



# The Constitution of the United States

See Primary Source Explorer 



*“In 1787, I was not included in that ‘We the people.’ ... But through the process of amendment, interpretation, and court decision, I have finally been included in ‘We the people.’”*

—BARBARA JORDAN, 1974  
The first African-American congresswoman from the Deep South (Texas)

## Preamble. Purpose of the Constitution

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

### A CLOSER LOOK Goals of the Preamble

PREAMBLE	EXPLANATION	EXAMPLES
“Form a more perfect Union”	Create a nation in which states work together	<ul style="list-style-type: none"> <li>Interstate road network</li> <li>U.S. coins, paper money</li> </ul>
“Establish justice”	Make laws and set up courts that are fair	<ul style="list-style-type: none"> <li>Court system</li> <li>Jury system</li> </ul>
“Insure domestic tranquility”	Keep peace within the country	<ul style="list-style-type: none"> <li>National Guard</li> <li>Federal marshals</li> </ul>
“Provide for the common defense”	Safeguard the country against attack	<ul style="list-style-type: none"> <li>Army</li> <li>Navy</li> </ul>
“Promote the general welfare”	Contribute to the happiness and well-being of all the people	<ul style="list-style-type: none"> <li>Safety in the workplace</li> <li>Aid to the poor</li> </ul>
“Secure the blessings of liberty to ourselves and our posterity”	Make sure future citizens remain free	<ul style="list-style-type: none"> <li>Commission on Civil Rights</li> <li>Federal Election Commission</li> </ul>

### SKILLBUILDER Interpreting Charts

- Which goal of the Preamble do you think is most important? Why?
- How does the Preamble reflect the principle of popular sovereignty?

## Article 1. The Legislature

**MAIN IDEA** The main role of Congress, the legislative branch, is to make laws. Congress is made up of two houses—the Senate and the House of Representatives. Candidates for each house must meet certain requirements. Congress performs specific duties, also called delegated powers.

**WHY IT MATTERS NOW** Representatives in Congress still voice the views and concerns of the people.

**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 for a term of years, and excluding Indians not taxed, three-fifths of all other Persons. The actual **enumeration** shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each state shall have at least one Representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

**4. 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**.

### VOCABULARY

**electors** voters

**enumeration** an official count, such as a census

**impeachment** the process of accusing a public official of wrongdoing

### A CLOSER LOOK

#### ELECTIONS

Representatives are elected every two years. There are no limits on the number of terms a person can serve.

**1. What do you think are the advantages of holding frequent elections of representatives?**

### A CLOSER LOOK

#### REPRESENTATION

Some delegates, such as Gouverneur Morris, thought that representation should be based on wealth as well as population. Others, such as James Wilson, thought representation should be based on population only. Ultimately, the delegates voted against including wealth as a basis for apportioning representatives.

**2. How do you think the United States would be different today if representation were based on wealth?**

## VOCABULARY

**pro tempore** for the time being

**indictment** a written statement issued by a grand jury charging a person with a crime

**quorum** the minimum number of members that must be present for official business to take place

## Section 3. The Senate

**1. Numbers** 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.

### A CLOSER LOOK Federal Office Terms and Requirements

POSITION	TERM	MINIMUM AGE	RESIDENCY	CITIZENSHIP
Representative	2 years	25	state in which elected	7 years
Senator	6 years	30	state in which elected	9 years
President	4 years	35	14 years in the U.S.	natural-born
Supreme Court Justice	unlimited	none	none	none

#### SKILLBUILDER Interpreting Charts

Why do you think the term and qualifications for a senator are more demanding than for a representative?

### A CLOSER LOOK

#### IMPEACHMENT

The House brings charges against the president. The Senate acts as the jury. The Chief Justice of the Supreme Court presides over the hearings.

**3. How many presidents have been impeached?**

**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**, 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. 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.

## 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 and 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** to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

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

**3. Congressional 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 and Privileges

**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 whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

### A CLOSER LOOK

#### SENATE RULES

Senate rules allow for debate on the floor. Using a tactic called filibustering, senators give long speeches to block the passage of a bill. Senator Strom Thurmond holds the filibustering record—24 hours, 18 minutes.

**4. Why might a senator choose filibustering as a tactic to block a bill?**

### A CLOSER LOOK

#### SALARIES

Senators and representatives are paid \$136,700 a year. The Speaker of the House is paid \$175,400—the same as the vice-president.

**5. How do the salaries of members of Congress compare to those of adults you know?**

## VOCABULARY

**revenue** income a government collects to cover expenses

**naturalization** a way to give full citizenship to a person of foreign birth

**tribunals** courts

**felonies** serious crimes

**appropriation** public funds set aside for a specific purpose

## Section 7. How a Bill Becomes a Law

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

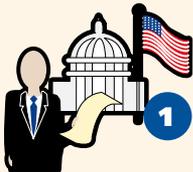
**2. Lawmaking Process** Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approves he shall sign it, but if not he shall return it, with his objections to that house in which it shall 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.

## A CLOSER LOOK How a Bill Becomes a Law

### Introduction

The House introduces a bill and refers it to a committee.



1

The Senate introduces a bill and refers it to a committee.

### Committee Action

The House committee may approve, rewrite, or kill the bill.



2

The Senate committee may approve, rewrite, or kill the bill.

### Floor Action

The House debates and votes on its version of the bill.



3

The Senate debates and votes on its version of the bill.

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



4

## Section 8. Powers Granted to Congress

- 1. Taxation** The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;
- 2. 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, Bankruptcy** To establish a uniform rule of **naturalization**, 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 and current coin of the United States;
- 7. Post Office** To establish post offices and post roads;
- 8. Patents, 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. Federal 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 offenses against the law of nations;
- 11. War** To declare war, grant letters of marque and reprisal, 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;

### A CLOSER LOOK

#### REGULATING COMMERCE

Commerce can also apply to travelers crossing state lines. Congress's power to regulate the movement of people from state to state paved the way for the Civil Rights Act of 1964. This act included fair treatment of interstate travelers. People of all races can use public places, such as hotels and bus stations.

**6. To what other areas might the commerce clause apply?**

### A CLOSER LOOK

#### DECLARING WAR

Only Congress can declare war. Yet in the following "undeclared" wars, Congress bowed to the president's power to take military action and send troops overseas: Korean War (1950–1953), Vietnam War (1957–1975), Persian Gulf War (1991), and Kosovo crisis (1999).

