The Constitution of the United States of America

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Dear Senate Visitor:

This edition of the U. S. Constitution is intended to serve as a keepsake of your visit to the United States Senate. As the world's longest-surviving written charter of government, the Constitution can be read with profit by all who care about this nation's system of representative democracy. Brief explanations of each of the Constitution's sections were prepared by the Office of the Secretary of the Senate with the assistance of Johnny H. Killian of the Library of Congress.

THE CONSTITUTION OF THE UNITED STATES OF AMERICA

Written in 1787, ratified in 1788, and in operation since 1789, the United States Constitution is the world's longest surviving written charter of government. Its first three words—"We The People"—affirm that the government of the United States exists to serve its citizens. The supremacy of the people through their elected representatives is recognized in Article I, which creates a Congress consisting of a Senate and a House of Representatives. The positioning of Congress at the beginning of the Constitution reaffirms its status as the "First Branch" of the federal government.

The Constitution assigned to Congress responsibility for organizing the executive and judicial branches, raising revenue, declaring war, and making all laws necessary for executing these powers. The president is permitted to veto specific legislative acts, but Congress has the authority to override presidential vetoes by two-thirds majorities of both houses. The Constitution also provides that the Senate advise and consent on key executive and judicial appointments and on the ratification of treaties.

For over two centuries the Constitution has remained in force because its framers successfully separated and balanced governmental powers to safeguard the interests of majority rule and minority rights, of liberty and equality, and of the central and state governments. More a concise statement of national principles than a detailed plan of governmental operation, the Constitution has evolved to meet the changing needs of a modern society profoundly different from the eighteenth-century world in which its creators lived.

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CONSTITUTION OF THE UNITED STATES

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, 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.

The Preamble explains the purposes of the Constitution, and defines the powers of the new government as originating from the people of the United States.

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.

The Constitution divides the federal government into three branches, giving legislative powers to a bicameral (two chamber) Congress.

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.

The House of Representatives was intended to be "the people's house." Its members were elected directly by the voters in the states, and the entire House would have to stand for election every two years.

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 need to be 25 years old (compared to 30 for senators), and 7 years a citizen (compared to 9 years for senators). They must be residents within their states at the time of their election, but do not necessarily have to live within their districts.

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 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.

Membership in the House is apportioned according to the population of the states. Every state must have at least one House seat. Larger states will have many more representatives. Every ten years, after the census has been taken, House districts are reapportioned to reflect their changing population. For many years the House increased its size as the nation's population grew, but in 1911 the number of representatives was fixed at 435 (together with non-voting delegates representing several territories and the District of Columbia). *Words in italics indicate provisions that were later dropped from the Constitution.* The 13th amendment abolished slavery, and the 14th amendment provided that representation would be determined according to the whole number of persons in each state, not by the "three-fifths" of the slaves. Since American Indians are now taxed, they are counted for purposes of apportionment.

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

Vacant House seats must be filled by election. For the Senate, state governors may fill vacancies.

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

Representatives choose their presiding officer, the Speaker, from among the membership of the majority party. Other elected officers, such as the chaplain, clerk of the House, sergeant at arms, and doorkeeper, are not members of the House. Impeachment is the power to remove federal officers. The House initiates the process by voting to impeach, which then refers the matter to the Senate for a trial.

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.

Each state has two senators, regardless of the size of its population. Originally, senators were chosen by state legislatures. In 1913 the 17th amendment provided that senators would be directly elected by the people.

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.*

From the beginning, senators were divided into three groups for staggered elections, so that one-third of the seats are filled every two years. The italicized parts, regarding the filling of vacancies, were altered by the 17th amendment.

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.

As with representatives, the Constitution fixes the qualifications a person must meet to be eligible to be a senator.

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

As the presiding officer of the Senate, the vice president may vote only to break a tie.

The Senate shall chuse 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.

Except for the Vice President, the Senate elects its own officers. The President pro tempore is usually the longest-serving member of the majority party. Other elected officers include a chaplain, secretary of the Senate, and sergeant at arms, who are not senators.

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.

Once the House votes to impeach, the Senate conducts a trial to determine whether to convict or acquit. A two-thirds vote is necessary to remove the individual from office. The chief justice of the Supreme Court presides over the impeachment trial of a president.

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.

