment. For more information, see *Reapportionment* in the Glossary.

3 Concerns rules that each chamber (House and Senate make for regulate themselves, so not really relevant here.

L) Named Powers of Congress (§8)

- 1)
- 2)
- 3)
- 4)
- 5)
- 6)
- 7)
- 8)
- 9)
- 10)
- 11)
- 12)
- 13)
- 14)
- 15)
- 16)
- 17)
- 18)⁴

M) Limitations on Power of United States

- 1)
- 2)
- 3)
- 4)
- 5)
- 6)
- 7)
- 8)

N Powers Prohibited to the States

- 1)
- 2)
- 3)
- 4)
- 5)
- 6)

⁴ The most general and comprehensive power, the “Necessary and Proper” clause allows Congress to make any laws needed to carry out the provisions of the Constitution. This gives them very broad powers.

ARTICLE II EXECUTIVE DEPARTMENT

A) President and Vice President

- a) Term:
- b) Minimum age:
- c) Years a citizen:
- d) How elected (Electoral College) (See Amendment XII):
- e) When term begins (See Amendment XX, § 1):

B) Powers alone

- 1)
- 2)
- 3)
- 4)

C) Powers with "Advise and Consent of Senate"

- 1)
 - a) what fraction:
- 2)
 - a) what fraction:
- 3)
 - a) what fraction:
- 4)
 - a) what fraction:

D) Duties

- 1)
- 2)
- 3)
- 4)
- 5)
- 6)

E) Impeachment:

F) Succession

- a) Vice President
- b) Speaker of the House (Top Representative)
- c) President Pro Tempore of the Senate (top Senator)
- d) Members of the Cabinet in the order listed in the law

ARTICLE III JUDICIAL DEPARTMENT

A) Supreme Court

- a) Term:
- b) Minimum age:
- c) Years a citizen:
- d) How appointed:
- e) Pay:
- f) # of Justices on U.S. Supreme Court (USSC)

B) Jurisdiction of Federal Courts

- a) Federal Question (federal law and Constitution)
- b) Diversity of Citizenship (people from different states)
- c) Supreme Court usually only hears appeals not trials

C) Trial of Crimes Except Treason⁵

- a) Generally, where are the trials held?
- b) Who hears the trials?

ARTICLE IV STATES AND FEDERAL GOVERNMENT

A) States to give each other:

- a) Full Faith and Credit

B) Privileges (or lack) of Citizens

- a) Privileges and Immunities
- b) Extradition
- c) Return of slaves

C) New states:

D) Control of Property:

E) Protection of States Guaranteed by Federal Government

- a) Republican form of government

⁵ See also Amendments 4, 5, 6, 7 & 8 for other criminal trial rights.

ARTICLE V AMENDMENTS

a) To **Propose** an amendment takes a vote of:

OR a vote of _____ to convene a Constitutional Convention

b) To **Ratify**

a vote of _____

OR a vote of to convene a Constitutional Convention

c) What can't change:

ARTICLE VI GENERAL PROVISIONS

A) Constitution and Federal Laws are: _____

B) Who is bound by Constitution?

C) Presidential Oath of Office:(Found in Art. II, §1, ¶8)

a) What qualification banned:

Outline the Constitution

ARTICLE I LEGISLATIVE DEPARTMENT

A) Two houses (§1)

- a) *House*
- b) *Senate*

B) House of Representatives (§2)

- a) Term: *2 years*
- b) % elected every election year: *100%*
- c) How often is there an election year: *every second year (even-numbered years)*
- d) Minimum age: *25*
- e) Years a citizen: *7*
- f) How elected: *popular vote*
- g) How vacancy is filled: *Governor calls for special election*
- h) Main Officer: *Speaker of the House*
- i) # of House Members: *435*
- j) Number from each state: *varies with population, but minimum of 1*

C) Senate (§3)

- a) Term: *6 years*
- b) Fraction elected every election year: *1/3*
- c) How often is there an election year: *every second year (even-numbered years)*
- d) Minimum age: *30*
- e) Years a citizen: *9*
- f) How elected: *State Legislature before Amendment 17 (1913) now directly by people*
- g) How vacancy is filled: *Governor makes temp. appointment until next election*
- h) President of the Senate: *Vice President of U.S.*
 - 1) When he/she can vote? *ONLY in case of a tie*
 - 2) Who takes his/her place when absent? *President Pro Tempore (for time being, or temporary) is, by tradition, the longest serving Senator from the majority party*
- i) # of Senators *100*
- j) Number from each state: *2*

