

# The Constitution of the United States

This version of the Constitution retains the original text, spellings, and capitalizations. Parts of the Constitution that have been changed through amendment have been crossed out.

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

## Article I.

### Section 1.

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

### Section 2.

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.~~ 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.

These annotations will help you understand the Constitution.

### Preamble

The Preamble establishes that the federal government gains its power from the people, not the states. It also lists the purposes of the government: to maintain peace at home, to protect the nation from enemies, to promote the well-being of the people, and to secure the people's rights and freedoms.

## Article I: Legislative Branch

### Section 1: Two-Part Congress

The power to make laws is granted to Congress, which consists of the Senate and the House of Representatives.

### Section 2: House of Representatives

**Clause 1: Election** Members of the House of Representatives are elected by the people every two years. *Electors* refers to voters.

**Clause 2: Qualifications** A member of the House must be at least 25 years old, must have been an American citizen for seven years, and must live in the state he or she represents.

**Clause 3: Apportionment** The number of Representatives from each state is based on the state's population. An *enumeration*, or census, must be taken every 10 years to determine that population. The total number of Representatives in the House is now fixed at 435. This clause contains the infamous Three-fifths Compromise, which specified that slaves ("all other Persons") were to be counted as three-fifths of a citizen when determining population. This provision was rendered meaningless by the Thirteenth Amendment (1865), which ended slavery.

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

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

### **Section 3.**

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.

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.

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.

**Clause 4: Vacancies** If a representative resigns or dies in office, the governor of that state can issue a "Writ of Election," calling for a special election to fill the vacancy.

**Clause 5: Officers and Impeachment Power** The House elects a speaker, who normally comes from the majority party. Only the House has the power to impeach, or accuse, a federal official of wrongdoing.

### **Section 3: Senate**

**Clause 1: Election** Each state is represented by two senators. Senators were elected by state legislatures until 1913, when the Seventeenth Amendment was ratified. It provides for the direct election of senators by the people. Senators serve six-year terms.

**Clause 2: Terms and Classification** To ensure continuity in the Senate, one-third of the senators run for reelection every two years. To establish this system, the first senators, elected in 1788, were divided into three groups. One group served for two years, the second group for four years, and the third group for a full six years.

**Clause 3: Qualifications** A senator must be at least 30 years old, must have been an American citizen for nine years, and must live in the state he or she represents.

**Clause 4: President of the Senate** The vice president presides over the Senate but votes only in event of a tie.

**Clause 5: Other Officers** The Senate selects its other leaders and may also select a temporary ("pro tempore") president to preside if the vice president is absent.

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 [choosing] Senators.

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.**

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.

**Clause 6: Impeachment Trials** Only the Senate has the power to put impeached federal officials on trial. When an impeached president is tried, the chief justice of the Supreme Court acts as the trial judge. A two-thirds vote of the senators present is required to convict. Congress has used its impeachment power sparingly. Only two presidents have ever been impeached by the House and tried in the Senate. In 1868, the Senate acquitted President Andrew Johnson of charges of violating federal laws. In 1999, President Bill Clinton was acquitted of perjury charges. Facing impeachment in 1974, President Richard Nixon resigned from office.

#### **Clause 7: Penalty Upon Conviction**

A federal official convicted by the Senate is removed from office. The Senate may bar him or her from future office but may not impose further punishment.

#### **Section 4: Elections and Meetings**

**Clause 1: Elections** States regulate their own congressional elections, but Congress may make laws changing the regulations.

**Clause 2: Sessions** Congress must meet at least once a year. The Twentieth Amendment (1933) moved the opening day of Congress to January 3.

#### **Section 5: Congressional Proceedings**

**Clause 1: Attendance** Each house judges whether its members are qualified and have been elected fairly. A majority of members of either house must be present for that house to conduct legislative business. This minimum required number is called a *quorum*.