Convicted persons can be barred from holding future office, and may be subject to criminal trial in the courts.

Section 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

Federal elections are conducted by the individual states, although Congress has gradually enacted laws that regulate those elections. The 17th amendment made the treatment of the election of senators and representatives the same.

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.

The 20th amendment changed this provision for the convening of Congress from the first Monday in December to the 3rd of January.

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.

The House and Senate decide whether their members are qualified to serve and have been properly elected, and determine any disputed elections. One-half plus one of each house is necessary to make a quorum to conduct business.

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.

The Senate and House each sets its own rules, disciplines its own members, and by a two-thirds vote can expel a member. Censure and lesser punishments require only a majority vote.

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

The Senate and House each publish journals listing bills passed, amendments offered, motions made, and votes taken. In addition to these journals, Congress publishes an essentially verbatim account of its debates, called the *Congressional Record.* Videotapes of floor proceedings are deposited at the National Archives.

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.

This section was included to prevent either chamber from blocking legislation through its refusal to meet. Each chamber takes very seriously its independence of the other body. To avoid having to ask the other chamber for permission to adjourn, the Senate and House simply conduct *pro forma* (as a matter of form) sessions to meet the three-day constitutional requirement. No business is conducted at these sessions, which generally last for less than one minute.

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.

The "speech or debate" clause is a basic protection of members of Congress in a government of separated powers. Inherited from the British parliament, the right prevents executive oppression of the legislature, and here protects members from criminal or civil liability in the performance of their legislative responsibilities.

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.

To preserve the separation of powers, no member may be appointed to an executive or judicial office that was created or accept a salary that was increased during the term to which that senator or representative was elected, nor may anyone serving in Congress simultaneously hold office in any other branch of government.

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.

The House, directly elected by the people, received authority to originate all tax bills. The Senate, however, can amend a tax bill, and the support of both houses is necessary for the bill to become law.

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.

The "presentment clause" describes the *only* way that a bill can become law: it must be passed in identical form by both Houses and it must be signed by the president or passed by a two-thirds vote of Congress over the president's veto. If, while Congress is in session, the president does not sign a bill, it automatically becomes law. If Congress has adjourned or is in recess, the president can "pocket veto" the bill—in a sense, simply putting it in his pocket, unsigned. Congress cannot override bills that have been pocket vetoed.

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.

This clause prevents Congress from circumventing the previous clause by calling a bill something else. All it means is that any "order, resolution, or vote" that has the force of law must be passed in the manner 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;

Section 8 begins the enumerated powers of the federal government delegated to Congress. The first is the power to tax and to spend the money raised by taxes, to provide for the nation's defense and general welfare. This section was supplemented by the 16th amendment, which permitted Congress to levy an income tax.

To borrow Money on the credit of the United States;

Congress can borrow money through the issuance of bonds and other means. When it borrows money, the United States creates a binding obligation to repay the debt and cannot repudiate it.

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

The "commerce clause" is one of the most far-reaching grants of power to Congress. Interstate commerce covers all movement of people and things across state lines, and every form of communication and transportation. The commerce clause has permitted a wide variety of federal laws, from the regulation of business to outlawing of racial segregation. The "Indian commerce clause" has become the main source of power for congressional legislation dealing with Native Americans.

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

Acts of Congress define the requirements by which immigrants can become citizens. Only the federal government, not the states, can determine who becomes a citizen. Bankruptcy laws make provisions for individuals or corporations that fail to pay their debts.

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;

These clauses permit Congress to coin money and to issue paper currency. By extension, under its ability to enact laws "necessary and proper" to carry out these powers (as stated at the end of Article I, Section 8), Congress created the Federal Reserve System to regulate the nation's monetary supply.

To establish Post Offices and post Roads;

The postal powers embrace all measures necessary to establish the system and to insure the safe and speedy transit and prompt delivery of the mails. Congress may also punish those who use the mails for unlawful purposes.

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;

Copyright and patent protection of authors and inventors are authorized by this clause, although it uses neither word.

To constitute Tribunals inferior to the supreme Court;

The Constitution provides only for a Supreme Court, and left it to Congress to create lower ("inferior") courts, and to set their jurisdictions and duties.

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

Every sovereign nation possesses these powers, and Congress has acted under this authority from the beginning.

