

# The Constitution of the United States

## Preamble

The short and dignified preamble explains the goals of the new government under the Constitution.

**W**e 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.

**Note:** The parts of the Constitution that have been lined through are no longer in force or no longer apply because of later amendments. The titles of the sections and articles are added for easier reference.

## Article I The Legislature

### Section 1. Congress

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

### Section 2. The House of Representatives

**1. Elections** The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

**2. Qualifications** No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

**3. Number of Representatives** 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<sup>1</sup> for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.<sup>2</sup> The actual Enumeration<sup>3</sup> shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.~~

**4. Vacancies** When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

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

#### Legislative Branch

Article I explains how the legislative branch, called Congress, is organized. The chief purpose of the legislative branch is to make laws. Congress is made up of the Senate and the House of Representatives.

#### The House of Representatives

The number of members each state has in the House is based on the population of the individual state. In 1929 Congress permanently fixed the size of the House at 435 members.

#### Vocabulary

<sup>1</sup> **those bound to Service** indentured servants

<sup>2</sup> **all other Persons** slaves

<sup>3</sup> **Enumeration** census or official population count



## Section 3. The Senate

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

**2. Classifying Terms** Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

**3. Qualifications** No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

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

**5. Officers** The Senate shall choose their other Officers, and also a President **pro tempore**,<sup>4</sup> in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

**6. Impeachment Trials** The Senate shall have the sole Power to try all **Impeachments**.<sup>5</sup> When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

**7. Punishment for Impeachment** 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.

### The Vice President

The only duty that the Constitution assigns to the vice president is to preside over meetings of the Senate. Modern presidents have usually given their vice presidents more responsibilities.

#### EXPLORING THE DOCUMENT

If the House of Representatives charges a government official with wrongdoing, the Senate acts as a court to decide if the official is guilty.

**How does the power of impeachment represent part of the system of checks and balances?**

### Vocabulary

<sup>4</sup>**pro tempore** temporarily

<sup>5</sup>**Impeachments** official accusations of federal wrongdoing

### Federal Office Terms and Requirements

QUICK FACTS

Position	Term	Minimum Age	Residency	Citizenship
President	4 years	35	14 years in the U.S.	natural-born
Vice President	4 years	35	14 years in the U.S.	natural-born
Supreme Court Justice	unlimited	none	none	none
Senator	6 years	30	state in which elected	9 years
Representative	2 years	25	state in which elected	7 years

## Section 4. Congressional Elections

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

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

## Section 5. Rules/Procedures

**1. Quorum** 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**<sup>6</sup> to do Business; but a smaller Number may **adjourn**<sup>7</sup> from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

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

**3. Records** Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

**4. Adjournment** Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

## Section 6. Payment

**1. Salary** The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

**2. Restrictions** 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**<sup>8</sup> 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**<sup>9</sup> in Office.

### Vocabulary

<sup>6</sup>**Quorum** the minimum number of people needed to conduct business

<sup>7</sup>**adjourn** to stop indefinitely

<sup>8</sup>**Emoluments** salary

<sup>9</sup>**Continuance** term



## Vocabulary

<sup>10</sup> **Bills** proposed laws

### EXPLORING THE DOCUMENT

The framers felt that because members of the House are elected every two years, representatives would listen to the public and seek its approval before passing taxes. **How does Section 7 address the colonial demand of “no taxation without representation”?**

### EXPLORING THE DOCUMENT

The veto power of the president is one of the important checks and balances in the Constitution. **Why do you think the framers included the ability of Congress to override a veto?**

## Section 7. How a Bill Becomes a Law

**1. Tax Bills** All **Bills**<sup>10</sup> for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

**2. Lawmaking** 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.

**3. Role of the President** 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.

## How a Bill Becomes a Law

**1** A member of the House or the Senate introduces a bill and refers it to a committee.

**2** The House or Senate Committee may approve, rewrite, or kill the bill.



**3** The House or the Senate debates and votes on its version of the bill.

**4** House and Senate conference committee members work out the differences between the two versions.

**5** Both houses of Congress pass the revised bill.



## Section 8.

### Powers Granted to Congress

**1. Taxation** The Congress shall have Power To lay and collect Taxes, **Duties**,<sup>11</sup> **Imposts**<sup>12</sup> and **Excises**,<sup>13</sup> to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