**Clause 2: Rules** Each house makes its own rules of conduct for its members.

**Clause 3: Records** Both houses keep a journal of their proceedings. It is published as the *Congressional Record*.

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, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

**Clause 4: Adjournment** During a session, neither house can close down or hold meetings elsewhere for a period of more than three days without the approval of the other house.

### **Section 6: Compensation, Immunity, and Restrictions**

**Clause 1: Salaries and Immunity** Members of Congress set their own pay and are paid out of the U.S. Treasury. Legislators may not be sued or prosecuted for their speeches and actions on the floor of Congress. This privilege protects free expression and fosters open debate.

**Clause 2: Employment Restrictions** To ensure separation of powers, members of Congress may not hold any other federal office during their terms as legislators.

### **Section 7: Making Laws**

**Clause 1: Revenue Bills** Only the House can propose a law raising taxes, though the Senate can offer changes. This provision ensures that people are not taxed without their consent.

**Clause 2: Submitting Bills to the President** A *bill* is a proposed law. A bill passed by a majority of both houses becomes law when the president signs it. If the president *veto*es, or rejects, a bill, Congress can overrule the veto by a two-thirds vote of both houses.

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.

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;

To borrow Money on the credit of the United States;

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

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

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

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

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;

## Clause 3: Submitting Other

**Measures** Other measures approved by Congress also require the president's approval or may also be passed over the president's veto.

## Section 8: Powers of Congress

Congress has the specific powers listed in this section.

**Clause 1: Taxation** Congress has the power to levy taxes. This power was challenged early in the Republic's history by the Whiskey Rebellion. In 1797, Pennsylvania farmers attacked federal officials collecting an unpopular tax on whiskey. The government sent in the militia to arrest the rebels. This show of force demonstrated beyond a doubt the federal government's power to tax.

**Clause 2: Borrowing** Congress borrows money by issuing bonds, which create a debt that must be repaid.

**Clause 3: Trade Regulation** Congress regulates foreign trade and interstate commerce.

**Clause 4: Naturalization and Bankruptcy** Congress makes naturalization and bankruptcy laws. *Naturalization* is the process by which an immigrant becomes a U.S. citizen. *Bankruptcy* applies to individuals or companies that are unable to pay their debts.

**Clause 5: Currency** Congress establishes the national *currency*, or system of money.

**Clause 6: Punishment for Counterfeiting** Congress punishes counterfeiting, or the making of imitation money.

**Clause 7: Postal Service** Congress sets up the mail system.

**Clause 8: Copyrights and Patents** Congress passes copyright and patent laws to encourage creativity and invention. *Copyrights* protect authors and *patents* protect inventors so their work cannot be stolen.

To constitute Tribunals inferior to the supreme Court;

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

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

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

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

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

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;

**Clause 9: Court System** Congress has the power to create a federal court system. *Inferior* means lower.

**Clause 10: Crimes at Sea** Congress punishes crimes at sea. Piracy was a key concern when the Constitution was written.

**Clause 11: Declaring War** Congress declares war. World War II was the last time Congress formally declared war. Since then Congress has usually passed resolutions giving the president the authority to use military force where necessary. Such resolutions empowered presidents to send troops to fight the Vietnam War, the Persian Gulf War, and wars in Afghanistan and Iraq. Letters of Marque and Reprisal authorize *privateers*, or private ships, to attack and seize enemy vessels during times of war. The United States ceased issuing such letters during the Civil War.

**Clause 12: Raising an Army** Congress *appropriates*, or sets aside, funds for the military, usually on a yearly basis but never for more than two years. It also regulates the armed forces.

**Clause 13: Maintaining a Navy**

**Clause 14: Regulating Armed Forces**

**Clause 15: Calling Up the Militia** Congress has the power to call up *militias*, or armies of citizen soldiers, in times of emergency. Each state has its own militia, known today as the National Guard. Over the years, the National Guard has been called to respond to a variety of crises and natural disasters. In 2003, President Bush sent National Guard troops into combat in Iraq.

