



Module 4

The U.S. Constitution



Essential Question

What are the most enduring ideas in the Constitution?



About the Painting: This painting, *Washington as Statesman at the Constitutional Convention* by Junius Brutus Stearns, depicts George Washington addressing delegates at the Constitutional Convention.

In this module you will examine domestic challenges the new nation faced forming its government. You will also take a close look at the U.S. Constitution.

What You Will Learn . . .

Lesson 1: The Articles of Confederation 144

The Big Idea Americans adopted the Articles of Confederation but found the new government too weak to solve the nation's problems.

Lesson 2: Drafting the Constitution 154

The Big Idea At the Philadelphia convention in 1787, delegates rejected the Articles of Confederation and created a new constitution.

Lesson 3: Ratifying the Constitution 160

The Big Idea During the debate on the Constitution, the Federalists promised to add a bill of rights in order to get the Constitution ratified.

The Constitution of the United States 168

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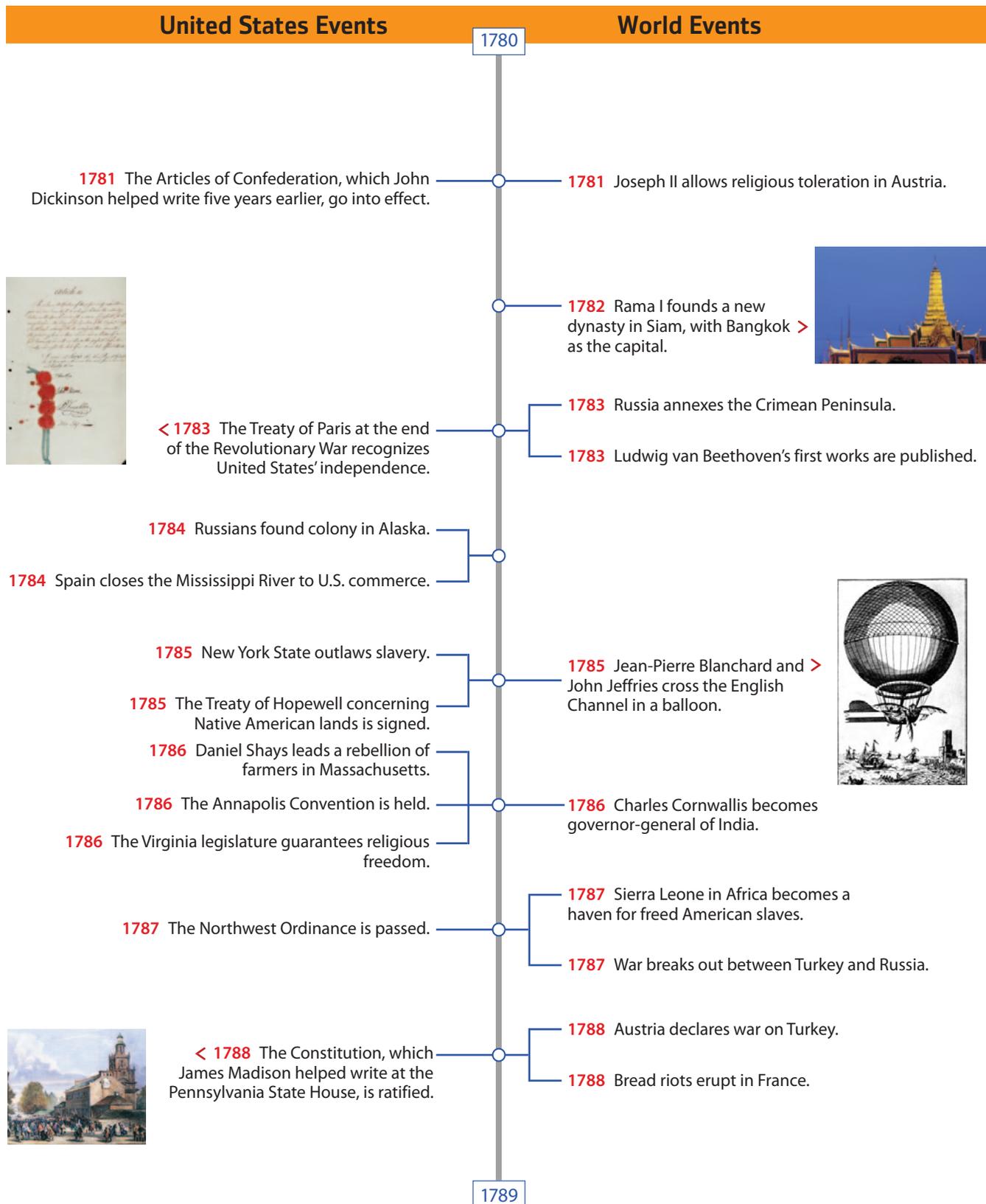


HISTORY

VIDEOS, including...