**7. Why do you think the Constitution sets limits on the president's war-making powers?**

### Final Approval



Both houses of Congress pass the revised bill.

### Enactment

President signs the bill.

**OR**

President vetoes the bill.



Two-thirds majority vote of Congress is needed to approve a vetoed bill.

Bill Becomes Law.



### SKILLBUILDER Interpreting Charts

1. How can a president block a bill?
2. What examples of checks and balances are shown in the chart?

## VOCABULARY

**militia** an emergency military force, such as the National Guard, that is not part of the regular army

**bill of attainder** a law that condemns a person without a trial in court

**ex post facto law** a law that would make an act a criminal offense after it was committed

**tender** money

**14. Regulation of Armed Forces** To make rules for the government and regulation of the land and naval forces;

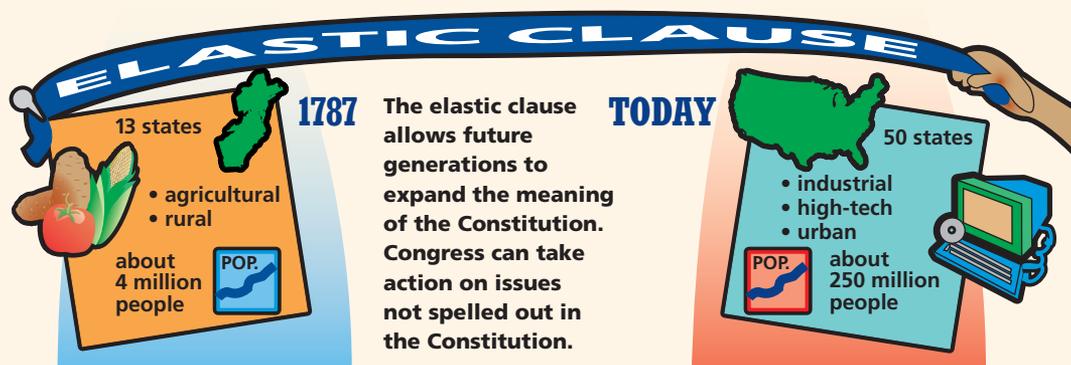
**15. Militia** To provide for calling forth the **militia** to execute the laws of the Union, suppress insurrections and repel invasions;

**16. Regulations for 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, dockyards, and other needful buildings;—and

**18. Elastic 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.

## A CLOSER LOOK The Elastic Clause



## A CLOSER LOOK

### HABEAS CORPUS

A writ of habeas corpus is a legal order. It protects people from being held in prison or jail without formal charges of a crime. In 1992, the Supreme Court recognized that "habeas corpus is the [basic] instrument for safeguarding individual freedom."

**8. How does habeas corpus help ensure fairness and justice?**

## 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 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** or **ex post facto law** shall be passed.

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

**5. 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 anything but gold and silver coin a **tender** in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

**2. 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 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.

**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.

### A CLOSER LOOK

#### DIRECT TAX

In 1913, the 16th Amendment allowed Congress to collect an income tax—a direct tax on the amount of money a person earns. Americans today pay much more in taxes than their ancestors would have imagined.

**9. Why do you think the issue of taxes is so important to people?**

### A CLOSER LOOK

#### TITLES OF NOBILITY

The Framers disapproved of titles of nobility. The list of grievances in the Declaration of Independence included numerous examples of King George III's abuses of power. Symbols of these abuses included English titles of nobility, such as "king," "queen," and "duke." The Framers said clearly that there would be no such titles in the new republic.

**10. How do TV news reporters address members of Congress and the president?**

## Article 1 Assessment

### 1. Main Ideas

- What is the main job of the legislative branch?
- What role does the vice-president of the United States play in the Senate?
- Why are there more members in the House of Representatives than the Senate?
- What is one of the powers denied to Congress?

### 2. Critical Thinking

**Drawing Conclusions** How does Article 1 show that the Constitution is a clearly defined yet flexible document?

#### THINK ABOUT

- the powers of Congress
- the "elastic clause"

## VOCABULARY

**natural-born citizen** a citizen born in the United States or a U.S. commonwealth, or to parents who are U.S. citizens living outside the country

**affirmation** a statement declaring that something is true

## Article 2. The Executive

**MAIN IDEA** The president and vice-president are the leaders of the executive branch. Their main role is to enforce the laws. The president commands the military and makes foreign treaties with the Senate's approval.

**WHY IT MATTERS NOW** As the United States has become a world power, the authority of the president has also expanded.

### Section 1. The Presidency

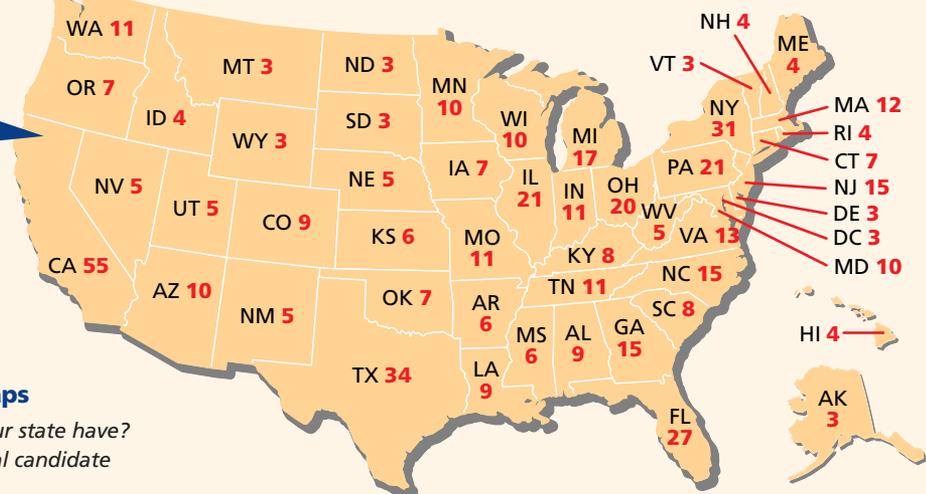
**1. Terms of Office** The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected, as follows:

**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.

### A CLOSER LOOK Electoral College (based on 2000 Census)

American voters do not choose their president directly. Members of a group called the electoral college actually elect the president. Each state has electors. Together they form the electoral college. In most states, the winner takes all. Except for Maine and Nebraska, all the electoral votes of a state go to one set of candidates.

number of electors for each state =  
total number of its senators and representatives



### SKILLBUILDER Interpreting Maps

1. How many electoral votes does your state have?
2. In which states would a presidential candidate campaign most heavily? Why?