**Clause 16: Regulating the Militia** Congress regulates militias but leaves training to the states, under federal guidelines.

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

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

### Section 9.

~~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.~~

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.~~

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

**Clause 17: Control of Federal Property** Congress controls the District of Columbia and all other federal land. Congress governed Washington, D.C., until 1973, when an elected municipal government was established.

**Clause 18: Elastic Clause** This “necessary and proper” clause is known as the “elastic clause” because it gives Congress the flexibility to pass laws to carry out its functions and deal with new problems as they arise.

### Section 9: Limits on the Power of Congress

**Clause 1: Slave Trade** This clause became obsolete after 1808, when the Constitution permitted Congress to outlaw the slave trade.

**Clause 2: Writ of Habeas Corpus** A writ of *habeas corpus* gives prisoners the right to challenge their imprisonment in court. Congress may not suspend this right except in extreme emergencies. Habeas corpus has been suspended only rarely in the nation’s history. Since September 11, 2001, a debate has raged over whether this right applies to people detained on suspicion of terrorism. In 2004, the Supreme Court ruled that the writ must be extended to U.S. citizens imprisoned at Guantánamo, Cuba.

**Clause 3: Unfair Laws** This clause protects individuals from unfair laws. Congress cannot pass a law declaring a person or group guilty of a crime (*bill of attainder*), nor can it pass a law making an act illegal after it has been committed (*ex post facto law*).

**Clause 4: Individual Taxes** This clause prohibiting direct taxes on individuals was voided by the Sixteenth Amendment (1913), which permits Congress to tax individual income.

**Clause 5: Taxes on Exports** This clause prohibits the taxation of exported goods.

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.

### **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 its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

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.**

### **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:

**Clause 6: Trade Preferences** Congress may not favor one port over another and must ensure free trade between the states.

**Clause 7: Spending** The government cannot spend public money unless Congress has passed a law appropriating it. Congressional “power of the purse” acts as a check on the executive branch by controlling how much it can spend.

**Clause 8: Titles of Nobility** Congress may not establish titles of nobility, nor may federal officials accept such titles, or any gifts, from a foreign nation without congressional approval.

### **Section 10: Limits on the Power of the States**

#### **Clause 1: Forbidden Actions**

The states cannot exercise certain powers granted to Congress or the president. These include negotiating treaties with foreign nations and creating their own money. They also may not tax imports or maintain armies without the approval of Congress.

#### **Clause 2: Prohibition on Taxing Trade**

#### **Clause 3: Prohibition on Foreign Relations**

## **Article II: Executive Branch**

### **Section 1: President and Vice President**

**Clause 1: Term of Office** The power to execute, or carry out, the laws passed by Congress rests with the president. A president and vice president are elected every four years. The Twenty-second Amendment (1951) limits the president to two terms in office.

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.~~

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.

**Clause 2: Electoral College** This clause establishes the Electoral College, which elects the president and vice president. The Electoral College is a group of citizens, called electors, chosen from each state to cast votes for president and vice president. Each state gets as many electors as it has members of the House and Senate combined. Before 1800, electors were usually elected by state legislatures. Today electors are chosen by the voters of each state.

**Clause 3: Method of Election** The original electoral method described here was modified by the Twelfth Amendment (1804). The revised method, which still operates today, calls for each elector to cast one vote for president and one vote for vice president. Most states give their entire slate of electoral votes to whichever candidate wins the most popular votes in the state. If no candidate for president gets a majority of electoral votes, then the House of Representatives chooses the president. The Electoral College is controversial because it has the potential to elect a candidate who did not win the popular vote.

**Clause 4: Time of Elections** Presidential elections are held on the Tuesday that follows the first Monday in November, every four years. Electors cast their votes more than a month later, on the Monday following the second Wednesday in December.

**Clause 5: Qualifications** The president must be an American citizen born in the United States, must be at least 35 years old, and must have resided in the United States for 14 years.