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;

The "war powers" are defined here and in Article II, Section 2. Congress declares war, while the president wages war. However, presidents have committed U.S. forces leading to conflict without a congressional declaration of war in Korea, Vietnam, and other places, provoking national argument over the meaning of these powers. Congress' control of funding the military provides another check on the executive branch.

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

Under these provisions, the right of the states to maintain a militia, including what is now the National Guard, is always subordinate to the power of Congress. In 1795 Congress first gave the president authority to call out the militia to suppress insurrections. Presidents employed this power to enforce federal law during desegregation disputes during the 1950s, and later during civil disturbances in various cities during the 1960s.

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

This clause enables Congress to govern the District of Columbia. Congress has now delegated that power to a locally elected government, subject to federal oversight. Congress also governs forts, arsenals, and other places obtained from the states for the federal government's purposes.

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

The "elastic clause" enlarges legislative power by enabling Congress to use any means it thinks reasonable to put these powers into action. This clause also authorizes Congress to enact legislation necessary to carry out the powers of the other branches, for example to organize and reorganize the executive branch.

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.*

This obsolete provision was designed to protect the slave trade from congressional restriction for a period of time.

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.

Habeas corpus is a judicial device by which jailed people may require their jailer to justify their imprisonment to a court. It is a fundamental safeguard of individual liberty, and the Supreme Court has interpreted it to give federal courts review over state court convictions and to enforce federal constitutional guarantees. It is generally accepted that only Congress has the power to suspend *habeas corpus*. President Abraham Lincoln's suspension of the right during the Civil War met with strong opposition.

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

A bill of attainder is a legislative act declaring the guilt of an individual or a group of persons and punishing them. Only the courts may determine whether one has violated a criminal statute. An *ex post facto* law declares an act illegal after it has been committed, or increases the punishment for an offense already committed.

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

Direct taxes are poll or "head" taxes and taxes on land. The Supreme Court once held that income taxes were unconstitutional direct taxes, a result overturned by the 16th amendment.

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

To prohibit discrimination against any states or regions, Congress cannot tax goods exported from a state to foreign countries or those that move between states.

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

Congress cannot favor one state against another while regulating trade.

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.

The departments and agencies of the executive branch may not spend any money that Congress has not appropriated, or use federal money for any purpose that Congress has not specified.

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.

This clause was designed to end the aristocratic tendencies that the American Revolution had been fought against. Federal officials must turn over to the government all but minimal gifts from foreign nations.

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.

These provisions protect national powers from state incursions.

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.

States may not interfere with the international trade of the United States.

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.

States cannot levy tonnage duties, which are taxes charged for the privilege of entering, trading in, or remaining in a port. States may come together to work on common problems, such as pollution of a river passing through several states, but the agreements or compacts they reach are subject to congressional consent.

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:

This clause provided the title of the chief executive and defined the term of office. It says nothing about reelection. George Washington established a two-term tradition, which was not broken until Franklin D. Roosevelt won a third and fourth term. The 22nd amendment now limits presidents to two terms.

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 Constitution established an electoral college as a compromise between direct popular election of the president and election by Congress. The method of selecting electors was left to the states. Electors are now chosen by popular vote.

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

This clause was superseded by the 12th amendment, after the election of 1800 in which Thomas Jefferson and his running mate, Aaron Burr, received identical votes and both claimed the office. After many votes, the House of Representatives chose Jefferson, and soon thereafter the amendment was speedily approved.

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 Representatives 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.

Congress has enacted legislation requiring that presidential elections (the selection of electors) occur on the Tuesday following the first Monday in November every four years. Electors gather to vote on the Monday after the second Wednesday in December. The two houses of Congress convene to count the electoral ballots on the following January 6.

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.

This clause requires that in order to take the oath of office a president must be 35, a resident within the United States for 14 years, and a natural-born citizen. This last requirement raises the question of whether someone born to American parents outside of the United States would be eligible to hold the office.

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 25th amendment superseded this clause regarding presidential disability, vacancy of the office, and methods of succession.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased 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.

To preserve the president's independence, Congress can neither raise nor lower the president's salary during his term. Nor can a president accept any other pay.

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

The Constitution prescribes the oath that presidents must take. By contrast, Congress by statute created the oath taken by other federal officials, including the vice president.