**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 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.

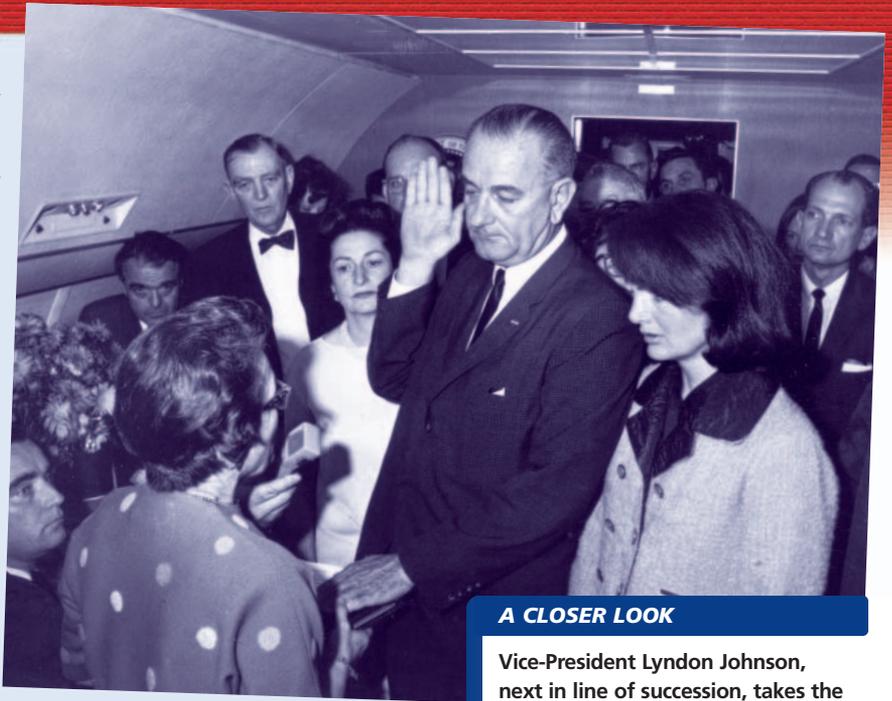
**4. Election Day** The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

**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."



#### A CLOSER LOOK

Vice-President Lyndon Johnson, next in line of succession, takes the oath of office after the assassination of President John F. Kennedy in 1963. Johnson, like every U.S. president, promises to uphold the Constitution. The 25th Amendment sets up clearer procedures for presidential succession.

#### A CLOSER LOOK

##### PRESIDENT'S SALARY

The president's yearly salary is \$400,000. The president also gets special allowances, such as funds for travel expenses.

Here are some other benefits:

- living in a mansion, the White House
- vacationing at Camp David, an estate in Maryland
- using *Air Force One*, a personal jet plane

**11. Why do you think the president needs to have a plane and a vacation spot?**

## A CLOSER LOOK Roles of the President

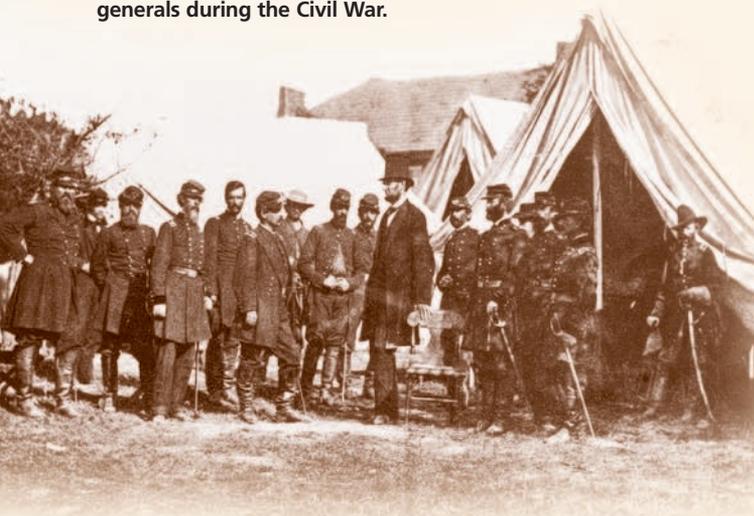


### Chief Executive

Like a business executive, the president solves problems and makes key decisions. President John F. Kennedy is shown in the oval office in 1962.

### Commander in Chief

As a military leader, President Abraham Lincoln meets with his generals during the Civil War.



### Chief Diplomat and Chief of State

As a foreign policy maker, President Richard M. Nixon visits the People's Republic of China in 1972.



### Legislative Leader

President Lyndon Johnson signs the Civil Rights Act of 1964. All modern presidents have legislative programs they want Congress to pass.

### Head of a Political Party

President Ronald Reagan rallies support at the 1984 Republican Convention. By this time, Reagan had put together a strong bloc of voters who supported the Republican Party's policies. During his presidency (1981–1989), Reagan helped build new unity among party members.



## Section 2. Powers of the President

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

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

**3. 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**.

### VOCABULARY

**reprieves** delays or cancellations of punishment

**convene** call together

**misdemeanors** violations of the law

### A CLOSER LOOK

#### SUPREME COURT APPOINTMENTS

Recent presidents have used their power of appointment to add minorities and women to the Supreme Court. In 1967, President Lyndon Johnson appointed the first African-American justice, Thurgood Marshall. In 1981, President Ronald Reagan appointed the first woman, Sandra Day O'Connor.

**12. What do you think influences a president's choice for a Supreme Court justice?**

### A CLOSER LOOK

#### STATE OF THE UNION

Major TV networks broadcast the State of the Union address to the whole nation. In this yearly message, the president urges Congress to achieve certain lawmaking goals. The president's speech also must gain the attention of TV viewers.

**13. Why is the president's power to persuade an important political skill?**

## Article 2 Assessment

### 1. Main Ideas

- What is the chief purpose of the executive branch?
- What are the requirements for becoming president?
- How does the Constitution limit the president's power to make appointments and treaties?