**2. Credit** To borrow Money on the credit of the United States;

**3. Commerce** To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

**4. Naturalization and Bankruptcy** To establish an uniform **Rule of Naturalization**,<sup>14</sup> and uniform Laws on the subject of Bankruptcies throughout the United States;

**5. Money** To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

**6. Counterfeiting** To provide for the Punishment of counterfeiting the **Securities**<sup>15</sup> and current Coin of the United States;

**7. Post Office** To establish Post Offices and post Roads;

**8. Patents and Copyrights** 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. Courts** To constitute Tribunals inferior to the supreme Court;

**10. International Law** To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

## LINKING TO TODAY

### Native Americans and the Commerce Clause

The commerce clause gives Congress the power to “regulate Commerce with . . . the Indian Tribes.” The clause has been interpreted to mean that the states cannot tax or interfere with businesses on Indian reservations, but that the federal government can. It also allows American Indian nations to develop their own governments and laws. These laws, however, can be challenged in federal court. Although reservation land usually belongs to the government of the Indian group, it is administered by the U.S. government.

**Drawing Conclusions** How would you describe the status of American Indian nations under the commerce clause?

### Vocabulary

<sup>11</sup> **Duties** tariffs

<sup>12</sup> **Imposts** taxes

<sup>13</sup> **Excises** internal taxes on the manufacture, sale, or consumption of a commodity

<sup>14</sup> **Rule of Naturalization** a law by which a foreign-born person becomes a citizen

<sup>15</sup> **Securities** bonds



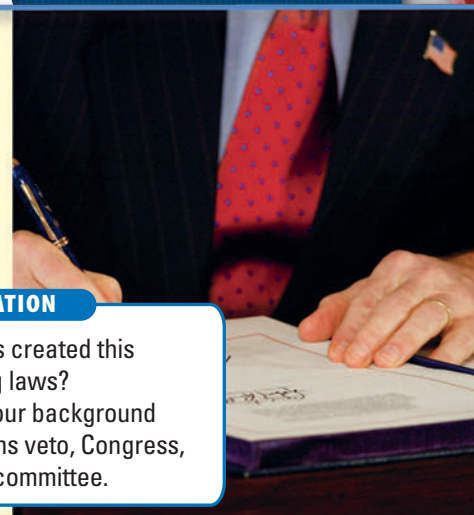
**6** The president signs or vetoes the bill.

**7** Two-thirds majority vote of Congress is needed to approve a vetoed bill. Bill becomes a law.

### ANALYSIS SKILL

#### ANALYZING INFORMATION

1. Why do you think the framers created this complex system for adopting laws?
2. Use this visual display and your background knowledge to define the terms veto, Congress, bill, law, and Congressional committee.





## Vocabulary

<sup>16</sup> **Letters of Marque and Reprisal** documents issued by governments allowing merchant ships to arm themselves and attack ships of an enemy nation

## The Elastic Clause

The framers of the Constitution wanted a national government that was strong enough to be effective. This section lists the powers given to Congress. The last portion of Section 8 contains the so-called elastic clause.

**11. War** To declare War, grant **Letters of Marque and Reprisal**,<sup>16</sup> and make Rules concerning Captures on Land and Water;

**12. Army** To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

**13. Navy** To provide and maintain a Navy;

**14. Regulation of the Military** To make Rules for the Government and Regulation of the land and naval Forces;

**15. Militia** To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

**16. Regulation of the Militia** 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. District of Columbia** 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. Necessary and Proper Clause** 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.

## The Elastic Clause

The elastic clause has been stretched (like elastic) to allow Congress to meet changing circumstances.

## Section 9. Powers Denied Congress

**1. Slave Trade** The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight; but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

**2. Habeas Corpus** The Privilege of the **Writ of Habeas Corpus**<sup>17</sup> shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

**3. Illegal Punishment** No **Bill of Attainder**<sup>18</sup> or **ex post facto Law**<sup>19</sup> shall be passed.

**4. Direct Taxes** No **Capitation**,<sup>20</sup> or other direct, Tax shall be laid, unless in Proportion to the Census or enumeration herein before directed to be taken.