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to Grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

As Commander in Chief, the president controls the military forces. Presidents have also cited this power as extending to their control of national and foreign policy in war and peacetime. Congress may not restrain the president's power to pardon, except in impeachment cases.

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 Constitution gives the Senate a share in foreign policy by requiring Senate consent, by a two-thirds vote, to any treaty before it may go into effect. The president may enter into "executive agreements" with other nations without the Senate's consent, but if these involve more than minor matters they may prove controversial.

The president must also submit judicial and major executive branch nominations to the Senate for its advice and consent. The Constitution makes no provision for the removal of executive officers, which has remained largely at the discretion of the president.

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.

When the Senate is not in session, and therefore unable to receive nominations, the president may make recess appointments. The Senate will then consider the nomination when it returns to session.

Section 3. He shall from time to time give to the Congress Information on the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

The duty to deliver to Congress an annual address, known as the State of the Union message, is the basis of the president's legislative leadership. Presidents have frequently summoned Congress into "extra" or "special" sessions, but they have never exercised the power to adjourn Congress. The law enforcement function has been a source of the president's control over the executive branch, however the laws that the president is to execute are the laws that Congress passes, and those laws constrain as well as empower the chief executive.

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.

Impeachment is the ultimate power of Congress to deter and to punish abuse of power by officers of the executive and judicial branches. Federal judges constitute the greater number of impeached and convicted officers. President Andrew Johnson won acquittal by a single vote, and President Richard Nixon resigned before he could be impeached.

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.

This clause identifies the third branch of our separated government, empowering the courts to decide cases and limiting them to the exercise of a certain kind of authority. The Constitution makes no mention of judicial review, the right of the Supreme Court to declare federal and state laws unconstitutional. The Court asserted this right in the case of *Marbury v. Madison* in 1803 and on more than 120 occasions since then. For the sake of independence, justices and judges are given life tenures, subject only to removal by impeachment, and a guarantee that their salaries cannot be reduced.

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.

The use of "cases" and "controversies" emphasizes the nature of the judicial power. These words encompass the concepts of adversity between parties, and require that litigants must have suffered injury sufficient to invoke the power of a federal 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.

Certain cases may be brought directly to the Supreme Court without having been heard by another court. Under statute, the Supreme Court also exercises appellate review, that is the right to review the decisions of a lower federal or state court.

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.

Anyone accused of a crime has a right to a trial by jury, except in the case of impeachments. This right was further defined and strengthened by the 6th, 7th, 8th, and 9th amendments.

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.

This clause limits Congress' ability to define treason or to set its punishment, as a means of preventing political "offenders" from being charged as traitors. At least two witnesses must testify in court that the defendant committed a treasonable act.

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.

Each state is required to recognize the laws and records (such as licenses) of other states and to enforce rights in its own courts that would be enforced in other state courts.

Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

States must treat the citizens of other states equally, without discrimination.

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.

The governor of a state in which a fugitive is found must return the fugitive to the state demanding custody.

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.

This clause, applicable to fleeing slaves, is now obsolete.

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.

By acts of Congress, newly settled or newly acquired areas will be admitted as states on an equal status with those states already in the Union.

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.

Congress has charge of the public lands within the states, which in the West constitutes an enormous amount of land. Congress also governs acquired territories, which today include Puerto Rico, the Virgin Islands, Guam, and American Samoa.

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.

Under this provision, Congress has authorized presidents to send federal troops into a state to guarantee law and order.

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.

The Constitution may be amended in two ways. The standard device, used for all amendments so far, is for both houses of Congress to pass by two-thirds vote a proposal, which they send to the states for ratification, either by state legislatures or by conventions within the states. An amendment is ratified when three-fourths of the states approve. The Constitution also authorizes a national convention, when two-thirds of the states petition Congress for such a convention, to propose amendments, which would also have to be ratified by three-quarters of the states.

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.

The new federal government assumed the financial obligations of the old government under the Articles of 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 "supremacy clause" is the most important guarantor of national union. It assures that the Constitution and federal laws and treaties take precedence over state law and binds all judges to adhere to that principle in their courts.

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.

State and federal officials, whether legislative, executive, or judicial, must take an oath to uphold and defend the Constitution. No religious test, either an avowal or a repudiation of any religious belief, shall ever be required of any public officeholder in the United States.