D) Enumeration (Census)

- a) Why important: *Basis for determining # of Representatives in each state*
- b) How often: *Every ten (10) years in years ending in a zero (0). {Gl 33}*

E) Impeachment: Who has what power {Gl 34}

- a) House: *Bill of Impeachment (reasons for the impeachment/charges)*
- b) Senate: *Trial of Impeachment*
- c) what fraction of the vote required for impeachment¹ *2/3 of Senate*

F) Who makes rules for election:² (§4) – *State legislatures, but Congress can change*

G) How often Congress meets: *At least annually {Gl 33} for meaning of Session & Congress*

H) When term begins (Changed by XX, § 1) *3rd of January at noon*

Section 5³

I) Compensation and Privilege (§6)

- a) what are they paid? *Decided by law*
- b) What are they free from?
Being arrested while attending a session and going/coming from same
- c) How freely can they speak?
Cannot be questioned about a speech or debate during a Session
- d) Changing pay (Amendment XXVII): *Pay cannot changed until next Session of Congress*

J) What 4 actions can a President take on any bill (§7)

- 1) *Sign it and it becomes law*
- 2) *Veto it (then Congress can try for override by 2/3 of EACH house)*
- 3) *If he/she doesn't sign/veto it in 10 day, becomes law without his/her signature*
- 4) *If Congress is not in session it does not become law (Congress not there to override)*

K) Where revenue raising bills must start: *House*

1 The number of House members needed to impeach is not specified, so presumably its a majority.

2 In 2014, the U.S. Supreme Court decided an important case about reapportionment. For more information, see the Glossary page 33.

3 Concerns rules that each chamber (House and Senate make for regulate themselves, so not really relevant here).

L) Named Powers of Congress (§8)

- 1) Lay and collect Taxes and Duties
- 2) Borrow Money on credit of US
- 3) Regulate Commerce
- 4) Rules for Naturalization [becoming a citizen] and Bankruptcies
- 5) Coin Money
- 6) Provide punishment for counterfeit
- 7) Create Post Office
- 8) Create rules for patents and copyrights
- 9) Create Tribunals [federal courts] inferior [lower] than the Supreme Court
- 10) Create laws for punishing Piracies
- 11) Declare War
- 12) Support and raise Armies
- 13) Provide for and maintain a Navy
- 14) Make rules for army and navy
- 15) Call forth Militias
- 16) Provide for the training and arming of the Militias
- 17) Creates all laws for District of Columbia (Washington D.C.)
- 18)⁴ Make all laws Necessary and Proper to carry out the forgoing powers

M) Limitations on Power of United States⁵ (§9)

- 1) Writ of Habeas Corpus not be suspended {Gl 34}
- 2) No Bills of Attainder {Gl 34}
- 3) No ex post facto laws {Gl 34}
- 4) Limits on taxing power {Gl 34}
- 5) Can't tax things made in US {Gl 34}
- 6) No state can require other states to pay duties {Gl 34}
- 7) No money drawn from US Treasury without law appropriating said money
- 8) Can't create titles of nobility (e.g. King, Duke etc.)

N Powers Prohibited to the States §10

- 1) Can't make treaties
- 2) Can't charge other states duties {Gl 34}
- 3) No Bills of Attainder {Gl 34}
- 4) No ex post facto laws {Gl 34}
- 5) Impair obligation of contract {Gl 35}
- 6) Can't create titles of nobility (e.g. King, Duke etc.)

4 The most general and comprehensive power, the "Necessary and Proper" clause allows Congress to make any laws needed to carry out the provisions of the Constitution. This gives them very broad powers.

5 Some of the prohibitions apply both to the state and the feds so the same glossary entry is used for both.

ARTICLE II EXECUTIVE DEPARTMENT (§1)

A) President and Vice President

- a) Term: *4 years*
- b) Minimum age: *35*
- c) Years a citizen: *Must be “natural born” {GI 35}*
- d) How elected? (See Amendment XII) *by the Electoral College {GI 35}*
- e) When term begins (See Amendment XX, § 1): *January 20 at noon*

B) Powers alone (§2)

- 1) *Commander-in-Chief*
- 2) *May get opinions from Cabinet officers*
- 3) *Grant pardons*
- 4) *Fill vacancies {GI 36}*

C) Powers with “Advise and Consent of Senate” (§2)