**5. Export Taxes** No Tax or Duty shall be laid on Articles exported from any State.

**6. No Favorites** No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

**7. Public Money** No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

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

## Section 10. Powers Denied the States

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

**2. Import and Export Taxes** 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 Control of the Congress.

**3. Peacetime and War Restraints** 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.

### EXPLORING THE DOCUMENT

Although Congress has implied powers, there are also limits to its powers. Section 9 lists powers that are denied to the federal government. Several of the clauses protect the people of the United States from unjust treatment. **In what ways does the Constitution limit the powers of the federal government?**

### Vocabulary

<sup>17</sup>**Writ of Habeas Corpus** a court order that requires the government to bring a prisoner to court and explain why he or she is being held

<sup>18</sup>**Bill of Attainder** a law declaring that a person is guilty of a particular crime

<sup>19</sup>**ex post facto Law** a law that is made effective prior to the date that it was passed and therefore punishes people for acts that were not illegal at the time

<sup>20</sup>**Capitation** a direct uniform tax imposed on each head, or person



## Executive Branch

The president is the chief of the executive branch. It is the job of the president to enforce the laws. The framers wanted the president's and vice president's terms of office and manner of selection to be different from those of members of Congress. They decided on four-year terms, but they had a difficult time agreeing on how to select the president and vice president. The framers finally set up an electoral system, which varies greatly from our electoral process today.

## Presidential Elections

In 1845 Congress set the Tuesday following the first Monday in November of every fourth year as the general election date for selecting presidential electors.

# Article II The Executive

## Section 1. The Presidency

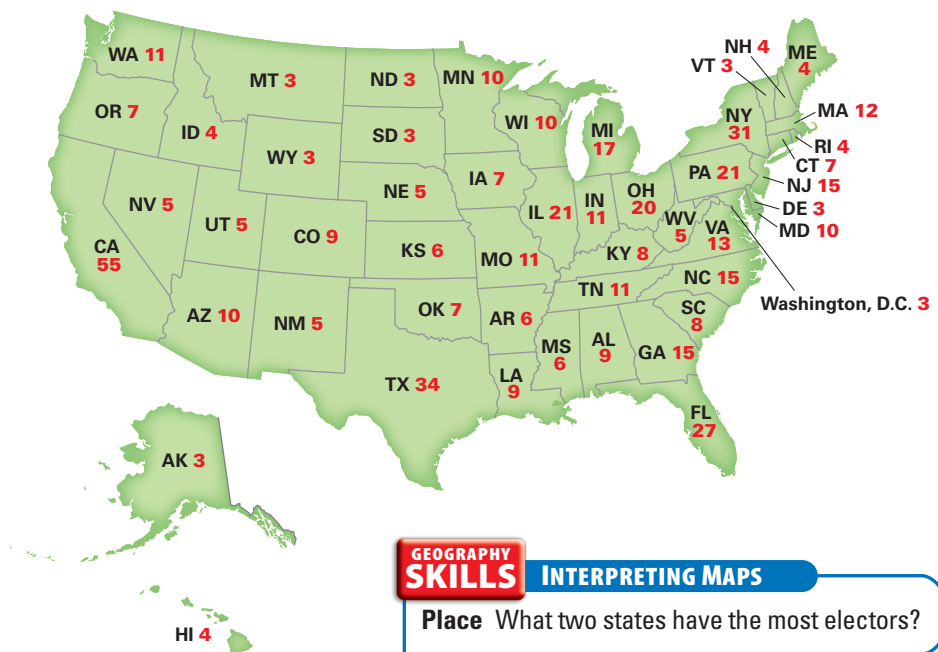
**1. Terms of Office** The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

**2. Electoral College** Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

**3. Former Method of Electing President** 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

## The Electoral College

11 Number of Electors



then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately choose by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner choose the President. But in choosing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall choose from them by Ballot the Vice President.

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

**5. Qualifications** 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. Succession** In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

**7. Salary** The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

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

#### EXPLORING THE DOCUMENT

The youngest elected

president was John F. Kennedy; he was 43 years old when he was inaugurated. (Theodore Roosevelt was 42 when he assumed office after the assassination of McKinley.)

**What is the minimum required age for the office of president?**

#### Presidential Salary

In 1999 Congress voted to set future presidents' salaries at \$400,000 per year. The president also receives an annual expense account. The president must pay taxes only on the salary.