### 2. Critical Thinking

**Analyzing Issues** Why do you think the Constitution states that the president must seek approval from the Senate for most political appointments and treaties?

#### THINK ABOUT

- the abuse of power
- the will of the voters

## VOCABULARY

**inferior courts** courts with less authority than the Supreme Court

**appellate** having power to review court decisions

## A CLOSER LOOK

### ORGANIZING FEDERAL COURTS

The Judiciary Act of 1789, passed by the First Congress, included establishing a Supreme Court with a chief justice and five associate justices and other lower federal courts.

**14. How many Supreme Court justices are there today?**

## A CLOSER LOOK

### JUDICIAL POWER

Judicial power gives the Supreme Court and other federal courts the authority to hear certain kinds of cases. These courts have the power to rule in cases involving the Constitution, national laws, treaties, and states' conflicts.

**15. What federal cases have you seen reported on TV?**

## Article 3. The Judiciary

**MAIN IDEA** The judicial branch interprets the laws. This branch includes the Supreme Court, the highest court in the nation, and other federal courts.

**WHY IT MATTERS NOW** Supreme Court rulings can shape government policies on hotly debated issues.

**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. The Courts' Authority

**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.~~

## A CLOSER LOOK Judicial Review

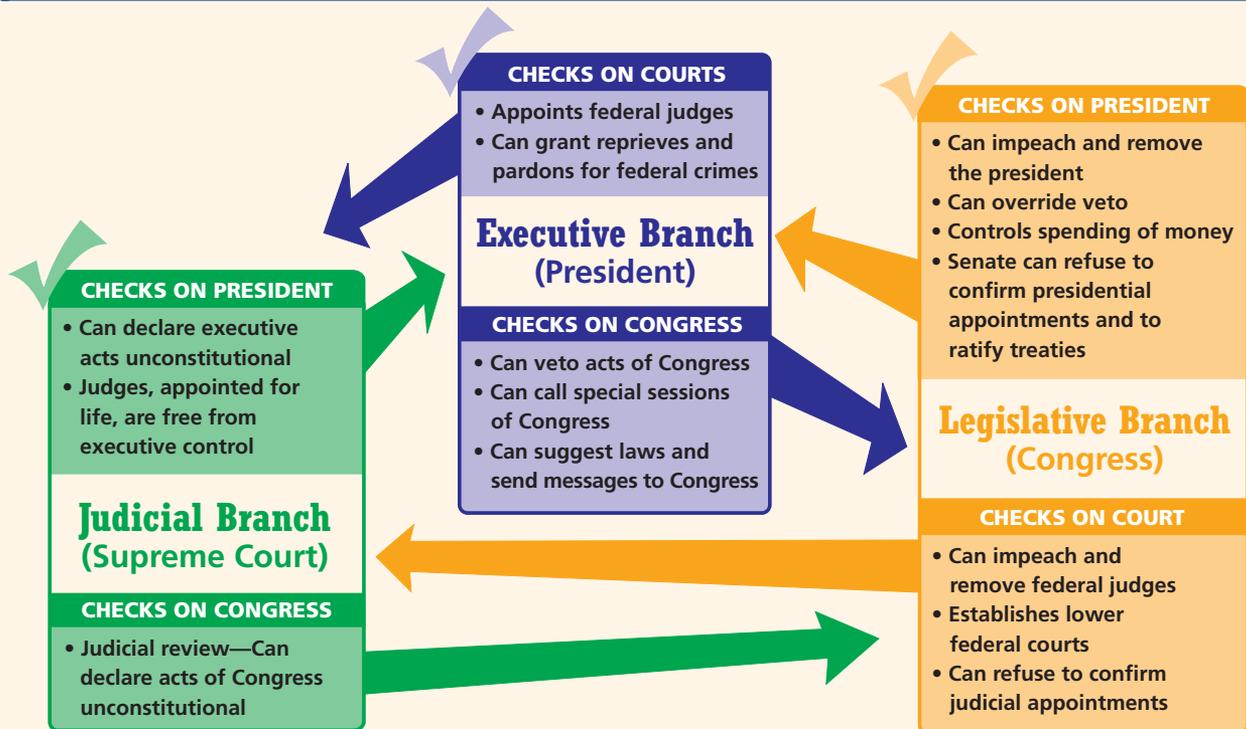


Judicial review allows the Supreme Court and other federal courts to play a key role in lawmaking. The judges examine a law or government activity. They then decide whether it violates the Constitution. The Supreme Court established this important right in the case of *Marbury v. Madison* (1803). (See Chapter 10.)



**2. Supreme Court** 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.

## A CLOSER LOOK Checks and Balances



### SKILLBUILDER Interpreting Charts

1. Why is judicial review an important action of the Supreme Court?
2. Which check do you think is most powerful? Why?

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

### Section 3. Treason

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

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

### Article 3 Assessment

#### 1. Main Ideas

- a. What is the main purpose of the judicial branch?
- b. What is judicial review?
- c. What are two kinds of cases that can begin in the Supreme Court?

#### 2. Critical Thinking

**Drawing Conclusions** Why might the Supreme Court feel less political pressure than Congress in making judgments about the Constitution?

#### THINK ABOUT

- the appointment of Supreme Court justices
- Congress members' obligation to voters

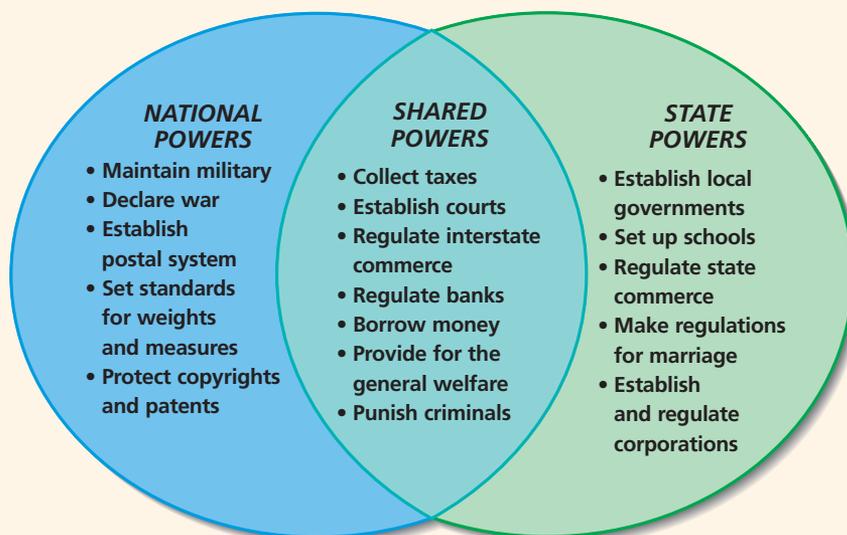
## VOCABULARY

**immunities** legal protections

**suffrage** right to vote

## A CLOSER LOOK Federalism

**Americans live under both national and state governments.**



### SKILLBUILDER Interpreting Charts

What do you think is the purpose of dividing the powers between national and state governments?