- Shays's Rebellion: America's First Civil War
- The Roman Republic Is Born
- Shays's Rebellion
- America Gets a Constitution

- ✓ Document-Based Investigations
- ✓ Graphic Organizers
- ✓ Interactive Games
- ✓ Carousel: Political Precedents
- ✓ Image with Text Slider: Examples of Ideas in *The Federalist*



The Articles of Confederation

The Big Idea

Americans adopted the Articles of Confederation but found the new government too weak to solve the nation's problems.

Why It Matters Now

The reaction to the weak Articles of Confederation led to a stronger central government that has continued to expand its power.

Key Terms and People

republic

republicanism

Articles of Confederation

confederation

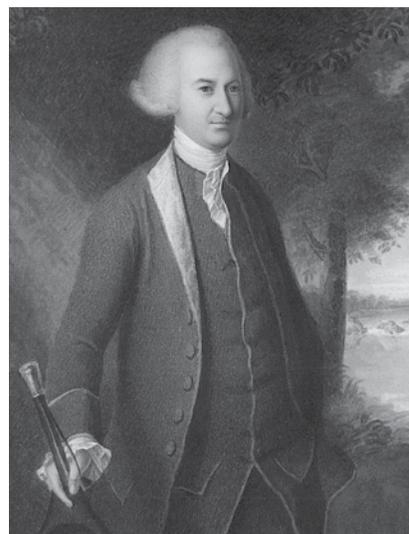
Land Ordinance of 1785

Northwest Ordinance of 1787

One American's Story

Although John Dickinson had once opposed American independence, he later worked hard to help create a government for the new United States. In 1779 John Dickinson returned to the Continental Congress as a delegate from Delaware. At that time he explained the principles that guided his political decisions.

“Two rules I have laid down for myself throughout this contest . . . first, on all occasions where I am called upon, as a trustee for my countrymen, to deliberate on questions important to their happiness, disdaining all personal advantages to be derived from a suppression of my real sentiments . . . openly to avow [declare] them; and, secondly, . . . whenever the public resolutions are taken, to regard them though opposite to my opinion, as sacred . . . and to join in supporting them as earnestly as if my voice had been given for them.”



John Dickinson

—John Dickinson, quoted in *The Life and Times of John Dickinson, 1732–1808*

Dickinson's two rules became guiding principles for the leaders who faced the formidable task of starting a new nation.

Americans Debate Republicanism

The task of creating a new government posed a great challenge. Among many other issues, the relationship between the new states and the national government was difficult to define. The debate over the nature of the new government of the United States would consume the political energies of the new nation.

COLONIES BECOME STATES British settlers in North America had founded not one colony but many, each with its own governor, council, and colonial assembly. This system of distinct, self-governing colonies encouraged people to think of the colony as the primary political unit. Because of this, most people's allegiance was to the colony in which they lived. The Revolutionary War gave the colonies a common goal. But as these colonies became states, they remained reluctant to unite under a strong central government. The challenge was to develop a system of government that balanced the interests of the several states with those of the nation.



This early flag has 13 stars representing the original 13 colonies.

Background

In *An Inquiry into the Nature and Causes of the Wealth of Nations*, Adam Smith (1723–1790) argued that social order and progress were the natural result of individualism and self-interest.

UNITY THROUGH A REPUBLIC Most 18th-century Americans believed that a democracy, or government directly by the people, placed too much power in the hands of the uneducated masses. Therefore, they favored a **republic**—a government in which citizens rule through their elected representatives. However, **republicanism**, the idea that governments should be based on the consent of the people (which should not be confused with the republicanism of the modern-day political party), meant different things to different Americans.

Some, like John Dickinson, believed that a republic required a virtuous people. The new government could only succeed, they argued, if people placed the good of the nation above their personal interests.