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.

The Constitutional Convention met under the Government of the Articles of Confederation, which required unanimous assent of all 13 states to change any provisions of the Articles. Nevertheless, the Constitution mandated that the new government would go into effect when nine of the 13 states acted affirmatively.

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,

G° WASHINGTON—
Presi^{dt}. and deputy from Virginia.

New Hampshire	JOHN LANGDON, NICHOLAS GILMAN.
Massachusetts	NATHANIEL GORHAM, RUFUS KING.
Connecticut	WM. SAML. JOHNSON, ROGER SHERMAN.
New York	ALEXANDER HAMILTON.
New Jersey	WIL: LIVINGSTON, DAVID BREARLEY, WM. PATERSON, JONA. DAYTON.
Pennsylvania	B. FRANKLIN, ROBT. MORRIS, THO: FITZSIMONS, JAMES WILSON, THOMAS MIFFLIN, GEO. CLYMER, JARED INGERSOLL, GOUV: MORRIS.
Delaware	GEO: READ, JOHN DICKINSON, JACO: BROOM, GUNNING BEDFORD, JUN'R, RICHARD BASSETT.
Maryland	JAMES M'HENRY, DANL CARROLL, DAN: OF ST. THOS. JENIFER.
Virginia	JOHN BLAIR, JAMES MADISON, JR.
North Carolina	WM. BLOUNT, HU. WILLIAMSON, RICH'D DOBBS SPAIGHT.
South Carolina	J. RUTLEDGE, CHARLES PINCKNEY, CHARLES COTESWORTH PINCKNEY, PIERCE BUTLER.
Georgia	WILLIAM FEW, ABR. BALDWIN.

Attest: WILLIAM JACKSON, *Secretary.*

AMENDMENTS TO THE CONSTITUTION

Amendment I (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.

The first ten amendments comprise the Bill of Rights. The first amendment protects religious freedom by prohibiting the establishment of an official or exclusive church or sect. Free speech and free press are protected, although they can be limited for reasons of defamation, obscenity, and certain forms of state censorship, especially during wartime. The freedom of assembly and petition also covers marching, picketing and pamphleteering.

Amendment II (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.

Whether this provision protects the individual's right to own firearms or whether it deals only with the collective right of the people to arm and maintain a militia is strongly debated.

Amendment III (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.

This virtually obsolete provision was in response to anger over the British military practice of quartering soldiers in colonists' homes.

Amendment IV (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.

Applying to arrests and to searches of persons, homes, and other private places, this amendment requires a warrant, thereby placing a neutral magistrate between the police and the citizen.

Amendment V (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 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.

Indictment by a grand jury requires the decision of ordinary citizens to place one in danger of conviction. Double jeopardy means that when one has been convicted or acquitted, the government cannot place that person on trial again. The self-incrimination clause means that the prosecution must establish guilt by independent evidence and not by extorting a confession from the suspect, although voluntary confessions are not precluded. Due process of the law requires the government to observe proper and traditional methods in depriving one of an important right. Finally, when the government seizes property to use in the public interest, it must pay the owner fair value.

Amendment VI (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 defence.

Defendants in criminal cases are entitled to public trials that follow relatively soon after initiation of the charges. Witnesses must be brought to the trial to testify before the defendant, judge, and jury. Defendants are also entitled to compel witnesses on their behalf to appear and testify.

Amendment VII (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 re-examined in any Court of the United States, than according to the rules of the common law.

Mistrustful of judges, the people insisted on the right to jury trial in civil cases. The minimum level, $20, is so low today that it would burden the federal judiciary, so various devices have been developed to permit alternative resolution of disputes.

Amendment VIII (1791)

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

Neither bail nor punishment for a crime are to be unreasonably severe. The "cruel and unusual punishments" clause has been the basis for challenges to the death penalty.

Amendment IX (1791)

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

Failure of the Constitution to mention a specific right does not mean that the government can abridge that right, but its protection has to be found elsewhere.

Amendment X (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.

The federal government is the recipient of constitutionally delegated powers. What is not delegated remains in the states or in the people.

Amendment XI (1798)

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.

When the Supreme Court held in the 1793 case *Chisholm v. Georgia* that a state could be sued in federal court under Article III of the Constitution, this amendment was rapidly adopted. It provided that states could only be sued in state courts.