- 1) *Appoint ambassadors*
 - a) what fraction: *Majority*
- 2) *Appoint Supreme Court and other justices*
 - a) what fraction: *Majority*
- 3) *Appoint cabinet officers*
 - a) what fraction: *Majority*
- 4) *Make Treaties*
 - a) what fraction: *2/3*

D) Duties (§3)

- 1) *Given annual State of Union address*
- 2) *Send bills to Congress*
- 3) *Receive ambassadors*
- 4) *Convene Congress when thinks necessary*
- 5) *See that laws are faithfully executed*
- 6) *Commission all officers*

E) Impeachment: *May be removed by impeachment for “high crimes and misdemeanors”*

F) Succession

- a) Vice President
- b) Speaker of the House (Highest Ranking Representative)
- c) President Pro Tempore of the Senate (Highest Ranking Senator)
- d) Members of the Cabinet in the order listed in the law *{GI 36}*

ARTICLE III JUDICIAL DEPARTMENT (§1)

A) Supreme Court (*Power in 1 supreme and then inferior courts as deemed necessary*)

- a) Term: *Life*
- b) Minimum age: *None*
- c) Years a citizen: *Not specified*
- d) How appointed: *By president with “advise and consent of Senate”*
- e) Pay: *Can’t be diminished*
- f) # of Justices on U.S. Supreme Court (USSC) *9*

B) Jurisdiction of Federal Courts

- a) Federal Question (federal law and Constitution)
- b) Diversity of Citizenship (people from different states)
- c) Supreme Court usually only hears appeals not trials

C) Trial of Crimes Except Treason⁶

- a) Generally, where are the trials held? *State in which they were committed*
- b) Who hears the trials? *Jury*

ARTICLE IV STATES AND FEDERAL GOVERNMENT

A) States to give each other:

- a) Full Faith and Credit *{GI 36}*

B) Privileges (or lack) of Citizens

- a) Privileges and Immunities *{GI 37}*
- b) Extradition *Request to move a person accused of a crime from one state to another*
- c) Return of slaves (*Was outlawed by Amendment XIII*)

C) New states: *Admitted by Congress but not combine states w/o their consent*

D) Control of Property: *Gives Congress right to control federal lands & other federal property*

E) Protection of States Guaranteed by Federal Government

- a) Republican form of government *{GI 37}*

⁶ See also Amendments 4, 5, 6, 7 & 8 for other criminal trial rights.

ARTICLE V AMENDMENTS

- a) To **Propose** an amendment takes a vote of:

2/3 of BOTH houses

OR a vote of 2/3 of states to convene a Constitutional Convention

- b) To **Ratify**

a vote of 3/4 of state legislatures (50 x .75 = 37.5 means 38 states Convention)

OR a vote of to convene a Constitutional Convention

- c) What can't change: *Equal suffrage in Senate (2 Senators/state)*

ARTICLE VI GENERAL PROVISIONS

- A) Constitution and Federal Laws are: "Supreme Law of the land" {Gl 37}

- B) Who is bound by Constitution?

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

- C) Presidential Oath of Office:(Found in Art. II, §1, ¶8)

"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."

- a) What qualification banned: *Religious test* {Gl 37}

The U.S. Constitution

PREAMBLE

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article. I – (Legislative Branch)¹

Section. 1.

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

Section. 2.

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.

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.

~~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.~~²

The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse [choose] three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

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

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

¹ The article titles are for illustrative purposes only. They do not appear in the Constitution.

² Repealed by the XIV Amendment. See 24 for language.

Section. 3.

The Senate of the United States shall be composed of two Senators from each State, ~~chosen by the Legislature~~³ thereof for six Years; and each Senator shall have one Vote.

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.

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.~~⁴

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.

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.

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

The Senate shall chuse [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 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.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section. 4.

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

3 Changed by Amendment XVII, Passed by Congress May 13, 1912. Ratified April 8, 1913.

4 Changed by Amendment XVII, Passed by Congress May 13, 1912. Ratified April 8, 1913.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, on January 3 unless they shall by Law appoint a different Day.⁵

Section. 5.

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 may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

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.

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.

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.

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 encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section. 7.

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.

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,

⁵ Amendment XX. Passed by Congress March 2, 1932. Ratified January 23, 1933. See also definitions for session and congress on Glossary page 34.

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.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section. 8.