### Commander in Chief

Today the president is in charge of the army, navy, air force, marines, and coast guard. Only Congress, however, can decide if the United States will declare war.

### Appointments

Most of the president's appointments to office must be approved by the Senate.

### Vocabulary

<sup>21</sup>**Reprieves** delays of punishment

<sup>22</sup>**Pardons** releases from the legal penalties associated with a crime

### The State of the Union

Every year the president presents to Congress a State of the Union message. In this message, the president introduces and explains a legislative plan for the coming year.

## Section 2. Powers of Presidency

**1. Military Powers** The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant **Reprieves**<sup>21</sup> and **Pardons**<sup>22</sup> for Offences against the United States, except in Cases of Impeachment.

**2. Treaties and Appointments** He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

**3. Vacancies** The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

## Section 3. Presidential Duties

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

## Section 4. Impeachment

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

## Article III The Judiciary

### Section 1. Federal Courts and Judges

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

### Section 2. Authority of the Courts

**1. General Authority** The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States —between a State and Citizens of another State; —between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

**2. Supreme Authority** 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.

#### Judicial Branch

The Articles of Confederation did not set up a federal court system. One of the first points that the framers of the Constitution agreed upon was to set up a national judiciary. In the Judiciary Act of 1789, Congress provided for the establishment of lower courts, such as district courts, circuit courts of appeals, and various other federal courts. The judicial system provides a check on the legislative branch: it can declare a law unconstitutional.

#### Federal Judicial System

QUICK  
FACTS

##### Supreme Court

Reviews cases appealed from lower federal courts and highest state courts

##### Courts of Appeals

Review appeals from district courts

##### District Courts

Hold trials



## Vocabulary

<sup>23</sup> **Corruption of Blood**  
punishing the family of a  
person convicted of treason

## The States

States must honor the laws, records, and court decisions of other states. A person cannot escape a legal obligation by moving from one state to another.

### EXPLORING THE DOCUMENT

The framers wanted to ensure that citizens could determine how state governments would operate. **How does the need to respect the laws of each state support the principle of popular sovereignty?**

**3. Trial by Jury** The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

## Section 3. Treason

**1. Definition** Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

**2. Punishment** The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work **Corruption of Blood**,<sup>23</sup> or Forfeiture except during the Life of the Person attainted.

## Article IV Relations among States

### Section 1. State Acts and Records

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. Rights of Citizens

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

**2. Extradition** A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

**3. Fugitive Slaves** No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

## Federalism

### QUICK FACTS

#### National

- Declare war
- Maintain armed forces
- Regulate interstate and foreign trade
- Admit new states
- Establish post offices
- Set standard weights and measures
- Coin money
- Establish foreign policy
- Make all laws necessary and proper for carrying out delegated powers

#### Shared

- Maintain law and order
- Levy taxes
- Borrow money
- Charter banks
- Establish courts
- Provide for public welfare

#### State

- Establish and maintain schools
- Establish local governments
- Regulate business within the state
- Make marriage laws
- Provide for public safety
- Assume other powers not delegated to the national government nor prohibited to the states

### ANALYSIS SKILL

#### ANALYZING INFORMATION

Why does the power to declare war belong only to the national government?

## Section 3. New States

**1. Admission** New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

**2. Congressional Authority** 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. Guarantees to the States

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.

### EXPLORING THE DOCUMENT

In a republic, voters elect representatives to act in their best interest. **How does Article IV protect the practice of republicanism in the United States?**



## EXPLORING THE DOCUMENT

America's founders may not have realized how long the Constitution would last, but they did set up a system for changing or adding to it. They did not want to make it easy to change the Constitution. **By what methods may the Constitution be amended? Under what sorts of circumstances do you think an amendment might be necessary?**

## National Supremacy

One of the biggest problems facing the delegates to the Constitutional Convention was the question of what would happen if a state law and a federal law conflicted. Which law would be followed? Who would decide? The second clause of Article VI answers those questions. When a federal law and a state law disagree, the federal law overrides the state law. The Constitution and other federal laws are the "supreme Law of the Land." This clause is often called the supremacy clause.

## 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.

## Article VI Supremacy of National Government

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.