## Article 4. Relations Among States

**MAIN IDEA** States must honor one another's laws, records, and court rulings.

**WHY IT MATTERS NOW** Article 4 promotes cooperation, equality, and fair treatment of citizens from all the 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 labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

## A CLOSER LOOK

### EXTRADITION

Persons charged with serious crimes cannot escape punishment by fleeing to another state. They must be returned to the first state and stand trial there.

**16. Why do you think the Framers included the power of extradition?**

## 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.

## Article 5. Amending the Constitution

**MAIN IDEA** The Constitution can be amended, or formally changed.

**WHY IT MATTERS NOW** The amendment process allows the Constitution to adapt to modern times.

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.

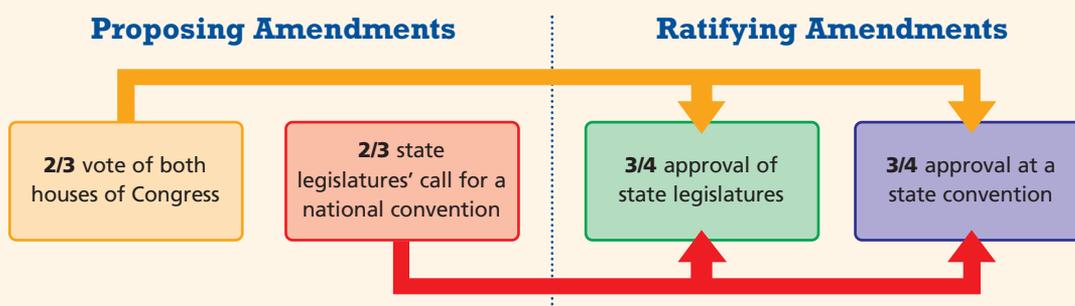
### A CLOSER LOOK

#### ADMISSION TO STATEHOOD

In 1998, Puerto Ricans voted against their island becoming the 51st state. A lawyer in Puerto Rico summed up a main reason: "Puerto Ricans want to have ties to the U. S., but they want to protect their language and culture." Also, as a U.S. commonwealth, Puerto Rico makes its own laws and handles its own finances.

**17. Do you think Puerto Rico should become a state? Why or why not?**

### A CLOSER LOOK Process for Amending the Constitution



#### SKILLBUILDER Interpreting Charts

Why do you think more votes are needed to ratify an amendment than to propose one?

## VOCABULARY

**ratification** official approval  
**unanimous consent** complete agreement

## A CLOSER LOOK

### PAYING DEBTS

The U.S. government agreed to pay all debts held under the Articles of Confederation. For example, the United States still owed money from the costs of the Revolutionary War.

**18. What problems might arise in a country that has a huge national debt?**

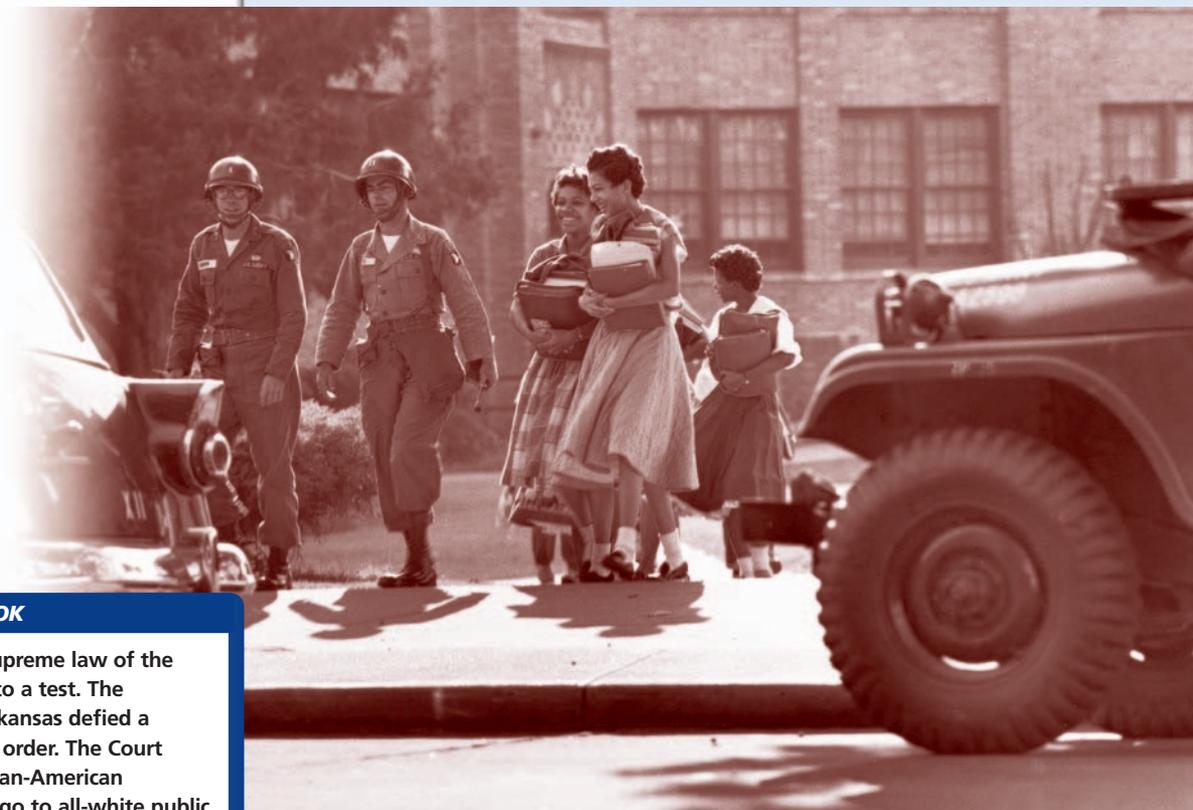
## Article 6. Supremacy of the National Government

**MAIN IDEA** The Constitution, national laws, and treaties are the supreme, or highest, law of the land. All government officials must promise to support the Constitution.