~~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.~~

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 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.

### **Clause 6: Presidential Succession**

If the president dies or leaves office before the end of his or her term, the vice president becomes president. The ambiguous wording of this clause was clarified by the Twenty-fifth Amendment (1967). Congress decides who succeeds to the presidency if both the president and the vice president are incapacitated.

**Clause 7: Salary** Congress sets the president’s salary and cannot change it during a presidential term. The president cannot accept *emoluments*, or other compensation, while in office.

**Clause 8: Oath of Office** The oath taken by the president is administered by a judicial officer, typically the chief justice of the Supreme Court.

## **Section 2: Powers of the President**

**Clause 1: Military and Executive Powers** The president is commander-in-chief of the armed forces of the United States. This puts the military under civilian control. The president can grant pardons for federal crimes, except in cases of impeachment.

**Clause 2: Treaties and Appointments** The president has the power to make treaties with other nations, but the Senate must approve them by a two-thirds vote. The “advice and consent” of the Senate act as a check on presidential power. The president can name certain officials and federal judges, but a majority of the Senate must approve the president’s choices.

### **Clause 3: Temporary Appointments**

If the Senate is not in session, the president can make appointments without Senate approval. Such “recess” appointments expire at the end of the next Senate session. Presidents sometimes use recess appointments to avoid the Senate confirmation process.

### 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.

### 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; —~~ 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.~~

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.

### Section 3: Duties of the President

The president can propose ideas for new laws. The president also reports to Congress, usually every year, on the State of the Union. In emergencies, the president can call Congress into special session.

### Section 4: Impeachment

Presidents and federal officials can be removed from office if they abuse their powers or commit other “high crimes.”

## Article III: Judicial Branch

### Section 1: Federal Courts

Judicial power is the power to decide legal cases in a court of law. This power is given to the Supreme Court and lower federal courts established by Congress. Federal judges hold office for life and their salaries cannot be reduced, thereby assuring the independence of the judiciary. Congress has set the number of Supreme Court justices at nine.

### Section 2: Jurisdiction

**Clause 1: Types of Cases** *Jurisdiction* is the right of a court to hear a case. The federal courts have jurisdiction in cases pertaining to the Constitution, federal law, treaties, ambassadors, and maritime law. Federal courts can decide disputes between states, between states and the federal government, and between citizens of different states. In *Marbury v. Madison* (1803), the Supreme Court determined that it had the power to decide whether a law is constitutional.

### Clause 2: Role of Supreme Court

The Supreme Court has “original jurisdiction”—the power to hear cases for the first time, not on appeal from a lower court—only in limited circumstances. Most of the time, the Court functions as an appeals court, deciding whether a case was properly tried in a lower court and reviewing its decision.

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 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.

### 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 in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.~~

### Section 3.

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.

### Clause 3: Trial by Jury

All defendants accused of a federal crime, except in cases of impeachment, have the right to a jury trial.

### Section 3: Treason

**Clause 1: Definition** Treason, the only crime defined in the Constitution, is described as waging war against the United States or aiding its enemies. Criticism of the government, even in times of war, is protected by the First Amendment.

**Clause 2: Punishment** Congress has the power to decide how to punish convicted traitors. Punishment cannot be directed at the guilty person's relatives or friends.

### Article IV: Relations Among the States

#### Section 1: Full Faith and Credit

Each state must honor the laws and authority of other states. For example, an adoption legally performed in one state must be recognized as legal in other states.

#### Section 2: Treatment of Citizens

**Clause 1: Equal Privileges** States may not discriminate against citizens of other states.

**Clause 2: Extradition** States must honor extradition orders. *Extradition* is the return of a suspected criminal or escaped convict to the state where he or she is wanted.

**Clause 3: Fugitive Slaves** This clause required states to return runaway slaves to their owners in other states. The Thirteenth Amendment (1865) voided this provision.