- 1) The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;
- 2) To borrow Money on the credit of the United States;
- 3) To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;
- 4) To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;
- 5) To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;
- 6) To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;
- 7) To establish Post Offices and post Roads;
- 8) To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;
- 9) To constitute Tribunals inferior to the supreme Court;
- 10) To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;
- 11) To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;
- 12) To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;
- 13) To provide and maintain a Navy;
- 14) To make Rules for the Government and Regulation of the land and naval Forces;
- 15) To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

- 16) To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;
- 17) To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—
And
- 18) To make all Laws which shall be necessary and proper⁶ for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section. 9.

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.⁷

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.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, ~~unless in Proportion to the Census or enumeration herein before directed to be taken.~~⁸

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.

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

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.

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.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

⁶ Sometimes called the *Elastic Clause* because it expands the power of Congress.

⁷ Not directly repealed by XIII Amendment, but clearly not applicable anymore.

⁸ This clause required everyone to be taxed the same amount so prohibited income tax. Amendment XVI allowed for income tax. See Glossary 33 for further explanation.

Section. 10.

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports 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 Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article. II - Executive Branch (President)

Section. 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:

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.

~~The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.~~⁹

⁹ Originally changed by Amendment XII which was then superseded by Amendment XX (see 27)

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

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.

~~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.~~¹⁰

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.

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

Section. 2.

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences [offenses] against the United States, except in Cases of Impeachment.

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 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.

¹⁰ Changed by Amendment XXV (see page 29).

Section. 3.

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section. 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 (Courts)

Section. 1.

The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

Section. 2.

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,~~¹¹—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 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.

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 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.

¹¹ Modified by Amendment XI (see page 24).

Section. 3.

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.

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

Article. IV – The States

Section. 1.

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section. 2.

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

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.

~~No Person held to Service or Labour [original and British spelling of the work 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 Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.~~¹²

Section. 3.

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.

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.

¹² Slavery was outlawed by the XIII Amendment (see page 25)

Article. V - The Amendment Process

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Article. VI - Legal Status of Constitution (Supreme Law of Land)

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 Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Article. VII - Ratification

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Attest William Jackson Secretary

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 seven¹³ and of the Independence of the United States of America the Twelfth In witness whereof We have hereunto subscribed our Names

¹³ September 17 was declared Constitution Day in 2004 with the passage of an amendment by Senator Robert Byrd to the Omnibus spending bill of 2004. Before this law was enacted, the holiday was known as "Citizenship Day". In addition to renaming the holiday "Constitution Day and Citizenship Day," the act **mandates** that all publicly funded educational institutions, and all federal agencies, provide educational programming on the United States Constitution on that day.

The Bill of Rights

Constitutional Amendments 1-10 make up what is known as The Bill of Rights.

Enacted on Wednesday the fourth of March, one thousand seven hundred and eighty nine [1789]. These amendments were ratified December 15, 1791.

Amendment I

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

Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III

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

Amendment IV

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

Amendment V

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

Amendment VI

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

Amendment VII

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

Amendment VIII

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

Amendment IX

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

Amendment X

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

Constitutional Amendments XI - XXVII (11-27)

Amendment XI¹

Passed by Congress March 4, 1794. Ratified February 7, 1795.

Note: Article III, section 2, of the Constitution was modified by amendment 11.

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. [see Glossary page 37 for more info].

Amendment XII

Passed by Congress December 9, 1803. Ratified June 15, 1804.

Note: A portion of Article II, section 1 of the Constitution was superseded by the 12th amendment.

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

¹ See the Glossary for more information.

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 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.

Note: Superseded by section 3 of the 20th amendment.

Amendment XIII

Passed by Congress January 31, 1865. Ratified December 6, 1865.

Note: A portion of Article IV, section 2, of the Constitution was superseded by the 13th amendment.

Section 1.

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

Section 2.

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

Amendment XIV

Passed by Congress June 13, 1866. Ratified July 9, 1868.

Note: Article I, section 2, of the Constitution was modified by section 2 of the 14th amendment.

Section 1.

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

Section 2.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age,² 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.

² See Amendment XXVI which gave 18 year olds the right to vote.

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.

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 or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5.

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

Note: Changed by section 1 of the 26th amendment.

Amendment XV

Passed by Congress February 26, 1869. Ratified February 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—

Section 2.

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

Amendment XVI

Passed by Congress July 2, 1909. Ratified February 3, 1913.

Note: Article I, section 9, of the Constitution was modified by amendment 16.

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

Amendment XVII

Passed by Congress May 13, 1912. Ratified April 8, 1913.

Note: Article I, section 3, of the Constitution was modified by the 17th amendment.

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.

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.