**WHY IT MATTERS NOW** The authority of federal laws over state laws helps keep the nation unified.

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

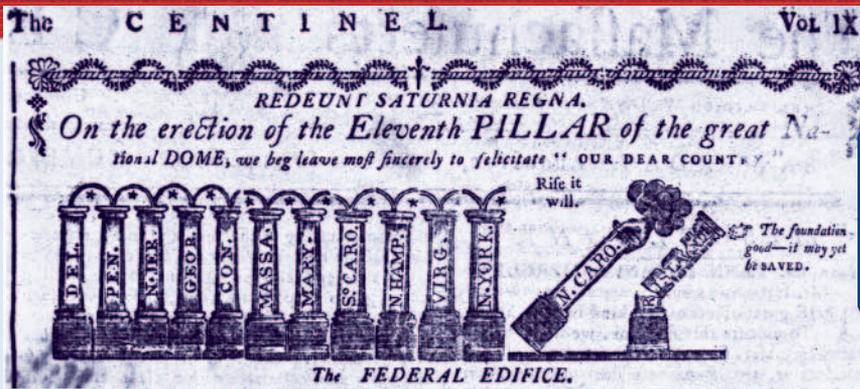
**Section 2. Supreme Law** This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby,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



## A CLOSER LOOK

In 1957, the “supreme law of the land” was put to a test. The governor of Arkansas defied a Supreme Court order. The Court ruled that African-American students could go to all-white public schools. President Dwight D. Eisenhower then sent federal troops to protect the first African-American students to enroll in Central High School in Little Rock, Arkansas.

**Section 3. Loyalty to Constitution** The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation 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.



#### A CLOSER LOOK

This political cartoon shows that New York was the 11th state to ratify the Constitution. Each of the 13 states is represented by a pillar.

## Article 7. Ratification

**MAIN IDEA** Nine of the 13 states had to ratify, or approve, the Constitution before it could go into effect.

**WHY IT MATTERS NOW** The approval of the Constitution launched a new plan of government still followed today.

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*

**New Hampshire:** *John Langdon, Nicholas Gilman*

**Massachusetts:** *Nathaniel Gorham, Rufus King*

**Connecticut:** *William Samuel Johnson, Roger Sherman*

**New York:** *Alexander Hamilton*

**New Jersey:** *William Livingston, David Brearley, William Paterson, Jonathan Dayton*

**Pennsylvania:** *Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas FitzSimons, Jared Ingersoll, James Wilson, Gouverneur Morris*

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

**Maryland:** *James McHenry, Dan of St. Thomas 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*

#### A CLOSER LOOK

##### THE SIGNERS

The 39 men who signed the Constitution were wealthy and well-educated. About half of them were trained in law. Others were doctors, merchants, bankers, and slaveholding planters. Missing from the list of signatures are the names of African Americans, Native Americans, and women. These groups reflected the varied population of the United States in the 1780s.

**19. How do you think the absence of these groups affected the decisions made in creating the Constitution?**

### Articles 4–7 Assessment

#### 1. Main Ideas

- What rights does Article 4 guarantee to citizens if they go to other states in the nation?
- What are two ways of proposing an amendment to the Constitution?
- What makes up “the supreme law of the land”?

#### 2. Critical Thinking

**Forming and Supporting Opinions** Should the Framers of the Constitution have allowed the people to vote directly for ratification of the Constitution? Why or why not?

##### THINK ABOUT

- the idea that the government belongs to the people
- the general public’s ability to make sound political decisions

# The Bill of Rights and Amendments 11–27

In 1787, Thomas Jefferson sent James Madison a letter about the Constitution. Jefferson wrote, “I will now add what I do not like . . . [there is no] bill of rights.” He explained his reasons: “A bill of rights is what the people are entitled to against every government on earth . . . and what no just government should refuse.” Jefferson’s disapproval is not surprising. In writing the Declaration of Independence, he spelled out basic individual rights that cannot be taken away. These are “life, liberty, and the pursuit of happiness.” The Declaration states that governments are formed to protect these rights.

Several states approved the Constitution only if a list of guaranteed freedoms was added. While serving in the nation’s first Congress, James Madison helped draft the Bill of Rights. In 1791, these first ten amendments became part of the Constitution.

## AMENDMENTS 1–10. *The Bill of Rights*

**MAIN IDEA** The Bill of Rights protects citizens from government interference.

**WHY IT MATTERS NOW** Issues related to the Bill of Rights are still being applied, tested, and interpreted.

### AMENDMENT 1. Religious and Political Freedom (1791)

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.

### A CLOSER LOOK The Five Freedoms

#### Freedom of Religion

Right to worship



#### Freedom of Speech

Right to state ideas

#### Freedom of the Press

Right to publish ideas



#### Freedom of Assembly

Right to meet peacefully in groups

#### Freedom to Petition

Right to protest the government



### SKILLBUILDER Interpreting Charts

1. Why is freedom of speech and the press important in a democratic society?
2. What impact has religious freedom had on the American way of life?

**AMENDMENT 2. Right to Bear Arms (1791)** 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 3. Quartering Troops (1791)** No soldier shall, in time of peace be **quartered** in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

**AMENDMENT 4. Search and Seizure (1791)** The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**AMENDMENT 5. Rights of Accused Persons (1791)** No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without **due process of law**; nor shall private property be taken for public use, without just compensation.

**AMENDMENT 6. Right to a Speedy, Public Trial (1791)**  
In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have **compulsory process** for obtaining witnesses in his favor, and to have the assistance of **counsel** for his defense.

#### VOCABULARY

- abridging** reducing  
**quartered** given a place to stay  
**due process of law** fair treatment under the law  
**compulsory process** required procedure  
**counsel** a lawyer

#### A CLOSER LOOK

##### SEARCHES

Metal detectors at airports search passengers. Airline workers search all carry-on luggage. Do these actions violate the 4th Amendment? The courts say no. They have cited many situations that allow for searches without a warrant, or written order. A person's right to privacy is balanced against the government's need to prevent crime.