### Section 3: New States and Territories

**Clause 1: New States** A new state cannot be carved out of an existing state or formed by the merger of existing states without the consent of the states and of 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 construed as to Prejudice any Claims of the United States, or of any particular State.

#### Section 4.

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic Violence.

#### Article V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided 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.

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.

**Clause 2: Federal Territory** Congress has power over all federal territories and property. This means that it can regulate public lands, such as national parks and forests, and make laws for overseas possessions, such as Guam and Puerto Rico.

#### Section 4: Protection of States

Known as the “guarantee clause,” this provision ensures that each state has a representative democratic government. The federal government is obliged to protect the states from invasion and from internal, or *domestic*, riots or other violence.

#### Article V: Amending the Constitution

The Constitution can be *amended*, or changed. Amendments must first be proposed either by a two-thirds vote of both houses of Congress or by a national convention of two-thirds of the states. A proposed amendment must then be ratified by three-quarters of the states, either in special conventions or in the state legislatures. The amendment process was made difficult so that the Constitution would not be amended too frequently or lightly. The Constitution has been amended only 27 times.

#### Article VI: National Supremacy

**Clause 1: National Debts** This clause recognizes debts incurred by the previous government under the Articles of Confederation.

**Clause 2: Supremacy of National Law** The so-called “supremacy clause” makes the Constitution and federal law the supreme, or highest, law of the land. If a state law and a federal law conflict, the federal law takes precedence. Federal courts can overturn state laws deemed to be unconstitutional or in conflict with federal law.

**Clause 3: Oaths of Office** Federal and state officials must swear allegiance to the Constitution. Public officials cannot be required to adopt or practice any particular religion.

## Article VII.

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

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth In Witness whereof We have hereunto subscribed our Names.

## Amendments

The Bill of Rights, or first 10 amendments, was passed by Congress on September 25, 1789, and ratified on December 15, 1791. Later amendments were proposed and ratified one at a time. The year of ratification appears in parentheses.

### First Amendment

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

### Second Amendment

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

### Third Amendment

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.

## Article VII: Ratification of the Constitution

To take effect, the Constitution had to be ratified by nine of the original 13 states. On June 21, 1788, the ninth state (New Hampshire) ratified. New York and Virginia ratified soon afterward. Rhode Island and North Carolina waited until the Bill of Rights was added to ratify. The Constitution went into effect on April 30, 1789.

### First Amendment (1791) Basic Freedoms

This amendment protects five freedoms that lie at the heart of American democracy: freedom of religion, freedom of speech, freedom of the press, freedom of assembly, and the freedom to *petition*, or ask, the government to correct wrongs.

### Second Amendment (1791) Right to Bear Arms

The right to bear arms guaranteed in this amendment is controversial. Americans are divided as to whether it applies to individuals or only to militias. The courts have ruled that individuals do have the right to bear arms, but that it is not an unlimited right. The Supreme Court has upheld some federal gun control laws, such as those requiring gun registration and waiting periods, but has ruled that other gun control measures should be left to the states.

### Third Amendment (1791) Quartering of Soldiers

In the turbulent years leading up to the American Revolution, American colonists were compelled to *quarter*, or house, British soldiers in their homes. This amendment bars the government from using private homes as military quarters, except in wartime and in a lawful way.

## Fourth Amendment

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

## Fifth Amendment

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.

## Sixth Amendment

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.

## Seventh Amendment

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.

## Fourth Amendment (1791) Search and Seizure

Like the Third Amendment, this amendment protects citizens against government intrusions into their property. Government officials cannot search citizens or their property, or seize citizens or their belongings, without good reason. Searches and seizures generally require a *warrant*, or written order approved by a judge. The Supreme Court has ruled that the Fourth Amendment also applies to electronic searches and wiretapping.