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

Amendment XVIII

Passed by Congress December 18, 1917. Ratified January 16, 1919. Repealed by amendment 21.

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.

Amendment XIX

Passed by Congress June 4, 1919. Ratified August 18, 1920.

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.

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

Amendment XX

Passed by Congress March 2, 1932. Ratified January 23, 1933.

Note: Article I, section 4, of the Constitution was modified by section 2 of this amendment. In addition, a portion of the 12th amendment was superseded by section 3.

Section 1.

The terms of the President and the Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2.

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d 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 shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4.

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

Section 5.

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

Section 6.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

Amendment XXI

Passed by Congress February 20, 1933. Ratified December 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.

Amendment XXII

Passed by Congress March 21, 1947. Ratified February 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 President more than once. But this Article shall not apply to any person holding the office of President when

this Article was proposed by Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2.

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

Amendment XXIII

Passed by Congress June 16, 1960. Ratified March 29, 1961.

Section 1.

The District constituting the seat of Government of the United States shall appoint in such manner as Congress may direct:

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

Section 2.

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

Amendment XXIV

Passed by Congress August 27, 1962. Ratified January 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 poll tax or other tax.

Section 2.

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

Amendment XXV

Passed by Congress July 6, 1965. Ratified February 10, 1967.

Note: Article II, section 1, of the Constitution was affected by the 25th amendment.

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.

Section 3.

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

Section 4.

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

Passed by Congress March 23, 1971. Ratified July 1, 1971.

Note: Amendment 14, section 2, of the Constitution was modified by section 1 of the 26th amendment.

Section 1.

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

Section 2.

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

Amendment XXVII

Originally proposed Sept. 25, 1789. Ratified May 7, 1992.

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

The US Constitutional Amendments – At a Glance

Freedoms	Rights	Property and Taxes	Criminal Trial Procedure	Civil Trial Procedure	Gov't Can't	Due Process & = Protection	Elections	Voting	Cultural

The US Constitutional Amendments – At a Glance

Freedoms	Rights	Property and Taxes	Criminal Trial Procedure	Civil Trial Procedure	Gov't Can't	Due Process & = Protection	Elections	Voting	Cultural
I: Speech Press Assembly Religion ◊ Free exercise III: Bill of Rights soldiers IV: Be secure in: ◊ House ◊ Person ◊ Effects XIII: Slavery	I: Petition Gov't II: Bear arms IX: Penumbra <i>(rights not listed in Cons.)</i> X: State Rights <i>(Powers not given to Feds reserved for states and people)</i>	V: No taking of property w/o just compensation XVI: Income tax <i>(gave Congress power to tax income. Overrides Art. I §3 ¶3 & Art I §9 ¶14)</i>	V: No self-incrimination No double jeopardy Get Due Process VI: Trials must be: ◊ Speedy ◊ Public Must have: ◊ Impartial jury Def has right to: ◊ Know charges ◊ Subpoena witnesses ◊ Lawyer VIII: No Excessive: ◊ fines ◊ Bail Can't inflict ◊ Cruel and unusual punishment	VII: Jury trial for \$20 or more XI: Limitations of states being sued in federal court	I: Establish a religion or favor one over another V: Require self-incrimination V: Try someone twice for same crime <i>(double jeopardy)</i> V: Take life, liberty or property w/o Due Process XV: Deny voting on account of race, color, slavery XIX: Deny voting on account of sex XXIV: Deny voting on account of not paying Poll Tax XXVI: Deny voting on account of age (18)	V: Fed required to give Due Process XIV: States required to give Due Process and Equal Protection <i>(Bill of Rights apply to state thru XIV Amendment)</i>	XII: Electoral College ◊ Electors vote separately for Pres. and VP. If no candidate gets majority then HR elects Pres. and Senate elects VP XVII: Popular election of Senators <i>(Overrides Art. I §3 ¶1)</i> XX: Terms: ◊ President: Jan. 20 @ noon <i>(Pres prev. took office in April.)</i> ◊ Congress: January 3 @ noon <i>(Overrides Art I §4 §2)</i> XXII: President term limited to 10 years XXV: Provides a list of presidential succession after VP <i>(i.e. Speaker of the House, etc.)</i>	XV: Elective Franchise for non-whites XIX: Equal suffrage for women XXIV: Outlaw Poll Tax XXVI: All 18 year olds can vote.	XVIII: Prohibition XXI: Repeal of Prohibition

Glossary¹

Here is information on some of the some of the provisions I thought could use some clarification in the order in which they appear in the Constitution. Also included are links to copies of the Constitution from: the national archives, the Library of Congress and Montpelier.