## QUICK FACTS

### Amending the U.S. Constitution

#### Amendments can be proposed by

##### Congress



with a two-thirds  
vote in each house

##### National Convention



called by Congress  
at the request of two-thirds  
of the state legislatures

or

#### Ratified by

**Legislatures**  
of three-fourths  
of the states

or

**Conventions**  
in three-fourths  
of the states

**Amendment is added  
to the Constitution.**

## 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.

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*

*Attest:*

*William Jackson,  
Secretary*

### **Ratification**

The Articles of Confederation called for all 13 states to approve any revision to the Articles. The Constitution required that 9 out of the 13 states would be needed to ratify the Constitution. The first state to ratify was Delaware, on December 7, 1787. Almost two-and-a-half years later, on May 29, 1790, Rhode Island became the last state to ratify the Constitution.



# Constitutional Amendments

**Note:** The first 10 amendments to the Constitution were ratified on December 15, 1791, and form what is known as the Bill of Rights.

## Bill of Rights

One of the conditions set by several states for ratifying the Constitution was the inclusion of a bill of rights. Many people feared that a stronger central government might take away basic rights of the people that had been guaranteed in state constitutions.

### EXPLORING THE DOCUMENT

The First Amendment forbids Congress from making any “law respecting an establishment of religion” or restraining the freedom to practice religion as one chooses. **Why is freedom of religion an important right?**

## Rights of the Accused

The Fifth, Sixth, and Seventh Amendments describe the procedures that courts must follow when trying people accused of crimes.

## Vocabulary

<sup>24</sup> **quartered** housed

<sup>25</sup> **Warrants** written orders authorizing a person to make an arrest, a seizure, or a search

<sup>26</sup> **infamous** disgraceful

<sup>27</sup> **indictment** the act of charging with a crime

## Amendments 1–10. The Bill of Rights

### 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**<sup>24</sup> 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**<sup>25</sup> 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**<sup>26</sup> crime, unless on a presentment or **indictment**<sup>27</sup> of a Grand Jury, except in

## Fundamental Liberties

Freedom of Religion

Freedom of Speech





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**<sup>28</sup> by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

## Amendment VII

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

### Trials

The Sixth Amendment makes several guarantees, including a prompt trial and a trial by a jury chosen from the state and district in which the crime was committed.

### Vocabulary

<sup>28</sup> **ascertained** found out

### EXPLORING THE DOCUMENT

The Ninth and Tenth Amendments were added because not every right of the people or of the states could be listed in the Constitution. **How do the Ninth and Tenth Amendments limit the power of the federal government?**



Freedom of Assembly



Freedom to  
Petition the  
Government

### ANALYSIS SKILL

### ANALYZING INFORMATION

Which amendment guarantees these fundamental freedoms?