## Fifth Amendment (1791) Rights of the Accused

This amendment guarantees basic rights to people accused of crimes. A *capital* crime is punishable by death. *Infamous* crimes are punishable by imprisonment. A *grand jury* is a group of citizens who hear evidence of a crime and decide if the evidence warrants a trial. An *indictment* is their formal accusation. These procedures are intended to prevent the government from prosecuting people unfairly. In addition, accused persons cannot be tried twice for the same crime, known as *double jeopardy*. They cannot be forced to *testify*, or give evidence, against themselves. They cannot be jailed or have their property taken without *due process of law*, or a fair court hearing or trial. The government cannot take away private property without paying a fair price for it.

## Sixth Amendment (1791) Right to a Fair Trial

A citizen accused of a crime has the right to a jury trial that is both public and "speedy," or that takes place as quickly as circumstances allow. An *impartial* jury does not favor either side. An accused person has the right to question witnesses and has the right to a lawyer. Both federal and state courts must provide a lawyer if the accused cannot afford to hire one.

## Seventh Amendment (1791) Civil Trials

Citizens have the right to a jury trial to settle lawsuits over money or property worth more than \$20. *Common law* refers to the rules of law established by previous judicial decisions.

## **Eighth Amendment**

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

## **Ninth Amendment**

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

## **Tenth Amendment**

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.

## **Later Amendments**

### **Eleventh Amendment**

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.

### **Eighth Amendment (1791)**

#### **Bail and Punishment**

Bail is money that an accused person pays in order to get out of jail while awaiting trial. The money is returned when the accused appears at trial; it is confiscated if he or she doesn't appear. Bail and fines that are set by a court must be reasonable. Punishments for crimes cannot be "cruel and unusual." The meaning of this phrase has broadened to include punishment considered too harsh for a particular crime. In 2005, the Supreme Court ruled that laws that apply the death penalty to people 17 and younger constitute "cruel and unusual" punishment and are unconstitutional.

### **Ninth Amendment (1791)**

#### **Rights Retained by the People**

Americans have fundamental rights beyond the rights listed in the Constitution. The government cannot deny these rights just because they are not specified. This amendment was added out of fear that the Bill of Rights would be interpreted as limiting people's rights to those listed.

### **Tenth Amendment (1791)**

#### **States' Rights**

This amendment attempts to balance power between the federal government and the states. It gives to the states and to the people any powers not specifically granted to the federal government. States' rights and the scope of federal power have been the subject of intense debate since the founding of the Republic. Slavery was perhaps the most significant issue over which this conflict played out, eventually plunging the nation into civil war.

### **Eleventh Amendment (1795)**

#### **Lawsuits Against States**

People cannot sue a state in federal court if they are citizens of a different state or of a foreign country. The courts have interpreted this to mean that states may not be sued in federal courts without their consent.

## Twelfth 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 shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

## Thirteenth 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 these articles by appropriate legislation.

## Twelfth Amendment (1804)

### Presidential Elections

This amendment modifies the electoral process so that the president and vice president are elected separately. In the original Constitution, the candidate who finished second in the voting for president automatically became vice president. In 1800, this resulted in a tie for president between Thomas Jefferson and Aaron Burr. It took the House of Representatives 36 ballots to elect Jefferson president and Burr vice president. The Twelfth Amendment was added to prevent another tie vote.

## Thirteenth Amendment (1865)

### Abolition of Slavery

#### Section 1: Abolition

This amendment bans slavery throughout the United States. *Involuntary servitude* is work done against one's will. No person can be forced to work against his or her will except as a legal punishment for a crime.

#### Section 2: Enforcement

## Fourteenth 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, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

### Section 3.

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

## Fourteenth Amendment (1868) Rights of Citizens

This amendment was originally designed to resolve issues that arose after the Civil War ended and slavery was abolished.

### Section 1: Citizenship

By defining as a citizen anyone born in the United States, this section extends citizenship to blacks. It prohibits the states from denying rights, due process, and equal protection of the law to their citizens. Despite these guarantees, it took nearly a century for the Supreme Court to decide that racial segregation violated the “equal protection” provision. In *Brown v. Board of Education* (1954), the Court struck down school segregation, ruling that separate schools for whites and blacks were inherently unequal.