Article I Legislative Branch – Census

Reapportionment and a recent USSC case: Per the Constitution the U.S. makes an enumeration [census² or counting of the population] every ten years. After the census, the number of representatives² from each state is reapportioned [reallocated] depending on population shifts (some states gain representatives and some lose them). Reapportionment also means that new congressional district **boundaries** must be drawn. So, once a state knows how many representatives it will have, the **state legislature** draws the new boundaries. As you can imagine, the party in power will usually attempt to draw these boundaries to favor themselves instead of drawing them in a more neutral or straightforward way. The drawing of convoluted boundaries is called **gerrymandering**.³ To avoid this, some states (e.g., Arizona and California) have removed the power to draw the districts from the legislature and given it to **independent commissions**. In the case of *Arizona State Legislature v. Arizona Independent Redistricting Commission – AIRC* the U.S. Supreme Court (USSC) held that using an independent commission was **constitutional**.

https://www.supremecourt.gov/opinions/14pdf/13-1314_3ea4.pdf

A Congress and a Session

Congress: Article I §4 says that Congress must meet at least annually. Since the members of the House have to run every two years, a Congress runs from the time the House members take office⁴ and continues until the January 3rd of the year following the next elections (e.g. January 3, 2019).

Session: A Congress has two sessions, each lasting one year. For example, on January 3, 2017, the 115th Congress, First Session, opens. On January 3, 2018, the 115th Congress, Second Session, opens. After the November 2018 mid-term (non-presidential) election, the 116th Congress, First Session will begin on January 3, 2019.

1 I have used Wikipedia when useful. Many other sites have a lot of advertising which didn't seem appropriate.

2 There are 435 members in the House of Representatives.

3 This term and image first appeared in the Boston Gazette on March 26, 1812. A bill signed by Massachusetts Governor Elbridge Gerry redistricted Massachusetts to benefit Gerry's party, the Democratic-Republicans. One of the contorted districts in the Boston area resembled a salamander, hence the term *gerrymander* (see <http://redistricting.ils.edu/why.php> for the image and more information on gerrymandering).

4 Under Amendment XX that date is January 3rd of the year after a November election (e.g. January 3, 2017 at noon).

Article I §8 Powers of Congress

Presidential Impeachment: Two presidents, Andrew Johnson and Bill Clinton were impeached by the House (in other words the **charges** were drawn up, voted on and passed by a majority of the House). The Senate (which is the **trial court** in a presidential impeachment case) acquitted both (it takes 2/3 to convict). The House held impeachment hearing against Richard Nixon for Watergate, but he resigned before he could be impeached.

Article I §9 Prohibition Clauses

Writ: Knights would **petition** [file a written legal request] to the king to issue an order. If the king granted the petition, he would issue a **writ**. This terminology survives in the legal world today.

Habeas corpus (Petition and Writ): Is used to get a person who is being illegally held (in jail, mental hospital, etc.) released. The petition would be filed with a court and if granted, the court would issue a writ to free the person.

https://en.wikipedia.org/wiki/Habeas_corpus

Attainder (Bill of Attainder): A bill of attainder is an act of a legislature declaring a person or group of persons guilty of some crime and punishing them, often without a trial. The effect of such a bill is to **nullify [get rid of] the targeted person's civil rights, including the right to own property**. The effect was that the tainted person could **not** pass on their property to their heirs. Bills of Attainder were passed in England between about 1300 and 1800 and resulted in the executions of a number of notable historical figures.⁵ As with other common colonial problems (like the quartering of soldiers),⁶ the founders did not want Bills of Attainder to be allowed in our new country, so they wrote the ban into the Constitution.

https://en.wikipedia.org/wiki/Bill_of_attainder

Ex post facto law: A law that makes something illegal *in the past*. For example, passing a law on **February 1, 2016** making marijuana smoking illegal effective **January 1, 2016**.

Taxing income: Originally the Constitution provided that [direct] taxes must be levied equally, meaning that **taxes must be the same for each person**. In *Pollock v. Farmers' Loan & Trust Company*, 157 U.S. 429 (1895), the U.S. Supreme Court (USSC) ruled that taxes on interest, dividends, etc. were direct taxes and therefore violated Article I §, ¶1 requiring direct taxes to be apportioned equally. To cure this problem, Congress passed Amendment XVI in 1913, providing for taxes on income "from whatever source derived."