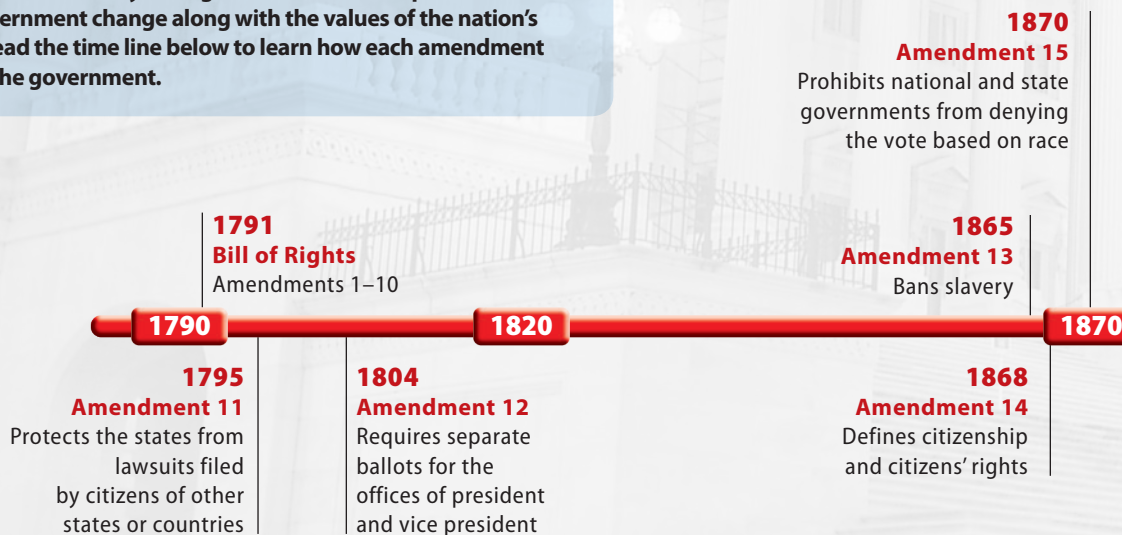


Freedom of the Press



## Amendments to the U.S. Constitution

The Constitution has been amended only 27 times since it was ratified more than 200 years ago. Amendments help the structure of the government change along with the values of the nation's people. Read the time line below to learn how each amendment changed the government.



## Amendments 11–27

### Amendment XI

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

The Judicial power of the United States shall not be **construed**<sup>29</sup> to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

### Amendment XII

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

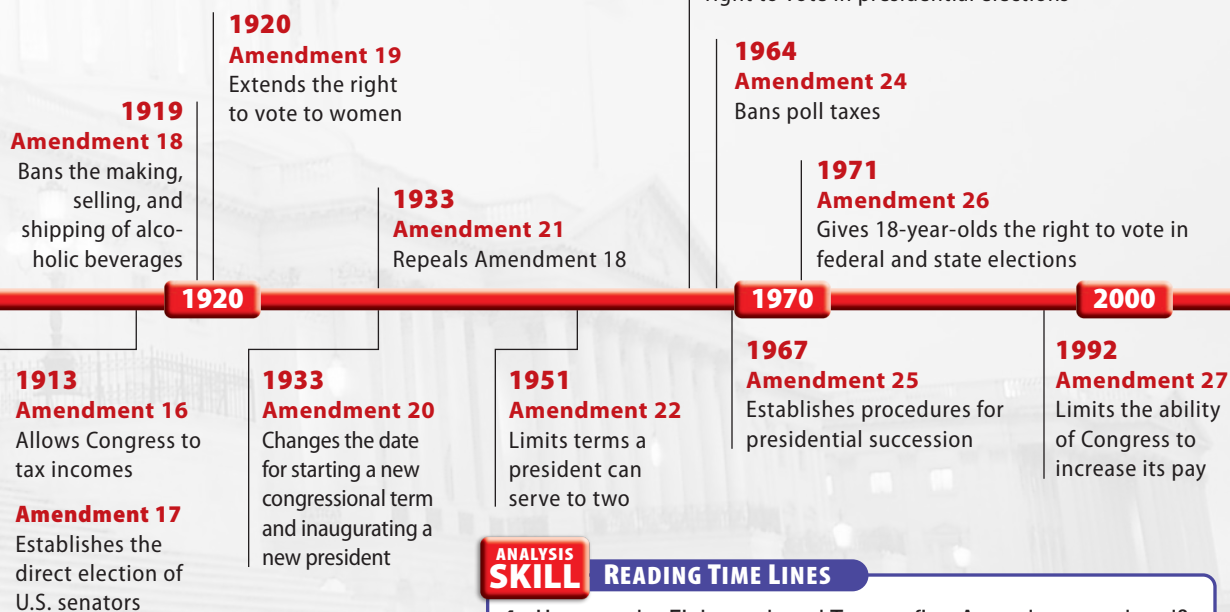
The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for 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

### Vocabulary

<sup>29</sup> **construed** explained or interpreted

### President and Vice President

The Twelfth Amendment changed the election procedure for president and vice president.



#### ANALYSIS SKILL

#### READING TIME LINES

1. How are the Eighteenth and Twenty-first Amendments related?
2. Which amendments relate to the right to vote?

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 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.



## Abolishing Slavery

Although some slaves had been freed during the Civil War, slavery was not abolished until the Thirteenth Amendment took effect.

## Protecting the Rights of Citizens

In 1833 the Supreme Court ruled that the Bill of Rights limited the federal government but not the state governments. This ruling was interpreted to mean that states were able to keep African Americans from becoming state citizens and keep the Bill of Rights from protecting them. The Fourteenth Amendment defines citizenship and prevents states from interfering in the rights of citizens of the United States.