### Section 2: Representation and Voting

This section nullifies the “three-fifths clause” of the original Constitution. It guarantees equal representation to all citizens. The reference to “male inhabitants” upset women’s rights leaders who felt that equality for women was being pushed aside in favor of equality for blacks. In time, the “equal protection” provision would be expanded to include women, minorities, and noncitizens.

### Section 3: Former Confederate Leaders

Any member of government who took an oath to uphold the Constitution before the Civil War and who then joined the Confederate cause cannot be elected to any federal or state office.

### Section 4: Public Debts

By voiding all Confederate debts, this section ensured that people who had lent money to Confederate states would not be paid back, nor would former slave owners be paid for the loss of their emancipated slaves.

## Section 5.

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

## Fifteenth Amendment

### 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.

## Sixteenth Amendment

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

## Seventeenth Amendment

### Section 1.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

### Section 2.

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

### Section 3.

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

## Section 5: Enforcement

Congress can make laws to enforce this amendment. Beginning in the 1960s, Congress used this enforcement provision to pass new civil rights legislation, including the Civil Rights Act, the Voting Rights Act, and the Americans with Disabilities Act.

## Fifteenth Amendment (1870) Voting Rights

### Section 1: The Right to Vote

States cannot deny voting rights to citizens on the basis of race, color, or previous enslavement.

## Section 2: Enforcement

## Sixteenth Amendment (1913) Income Tax

The income tax amendment allows Congress to tax the earnings and income of individuals. At first only the very wealthy were taxed, but eventually the tax was extended to almost all wage earners.

## Seventeenth Amendment (1913) Election of Senators

### Section 1: Elections

This amendment provides for the direct election of senators by popular vote. Previously, senators were elected by state legislatures, but deadlocked votes in state legislatures resulted in many Senate seats remaining vacant for long periods. By 1911, public demand for direct senatorial elections forced Congress to pass the Seventeenth Amendment.

### Section 2: Vacancies

If a Senate seat becomes vacant, and if the legislature of that state approves, the governor of that state may appoint a replacement senator until an election can be held.

## Section 3: Previously Elected Senators

## **Eighteenth Amendment**

### **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.

## **Nineteenth Amendment**

### **Section 1.**

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

### **Section 2.**

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

## **Twentieth Amendment**

### **Section 1.**

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

## **Eighteenth Amendment (1919) Prohibition of Liquor**

### **Section 1: Ban on Alcohol**

This amendment outlawed the production, sale, and transport of alcoholic beverages within the United States. It was the culmination of a decades-long reform effort to end the problems associated with alcohol abuse. This sweeping ban proved impossible to enforce. Prohibition led to a rise in lawlessness and organized crime as the alcohol business flourished illegally. Prohibition ended when the Twenty-first Amendment *repealed*, or canceled, this amendment.

### **Section 2: Enforcement**

### **Section 3: Ratification**

## **Nineteenth Amendment (1920) Women's Suffrage**

### **Section 1: Right to Vote**

This amendment guaranteed women the right to vote. The women's suffrage movement had sought this right since 1848. Although some western states already allowed women to vote, activists argued that a constitutional amendment was needed to guarantee the vote to all women. The Nineteenth Amendment is sometimes called the Susan B. Anthony amendment after its most prominent and persistent advocate.

### **Section 2: Enforcement**

## **Twentieth Amendment (1933) Terms of Office**

### **Section 1: Beginning of Terms**

The president and vice president take office on January 20. Members of Congress begin their terms on January 3. Prior to this amendment, these terms of office began on March 3. These calendar changes shortened the period during which a "lame duck"—an incumbent who was not reelected or did not run for reelection—remained in office.

## 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.

## Twenty-first Amendment

### 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.

## Section 2: Congressional Session

### Section 3: Presidential Succession

This and Section 4 provide for succession if a newly elected president should die or be unable to take office before the start of his or her term.