Other Americans, influenced by the writings of the Enlightenment philosopher and economist Adam Smith, believed that a republic would benefit from self-interest. They asserted that if a government allowed independent citizens to pursue their own economic and political interests, the whole nation would benefit.

STATE CONSTITUTIONS As the states created their own constitutions, they wrestled with how to put republican ideals into practice. Many state constitutions shared certain similarities. They limited the powers of government leaders. They guaranteed specific rights for citizens, including freedom of speech, religion, and the press. In general, state constitutions emphasized liberty rather than equality and reflected a fear of centralized authority.

At the same time, state constitutions differed widely in granting the right to vote. Although the new states were more democratic than any Western nation at this time, it was still only a very limited democracy by modern standards. African Americans were generally not allowed to vote. Some states granted voting rights to all white males. Other states, like Maryland, continued to make property ownership a requirement for voting.

Despite the more active political role that women had played during the Revolution, they were still denied the right to vote in most states. However,

New Jersey gave voting rights to all free property owners but neglected to specify males. Consequently, some New Jersey women gained the right to vote—at least until 1807. In that year, this right was revoked.

POLITICAL PRECEDENTS In a world where kings still governed most nations, there were few political systems that could serve as models for the new republic. The nation's founders searched history for political precedents for the new government. In the previous century, the English had established a short-lived republic after the execution of King Charles I. During the Middle Ages, Italian cities such as Florence, Pisa, Genoa, and Venice had become self-governing city-states. Swiss communities also had resisted royal control, forming alliances that developed into the Swiss Confederation. In ancient times, republics and various democratic systems had existed in Greece and in Rome. However, none of these models could be adapted easily to the political situation of the new United States, with its need to balance the concerns of state and national governments.

The new United States also needed to make decisions about participatory citizenship, or how average people would participate in their government. Citizens' involvement can include voting, volunteering for military and social service, attending community meetings, joining political parties, and many other actions. Participatory citizenship is necessary to a successful democratic republic.

Reading Check

Compare What relics of the colonial period survived in the new system of government?

Political Precedents

Athens and Rome

In the 1700s American leaders revered the political achievements of ancient Athens and Rome. The Greek city of Athens was acknowledged as the birthplace of democracy. The Romans were admired for overthrowing monarchy and establishing a republic. However, Greek democracy, like the democracy of the New England town meeting, was workable only at a local level. It was the democracy of a city, not of a huge nation. Neither Greek democracy nor the Roman republic had endured.



Engraving of the ancient Roman Senate

The English Commonwealth

In the mid-1600s the English Parliament executed the king and established a republic, which lasted from 1649 to 1660. Oliver Cromwell and later his son Richard controlled this republic, called the Commonwealth and Protectorate. The Commonwealth was continually threatened by anarchy and bad leadership and did not long survive Cromwell's death. The failure of the English Commonwealth must have haunted American political leaders as they planned the government of their republic.



The execution of King Charles I

The Continental Congress Debates

While the states developed their individual constitutions, the Continental Congress tried to draft one for the states as a whole. However, there was much disagreement over the role of the national government. The delegates had to answer three basic questions.

REPRESENTATION BY POPULATION OR BY STATE? Although the states were equal as political entities, they were unequal in size, wealth, and population. These differences posed a serious dilemma. Should delegates to a new government represent people or states? Should each state elect the same number of representatives regardless of its population? Or should states with large populations have more representatives than states with small populations?

For the time being, the members of the Continental Congress saw themselves as representing independent states. As a result, they made the decision that each state would have one vote regardless of population.

SUPREME POWER: CAN IT BE DIVIDED? Until this time, most people assumed that a government could not share supreme power with smaller administrative units, such as provinces or states. However, the Congress proposed a new type of government in a set of laws called the **Articles of Confederation**—one in which two levels of government shared fundamental powers. State governments were supreme in some matters, while the national government was supreme in others. The delegates called this new form of government a **confederation**, or alliance.

For more than a year, the Congress debated whether to adopt the Articles of Confederation, formally adopting them in 1777. The Articles of Confederation gave the new national government power to declare war, make peace, and sign treaties. It could borrow money, set standards for coins and for weights and measures, establish a postal service, and deal with Native American peoples. The Articles, however, created no separate executive department to carry out and enforce the acts of Congress and no national court system to interpret the meaning of laws.