## Vocabulary

<sup>30</sup> **involuntary servitude**  
being forced to work against one's will

## Amendment XIII

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

**1. Slavery Banned** Neither slavery nor **involuntary servitude**,<sup>30</sup> 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.

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

## Amendment XIV

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

**1. Citizenship Defined** 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.

**2. Voting Rights** 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.

**3. Rebels Banned from Government** 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.

**4. Payment of Debts** The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and



## The Reconstruction Amendments

The Thirteenth, Fourteenth, and Fifteenth Amendments are often called the Reconstruction Amendments. This is because they arose during Reconstruction, the period of American history following the Civil War. The country was reconstructing itself after that terrible conflict. A key aspect of Reconstruction was extending the rights of citizenship to former slaves.

The Thirteenth Amendment banned slavery. The Fourteenth Amendment required states to respect the freedoms listed in the Bill of Rights, thus preventing states from denying rights to African Americans. The Fifteenth Amendment gave African American men the right to vote.



African Americans participate in an election.

### ANALYSIS SKILL

#### ANALYZING INFORMATION

Why was the Thirteenth Amendment needed?

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.

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

## Amendment XV

*Passed by Congress February 26, 1869. Ratified February 3, 1870.*

**1. Voting Rights** 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.

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



**EXPLORING  
THE DOCUMENT**

The Seventeenth Amendment requires that senators be elected directly by the people instead of by the state legislatures. **What principle of our government does the Seventeenth Amendment protect?**

**Prohibition**

Although many people believed that the Eighteenth Amendment was good for the health and welfare of the American people, it was repealed 14 years later.

## Amendment XVI

*Passed by Congress July 2, 1909. Ratified February 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.

## Amendment XVII

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

**1. Senators Elected by Citizens** 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. Vacancies** When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

**3. Future Elections** 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 XXI.*

**1. Liquor Banned** 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.

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

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



## Women Fight for the Vote



To become part of the Constitution, a proposed amendment must be ratified by three-fourths of the states. Here, suffragists witness Kentucky governor Edwin P. Morrow signing the Nineteenth Amendment in January 1920. By June of that year, enough states had ratified the amendment to make it part of the Constitution. American women, after generations of struggle, had finally won the right to vote.

### ANALYSIS SKILL

#### ANALYZING INFORMATION

What right did the Nineteenth Amendment grant?

## Amendment XIX

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

**1. Voting Rights** 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.

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

## Amendment XX

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

**1. Presidential Terms** 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.

### Women's Suffrage

Abigail Adams and others were disappointed that the Declaration of Independence and the Constitution did not specifically include women. It took many years and much campaigning before suffrage for women was finally achieved.



## Taking Office

In the original Constitution, a newly elected president and Congress did not take office until March 4, which was four months after the November election. The officials who were leaving office were called lame ducks because they had little influence during those four months. The Twentieth Amendment changed the date that the new president and Congress take office. Members of Congress now take office during the first week of January, and the president takes office on January 20.

**2. Meeting of Congress** 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.

**3. Succession of Vice President** 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.

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

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

**6. Ratification** 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.*

**1. 18th Amendment Repealed** The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

**2. Liquor Allowed by Law** 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.

**3. Ratification** 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.*

**1. Term Limits** 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.

**2. Ratification** 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.

After Franklin D. Roosevelt was elected to four consecutive terms, limits were placed on the number of terms a president could serve.



## Amendment XXIII

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

**1. District of Columbia Represented** 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.

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

### EXPLORING THE DOCUMENT

From the time  
of President

George Washington's administration, it was a custom for presidents to serve no more than two terms in office. Franklin D. Roosevelt, however, was elected to four terms. The Twenty-second Amendment restricted presidents to no more than two terms in office. **Why do you think citizens chose to limit the power of the president in this way?**