### Section 4: Congress Decides Succession

### Section 5: Date of Implementation

### Section 6: Ratification

## Twenty-first Amendment (1933) End of Prohibition

### Section 1: Repeal

This amendment ended national prohibition, leaving it to states to ban alcohol if they wished.

### Section 2: State Laws

Alcoholic beverages may not be brought into a state where they are still banned.

### Section 3: Ratification

This amendment was the only one ratified by special state conventions rather than state legislatures. Most Americans were eager to end prohibition, and this method was quicker.

## Twenty-second Amendment

### Section 1.

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by 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.

## Twenty-third Amendment

### Section 1.

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

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

### Section 2.

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

## Twenty-fourth Amendment

### Section 1.

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

## Twenty-second Amendment (1951) Term Limits for the Presidency

### Section 1: Two-Term Limit

The Constitution did not specify how many terms a president could serve, but George Washington stepped down after two terms, and succeeding presidents followed his example. In 1940, with World War II looming, Democratic president Franklin D. Roosevelt broke precedent by running for a third term. He was elected in 1940 and again in 1944. After his death in 1945, Republicans in Congress proposed this amendment to limit future presidents to two terms.

### Section 2: Ratification

## Twenty-third Amendment (1961) Electors for Washington, D.C.

### Section 1: Number of Electors

This amendment gives the citizens of Washington, D.C., the right to vote in presidential elections. It allots to the District of Columbia the same number of presidential electors it would have if it were a state. Until this amendment was enacted, District of Columbia residents could not vote for president, even though they had all the obligations of citizenship, including taxation. In 1978, Congress passed a constitutional amendment that would have made the District a state, but the states failed to ratify it.

### Section 2: Enforcement

## Twenty-fourth Amendment (1964) Abolition of Poll Tax

### Section 1: Ban on Poll Taxes

A *poll tax* is a fee that a voter must pay in order to vote. This amendment bans poll taxes, which some states imposed to prevent African Americans from voting.

## **Section 2.**

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

## **Twenty-fifth 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

## **Section 2: Enforcement**

### **Twenty-fifth Amendment (1967) Presidential Succession**

#### **Section 1: President's Death or Removal**

If the president dies, resigns, or is removed from office, the vice president becomes president.

#### **Section 2: Vice Presidential Vacancy**

If the vice presidency becomes vacant, the president can appoint a vice president, who must be confirmed by Congress. This amendment was first applied in 1973, when Vice President Spiro Agnew resigned in the face of bribery and corruption charges. President Nixon appointed Gerald Ford to be vice president. Within a year, Nixon himself resigned over the Watergate scandal. Ford became president and appointed Nelson Rockefeller vice president. Ford and Rockefeller became the nation's only unelected president and vice president.

#### **Section 3: President Incapacitated**

The "disability clause" provides for the vice president to act as president if the president informs Congress that he or she is too ill to perform the duties of office.

#### **Section 4: Vice President as Acting President**

This section spells out the process by which the vice president takes over as president if the president is unconscious or unable or unwilling to admit that he or she is incapacitated.

decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

## **Twenty-sixth 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.

## **Twenty-seventh Amendment**

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

## **Twenty-sixth Amendment (1971) Voting Age**

### **Section 1: The Right to Vote**

This amendment lowered the voting age to 18. Previously, the voting age was 21. The amendment was passed and ratified during the Vietnam War, when Americans questioned the fairness of drafting 18-year-olds to fight a war, but not allowing them to vote for the leaders who make decisions about war.

### **Section 2: Enforcement**

## **Twenty-seventh Amendment (1992) Congressional Pay**

If members of Congress vote to raise their own pay, the pay increase cannot go into effect until after the next congressional election. James Madison introduced this amendment in 1789 along with the Bill of Rights. It took over 200 years for it to be ratified by the required number of states.