Amendment XII (1804)

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

and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest Number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. *And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President*—The

person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

After the disputed election of 1800, this amendment required separate designation of presidential and vice presidential candidates, each of whom must meet the same qualifications for eligibility as the president.

Amendment XIII (1865)

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

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

President Lincoln's Emancipation Proclamation did not apply to slavery in the states that had not seceded. To abolish slavery entirely, Congress proposed this amendment, which also gave Congress specific authority to enforce the amendment by legislation. Under these provisions, Congress has legislated against slavery-like conditions, such as peonage.

Amendment XIV (1868)

Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall

In the *Dred Scott* decision of 1857, the Supreme Court had said that African-Americans were not citizens. This amendment declared that every person born or naturalized in the U.S. was a citizen. The amendment's "due process" clause has had enormous

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

constitutional importance, since the Supreme Court has used it to apply most of the Bill of Rights to the states. The amendment also establishes that all citizens are entitled to "equal protection of the laws," the provision which the Supreme Court cited in *Brown v. Board of Education* in 1954, ruling school segregation unconstitutional.

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 XV (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.

This amendment was designed to protect the right of African-Americans to vote and has served as the foundation for such legislation as the Voting Rights Act of 1965.

Amendment XVI (1913)

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

In 1895 the Supreme Court had declared a federal income tax law unconstitutional. This amendment reversed that decision and authorized a tax on income.

Amendment XVII (1913)

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

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies:

The original system of having state legislatures elect U.S. senators began to break down with the growth of political parties in the mid-19th century. Disagreements between and within parties produced deadlocks that delayed state legislative business and left states without their full Senate representation, often for lengthy periods. This amendment provides for senators to be elected the way members of the House are—by direct election of the people.

Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

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

Amendment XVIII (1919)

The "noble experiment" of Prohibition was instituted by this amendment, only to be repealed 16 years later 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.*

Amendment XIX (1920)

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

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

The Constitution has never prohibited women from voting and for many years before the adoption of this amendment women did vote in several states. The 19th amendment established a uniform rule for all states to follow in guaranteeing women this right.

Amendment XX (1933)

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

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

This so-called "Lame-Duck" amendment reduced the previous four-month period between the November elections and the March 4 starting date of congressional and presidential terms. This ended the custom, when both terms expired on the same day, that required outgoing presidents to sit outside the Senate chamber waiting to sign last-minute legislation. Also, under this amendment, if a presidential election were thrown into the House of Representatives following a deadlock in the January 6 counting of electoral ballots, that decision would be made by a newly elected House rather than one set to go out of existence on March 4.

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

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

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

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

Amendment XXI (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.

In repealing Prohibition, this was the only amendment that the states ratified by conventions rather than by legislatures.

Amendment XXII (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.

George Washington established the custom of presidents serving no longer than two terms. Following Franklin D. Roosevelt's election to third and fourth terms, this amendment set a future limit at two terms.

Amendment XXIII (1961)

Section 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

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

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

In authorizing the creation of a federal district as seat of government, the Framers made no provision for the suffrage rights of persons who resided there. This amendment for the first time, effective with the 1964 election, gave District of Columbia residents the opportunity to vote for three presidential electors.

Amendment XXIV (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.

The poll tax was the last surviving instance of a property qualification for the suffrage, and it was in effect, at the time of the adoption of this amendment, in only five States. The amendment was offered as a removal of another obstacle to the right to vote.

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

Amendment XXV (1967)

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

This amendment clarifies the Constitution's previously ambiguous language about presidential succession, explicitly confirming the long-standing custom that when a president dies in office the vice president *becomes* president, rather than *acts* as 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.

If the vice presidency becomes vacant, the president may nominate a new vice president, subject to the confirmation of both the House and Senate. The amendment also provides procedures for replacing a president who becomes incapacitated.

Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers

and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that

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

Amendment XXVI (1971)

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

During the Vietnam War, this amendment lowered the voting age in federal and state elections to 18, the same age at which young men could be drafted for military service.

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

Amendment XXVII (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.

More than two-hundred years after it was proposed as part of the original Bill of Rights, this amendment prohibited members of Congress from receiving an increase in salary until after the next election had been held.