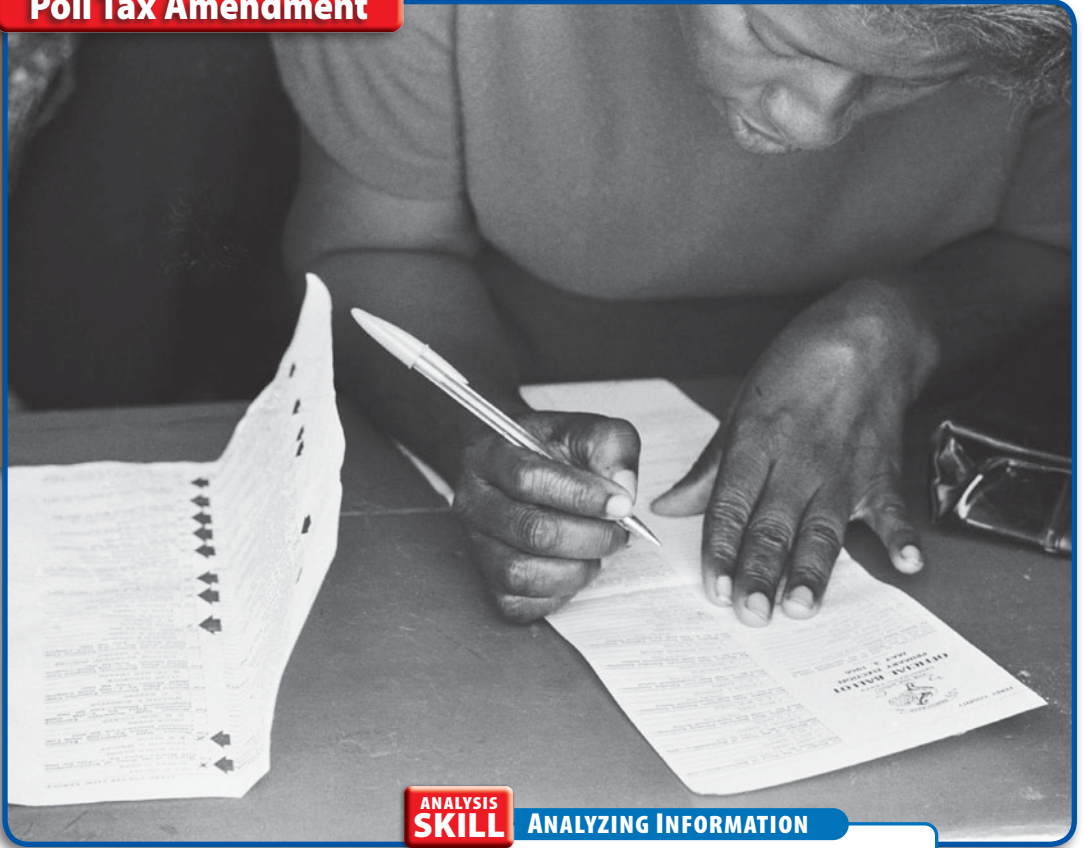
### Voting Rights

Until the ratification of the Twenty-third Amendment, the people of Washington, D.C., could not vote in presidential elections.



Poll taxes were used to deny many poor Americans, including African Americans and Hispanic Americans, their right to vote. These taxes were made unconstitutional by the Twenty-fourth Amendment. At right, an African American woman in Alabama votes for the first time.

## Poll Tax Amendment



ANALYSIS  
**SKILL**

ANALYZING INFORMATION

How did poll taxes deny poor Americans the opportunity to vote?

## Presidential Disability

The illness of President Eisenhower in the 1950s and the assassination of President Kennedy in 1963 were the events behind the Twenty-fifth Amendment. The Constitution did not provide a clear-cut method for a vice president to take over for a disabled president or upon the death of a president. This amendment provides for filling the office of the vice president if a vacancy occurs, and it provides a way for the vice president—or someone else in the line of succession—to take over if the president is unable to perform the duties of that office.

## Amendment XXIV

*Passed by Congress August 27, 1962. Ratified January 23, 1964.*

**1. Voting Rights** 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.

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

## Amendment XXV

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

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

**2. Vacancy of Vice President** 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.



### 3. Written Declaration

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.

### 4. Removing the President

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

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

## Amendment XXVI

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

### 1. Voting Rights

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.

### 2. Enforcement

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

## Amendment XXVII

*Originally proposed September 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.

### Expanded Suffrage

The Voting Rights Act of 1970 tried to set the voting age at 18. However, the Supreme Court ruled that the act set the voting age for national elections only, not for state or local elections. The Twenty-sixth Amendment gave 18-year-old citizens the right to vote in all elections.