Interstate taxing powers: One of the brilliant ideas in the Constitution, was that the states could not tax each other's goods or impose duties [import taxes] on each other. The federal government also could not tax the states. As the country grew, this allowed for goods to move from state to state without tax or duties, providing a 3,000 mile free market. Contrast that with Europe, which is struggling with how to maintain their duty-free market.

⁵ Wikipedia dictionary.

⁶ This was banned by the Third Amendment.

Impairing the obligation of contracts: This is known as the **Contract Clause**. Two basic principles apply here, both are designed to protect property rights: (1) state laws on private contracts must be prospective [in the future], in other words contracts can't be altered retroactively [after the fact]; and (2) such laws may alter only the remedy [what relief a person can get, for example the amount of money] and not the substance of the contract [i.e. the **terms** of the contract cannot be changed].

<http://study.com/academy/lesson/contract-clause-examples-definition.html>

Article II Executive Branch

Natural born citizen: This means that a person is a U.S. citizen at birth (so did not have to be naturalized). "The original meaning of the phrase **natural born Citizen** includes persons born abroad who are citizens from birth based on the citizenship of a parent. The First Congress established that children born abroad to U.S. citizens were U.S. citizens at birth, and explicitly recognized that such children were natural born citizens." The Naturalization Act of 1790 provided that "the children of citizens of the United States, that may be born beyond sea, or out of the limits of the United States, shall be considered as natural born citizens."

For example, one of the drafters and signers of the Constitution, John Jay, had children who were born abroad while he served on diplomatic assignments. It would be highly unlikely that he would put something in the Constitution that would exclude his own children.

A modern day example is John McCain who was born in the Panama Canal while his father was a naval officer stationed there.

<http://harvardlawreview.org/2015/03/on-the-meaning-of-natural-born-citizen/>

Presidential Elections

1) Popular vote: All states vote for president on the first Tuesday after the first Monday in November⁷ (e.g. 11/8/16). The votes are tallied and each state's winner is declared. While we assume the election is over, technically it is not. Per Amendment XII, the electors—the people in the Electoral College (EC)—have to vote first.

2) Electoral College: Under 3 USC [U.S. Code] §7, the electors⁸ for president and vice president of each State shall meet in their respective states and give their votes on the first Monday after the second Wednesday in December (e.g. 12/19/17). Each state has the number of electors equal to the number of House members (representatives) plus the two senators. For example, California has 53 reps so it has 55 EC votes. Washington D.C. has 3 EC votes. Therefore, 435 reps + 100 senators + DC = 538. Then, to get 50% divide $538/2 = 269$. Since the winner needs a majority for the majority, you need 270 EC votes ($538/2 = 269 + 1$).

⁷ Per federal law 3 USC §1.

⁸ Are generally chosen by the political parties in each state and are often state officials. (see <http://www.archives.gov/federal-register/electoral-college/electors.html>).

3) Certificate of Vote: The final step. A signed Certificate of Vote from each state is sent to Congress. Congress opens them in a joint meeting on January 6 [remember, a new session of Congress begins on January 3]. The winner is then declared and the president gets inaugurated on January 20th at noon.

<http://www.archives.gov/federal-register/electoral-college/key-dates.html>

Recess Appointments: If the president wants to make an appointment (cabinet, ambassador or U.S. Supreme Court justice), the Senate needs to be there so they can “advise and consent” to the appointment (hence the importance of being in session).

But, the Constitution provides that if Congress is in recess, the president can fill vacancies (Article II § 2). These appointments are good until the next session of Congress.⁹ To prevent recess appointment, even if Congress really is in recess and members are on vacation back in their districts, a handful of them stay **in session** continuously, but don’t conduct any business. There have been many arguments about what constitutes being in session, but this issue remains unsettled. Note: both parties use this strategy when the president and the Senate are controlled by different parties, e.g. President Obama and the Republican senate.

Order of Succession for president: The Presidential Succession Act of 1947 (signed by President Harry Truman) created the order that exists today. After the vice president, the speaker of the house and the president pro tempore of the senate, the cabinet officers are next in order, by the date their offices were established as follows: State, Treasury, Defense, Attorney General, Agriculture, Commerce, Labor, HHS, HUD, Transportation, Energy, Ed, VA and Dept. Homeland Security.