**20. What does the right to privacy mean to you at home and at school?**



#### A CLOSER LOOK

In 1966, the Supreme Court made a decision based on the 5th and 6th Amendments. The warnings outlined in this ruling are often called "Miranda rights." Miranda rights protect suspects from giving forced confessions. Police must read these rights to a suspect they are questioning. For example:

- "You have the right to remain silent."
- "Anything that you say can and will be used against you in a court of law."
- "You have the right to an attorney."



#### A CLOSER LOOK

Protesters claim that the death penalty violates the 8th Amendment, which protects people against “cruel and unusual punishments.” Supporters believe that the death penalty is a justly deserved punishment.



#### A CLOSER LOOK

##### STATES' POWERS

The 10th Amendment gives the states reserved powers. Any powers not clearly given to the national government by the U.S. Constitution or denied to the states in Article I, Section 10, belong to the states. State constitutions sometimes assume authority in unexpected areas. For example, California's constitution sets rules for governing the use of fishing nets.

**21. What are some common areas in which states have authority?**

**AMENDMENT 7. Trial by Jury in Civil Cases (1791)** 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 8. Limits of Fines and Punishments (1791)** Excessive **bail** shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

**AMENDMENT 9. Rights of People (1791)** The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

**AMENDMENT 10. Powers of States and People (1791)** 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.

### Bill of Rights Assessment

#### 1. Main Ideas

- Which amendment protects your privacy?
- Which amendments guarantee fair legal treatment?
- Which amendment prevents the federal government from taking powers away from the states and the people?

#### 2. Critical Thinking

**Forming and Supporting Opinions** The 4th, 5th, 6th, 7th, and 8th Amendments protect innocent people accused of crimes. Do you think these five amendments also favor the rights of actual criminals? Explain.

#### THINK ABOUT

- criminals who go free if valuable evidence is found after their trials
- criminals released on bail

## Amendments 11–27

**MAIN IDEA** The Constitution has adapted to social changes and historical trends.  
**WHY IT MATTERS NOW** Amendments 11–27 show that the Constitution is a living document.

### AMENDMENT 11. Lawsuits Against States (1798)

Passed by Congress March 4, 1794. Ratified February 7, 1795. Proclaimed 1798.  
**Note:** Article 3, Section 2, of the Constitution was modified by Amendment 11.

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

### AMENDMENT 12. Election of Executives (1804)

Passed by Congress December 9, 1803. Ratified June 15, 1804.  
**Note:** Part of Article 2, Section 1, of the Constitution was replaced by the 12th Amendment.

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

### VOCABULARY

**common law** a system of law developed in England, based on customs and previous court decisions

**bail** money paid by arrested persons to guarantee they will return for trial

**equity** a system of justice not covered under common law

### A CLOSER LOOK

#### SEPARATE BALLOTS

The presidential election of 1800 ended in a tie between Thomas Jefferson and Aaron Burr. At this time, the candidate with the most votes became president. The runner-up became vice-president. The 12th Amendment calls for separate ballots for the president and vice-president. The vice-president is specifically elected to the office, rather than being the presidential candidate with the second-most votes.

**22. Why do you think it's important for a presidential election to result in a clear-cut winner?**

## VOCABULARY

**servitude** being under the authority of an owner or master  
**naturalized** granted nationality  
**insurrection** revolt against authority  
**bounties** rewards

## AMENDMENT 13. Slavery Abolished (1865)

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

**Note:** A portion of Article 4, Section 2, of the Constitution was superseded by the 13th Amendment.

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

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

## AMENDMENT 14. Civil Rights (1868)

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

**Note:** Article 1, Section 2, of the Constitution was modified by Section 2 of the 14th Amendment.

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

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

## A CLOSER LOOK

The 14th Amendment laid the groundwork for many civil rights laws, such as the Americans with Disabilities Act (1990). This act gave people with mental or physical disabilities "equal protection of the laws." For example, public places had to be designed for wheelchair use. Wider doors and ramps allow disabled people to go in and out of buildings.



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

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

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

## AMENDMENT 15. Right to Vote (1870)

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

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

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

### A CLOSER LOOK

#### VOTING RIGHTS

The Voting Rights Act of 1965 extended the 15th Amendment. To qualify as voters, African Americans were no longer required to take tests proving that they could read and write. Also, federal examiners could help register voters. As a result, the number of African-American voters rose sharply.

**23. What effect do you think the Voting Rights Act had on candidates running for office?**

### A CLOSER LOOK Reconstruction Amendments

The 13th, 14th, and 15th Amendments are often called the Reconstruction Amendments. They were passed after the Civil War during the government's attempt to rebuild the Union and to grant rights to recently freed African Americans.

#### Amendment 13



1865

- Ended slavery in the United States

#### Amendment 14



1868

- Defined national and state citizenship
- Protected citizens' rights
- Promised "equal protection of the laws"

#### Amendment 15



1870

- Designed to protect African Americans' voting rights

#### SKILLBUILDER Interpreting Charts

What problems did these amendments try to solve?

## A CLOSER LOOK

### INCOME TAX

People below the poverty level, as defined by the federal government, do not have to pay income tax. In 1997, the poverty level for a family of four was \$16,400 per year. About 13.3 percent of all Americans were considered poor in 1997.

**24. Why do you think people below the poverty level do not pay any income tax?**

## A CLOSER LOOK

Under Prohibition, people broke the law if they made, sold, or shipped alcoholic beverages. Powerful crime gangs turned selling illegal liquor into a big business. This photo shows federal agents getting ready to smash containers of illegal whiskey. The 21st Amendment ended Prohibition.



## AMENDMENT 16. Income Tax (1913)

Passed by Congress July 12, 1909. Ratified February 3, 1913.

Note: Article 1, Section 9, of the Constitution was modified by the 16th 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.

## AMENDMENT 17. Direct Election of Senators (1913)

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

Note: Article 1, Section 3, of the Constitution was modified by the 17th 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 legislatures.

**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.

## AMENDMENT 18. Prohibition (1919)

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

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#### A CLOSER LOOK

At left, marchers campaign for the 19th Amendment—woman suffrage. Since winning the right to vote in 1920, women have slowly gained political power. Pictured below are Congress members who belong to the Congressional Caucus for Women's Issues.