Article Four

https://en.wikipedia.org/wiki/Article_Four_of_the_United_States_Constitution

Full faith and credit: Legal scholars indicate that the framer’s goal for this clause was to unite the new country. And to do so, they thought it was necessary to guarantee that judicial decisions and judgments by a court in one state would be honored by the courts in other states.

Additionally, the clause prevented people who are unhappy with the decision in one court, to go to another state and try again.

This Clause applies, for example, in child custody disputes or judgments in a contract disputes. (If A gets a \$100,000 judgment or an order giving him/her \$2,500 per month in child support against B in New York, if B moves to Michigan, A can ask the Michigan court to enforce the judgment or order).

Possible application to same-sex marriage: Instead of deciding that same-sex marriage was a fundamental right, the Court could have use the this clause as follow: Just as a marriage between a man and a women performed in state Z would be recognized (without question) in all 50 states, a same-sex marriage performed in state Z, where it was legal, would also have to be recognized in state Q, regardless of whether same-sex marriage was legal in state Q.

⁹ See page 33: Congress and Session.

Privileges and Immunities (Article IV §2): Not well defined, but generally thought to say to the states: whatever rights you grant or establish for your own citizens shall be applied to citizens of other States who come to your state (e.g. people who travel or live there temporarily).

Privileges or Immunities (14th Amendment): This was adopted after the civil war. It echoes the original clause, so while legal scholars argue about its exact meaning, it's generally recognized to be the same as in Article IV §2.

Republican form of government: Generally means a **representative** democracy, is one where local, state and federal [Congress] legislatures make the laws (as opposed to a direct democracy where the people gather and vote on laws).¹⁰ This is also not well defined.

Article VI

Supreme Law of the Land: aka the **Supremacy Clause**, means that if a state law or constitution conflicts with a federal one, or with the U.S. Constitution, then the U.S. Constitution and/or the federal law prevails. Both can exist side by side on the same issue, but if there is a conflict, the federal law **preempts** [overrides] the state one.

Marijuana possession could fall in this category. In some states, e.g. Colorado, possession of an ounce or less is legal. However, under federal law, marijuana is a Schedule I drug.¹¹ As a result, in Colorado, you can still get arrested by the feds for an ounce of marijuana that the State says is legal to possess.

No religious test: The core message here is simple and basic. In this country, we do not bar members of minority [or any] faiths from holding political office or condition participation in public service on a person's willingness to affirm religious teachings that may be foreign to his or her beliefs.

<http://constitutioncenter.org/interactive-constitution/articles/article-vi/no-religious-tests-brownstein/clause/32>

Amendments

Eleventh Amendment: This amendment is not well understood (it has been given four different interpretations over the years). Passed shortly after the Bill of Rights in response to the USSC decision in *Chisholm v Georgia* (a case about Revolutionary War debts).

<http://constitutioncenter.org/interactive-constitution/amendments/amendment-xi>

¹⁰ This form of democracy exists today in the Swiss canton [states] of Appenzell and others.

¹¹ Schedule I drugs, substances, or chemicals are defined as drugs with no currently accepted medical use and a high potential for abuse.

General Concepts

There are two power sharing methods outlined in the Constitution: division of powers and separation of powers. These are defined as follows:

Federalism: (aka division of powers) is system of government where the states and the federal government share power.

<https://www.vocabulary.com/dictionary/federalism>

Checks and Balances: (aka separation of powers) is system where one branch has the ability to **check** another branch (e.g. the president can veto a law and Congress can override the veto).

https://en.wikipedia.org/wiki/Separation_of_powers#Checks_and_balances

The Constitution

Transcript of US Constitution: from the national archives

http://www.archives.gov/exhibits/charters/constitution_transcript.html

Annotated Constitution: from the Library of Congress

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

ConText, explanations of the important U.S. documents: ConText is an online tool developed by the Robert H. Smith Center for the Constitution at Montpelier (the residence of James and Dolley Madison) in Virginia) in partnership with the Brookings Institution.

http://context.montpelier.org/document/175?gclid=CMAFn7_51MwCFcOSvQodvI0MxQ

Copyright Information

© 2016 Carla Young Garrett. All Rights Reserved

Provided that the copyright information remains intact on each page, permission is hereby granted to share this free item with other teachers.

While every reasonable precaution has been taken to insure accuracy in the preparation of these materials, the author and publisher do not assume responsibility for errors or omissions, or for damages resulting from the use of information contained herein.

Purchasing Information

If you found these materials helpful, please see my other government/civics and economics lessons in my TpT Store: <https://www.teacherspayteachers.com/Store/EconomicalDemocracy>.