### AMENDMENT 19. Woman Suffrage (1920)

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

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

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

### AMENDMENT 20. "Lame Duck" Sessions (1933)

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

**Note:** Article 1, Section 4, of the Constitution was modified by Section 2 of this amendment. In addition, a portion of the 12th Amendment was superseded by Section 3.

**Section 1.** The terms of the President and Vice-President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3rd day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

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

**Section 3.** If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice-President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice-President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice-President elect shall have

#### A CLOSER LOOK

##### THE EQUAL RIGHTS AMENDMENT

In 1920, the 19th Amendment took effect, guaranteeing women the right to vote. Nevertheless, many women have continued to face discrimination in the United States. In 1923, the National Women's Party supported the passage of an equal rights amendment to protect women. Congress did not pass such an amendment until 1972. In 1982, however, the amendment died after it failed to be ratified by enough states to be added to the Constitution.

**25. Why do you think the 19th Amendment failed to create equality for women?**

## VOCABULARY

**inoperative** no longer in force  
**primary** an election in which registered members of a political party nominate candidates for office

qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice-President shall have qualified.

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

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

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

## AMENDMENT 21. Repeal of Prohibition (1933)

Passed by Congress February 20, 1933. Ratified December 5, 1933.

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

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

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

## AMENDMENT 22. Limit on Presidential Terms (1951)

Passed by Congress March 21, 1947. Ratified February 27, 1951.

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

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

## A CLOSER LOOK

George Washington set the tradition of limiting the presidency to two terms. Franklin Roosevelt broke this custom when he was elected president four terms in a row—1932, 1936, 1940, and 1944. His record-long presidency led to the 22nd Amendment. A two-term limit, written into the Constitution, checks the president's power.



## AMENDMENT 23. Voting in District of Columbia (1961)

Passed by Congress June 17, 1960. Ratified March 29, 1961.

**Section 1.** The district constituting the seat of government of the United States shall appoint in such manner as Congress may direct: a number of electors of President and Vice-President equal to the whole number of Senators and Representatives in Congress to which the district would be entitled if it were a state, but in no event more than the least populous state; they shall be in addition to those appointed by the states, but they shall be considered, for the purposes of the election of President and Vice-President, to be electors appointed by a state; and they shall meet in the district and perform such duties as provided by the twelfth article of amendment.

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

## AMENDMENT 24. Abolition of Poll Taxes (1964)

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

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

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

## AMENDMENT 25. Presidential Disability, Succession (1967)

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

**Note:** Article 2, Section 1, of the Constitution was affected by the 25th Amendment.

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

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

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

### A CLOSER LOOK

#### POLL TAX

The poll tax was aimed at preventing African Americans from exercising their rights. Many could not afford to pay this fee required for voting.

**26. How do you think the 24th Amendment affected elections?**

### A CLOSER LOOK

#### PRESIDENTIAL DISABILITY

President John F. Kennedy's death in 1963 signaled the need for the 25th Amendment. The Constitution did not explain what to do in the case of a disabled president. James Reston, a writer for *The New York Times*, summed up the problem: Suppose Kennedy was "strong enough to survive [the bullet wounds], but too weak to govern." The 25th Amendment provides for an orderly transfer of power.

**27. What do you think can happen in a country where the rules for succession are not clear?**

## A CLOSER LOOK

### SUCCESSION

Who takes over if a president dies in office or is unable to serve? The top five in the line of succession follow:

- vice-president
- speaker of the house
- president pro tempore of the Senate
- secretary of state
- secretary of the treasury

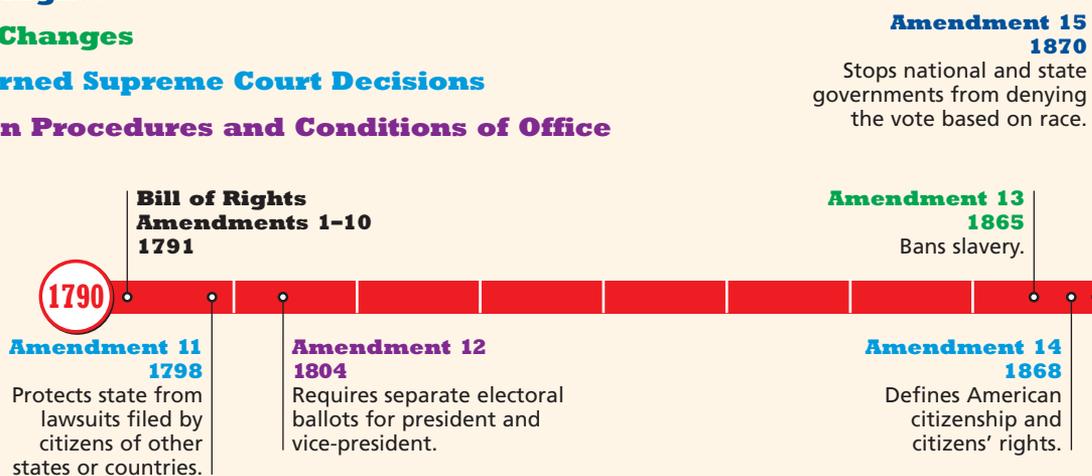
**28. Why should voters know the views of the vice-president?**

**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[s] 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.

## A CLOSER LOOK Amendments Time Line 1791–1992

Use the key below to help you categorize the amendments.

- **Voting Rights**
- **Social Changes**
- **Overtured Supreme Court Decisions**
- **Election Procedures and Conditions of Office**



## AMENDMENT 26. 18-year-old Vote (1971)

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

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

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

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

## AMENDMENT 27. Congressional Pay (1992)

Passed by Congress 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.



### A CLOSER LOOK

Members of the recording industry founded Rock the Vote. They urge young people to vote in elections.

## Amendments 11–27 Assessment

### 1. Main Ideas

- Which amendments affected the office of president?
- Which pair of amendments shows the failure of laws to solve a social problem?
- Which amendments corrected unfair treatment toward African Americans and women?

### 2. Critical Thinking

**Summarizing** What is the purpose of amending the Constitution?

#### THINK ABOUT

- the purpose of the Constitution
- problems and issues that Americans have faced throughout U.S. history