Document-Based Investigation Historical Source

A View of the New Government

Here is John Dickinson's description of an ideal American government:

“Let our government be like that of the solar system. Let the general government be like the sun and the states the planets, repelled yet attracted, and the whole moving regularly and harmoniously in their several orbits.”

—John Dickinson, from *The Records of the Federal Convention of 1787*

Analyze Historical Sources

How does Dickinson's view of the new government reflect Enlightenment ideals?

ANOTHER PERSPECTIVE

John Baptist de Coigne

John Baptist de Coigne, a Kaskaskia chief, was among a group of Indians from the Northwest Territory who met with leaders of the U.S. government in 1793. He expressed the Native American view of the westward expansion of white settlers during the previous ten years:

“Order your people to be just. They are always trying to get our lands. They come on our lands, they hunt on them; kill our game and kill us. Keep them on one side of the line, and us on the other. Listen, my father, to what we say, and protect the nations of the Wabash and the Mississippi in their lands.”

WESTERN LANDS: WHO GETS THEM? By 1779, 12 states had agreed to accept the new government. But conflict over western lands delayed final approval for two more years. Some states had claims to lands west of the Appalachian Mountains. Maryland, which had no such claims, feared that states with land claims would expand and overpower smaller states. It refused to approve the Articles until all states turned over their western lands to the United States. Consequently, the landed states gave up their western claims. Then with Maryland’s approval, the Articles of Confederation went into effect in March 1781.

GOVERNING THE WESTERN LANDS The Confederation Congress then faced the question of how to govern the public lands west of the Appalachians and north of the Ohio River—the Northwest Territory. This area offered rich land for settlers.

Congress passed the **Land Ordinance of 1785**, which established a plan for surveying the land. This law changed the landscape of the Northwest Territory. As the United States expanded farther west, the same regular grid was used in other territories. This model ended many boundary disputes.

Years later, when the Northwest Territory became states, the square townships that were originally designated in the Land Ordinance of 1785 remained. Many of these townships still exist today in midwestern states.

In the **Northwest Ordinance of 1787**, Congress provided a procedure for dividing the land into territories. The law promised settlers religious freedom and barred slavery from the area. A single governor was put in charge of the Northwest Territory, even though the law said that it could later become three to five states. Eventually, the Northwest Territory did become the states of Ohio, Indiana, Illinois, Michigan, Wisconsin, and part of Minnesota.

The Northwest Ordinance set requirements for the admission of new states. However, these requirements mostly overlooked Native American land claims. There were three basic stages for becoming a state:

1. Congress would appoint a territorial governor and judges.
2. When a territory had 5,000 voting residents, the settlers could write a temporary constitution and elect their own government.
3. When the total population of a territory reached 60,000 free inhabitants, the settlers could write a state constitution, which Congress had to approve before it granted statehood.

Reading Check
Contrast What was the basic difference between the Land Ordinance of 1785 and the Northwest Ordinance of 1787?

The Northwest Ordinance also required that public education be provided in the new states. This was one of the first laws to establish federal aid for education in the United States.

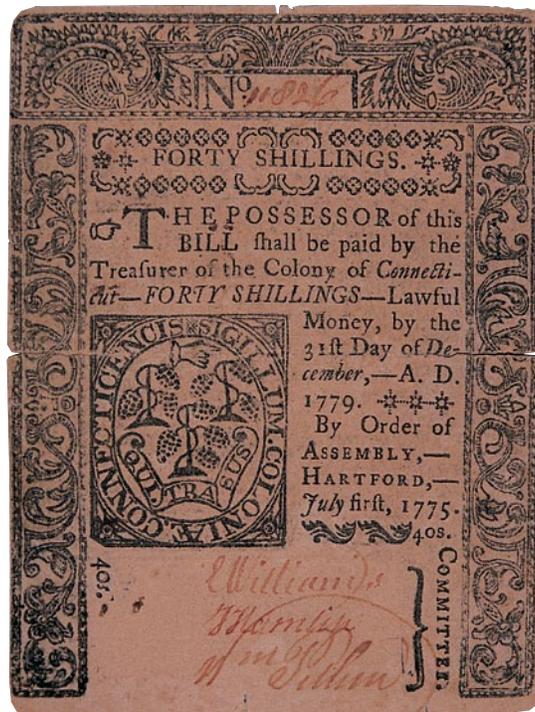
The Land Ordinance of 1785 and the Northwest Ordinance of 1787 had a huge impact. These laws established a blueprint for future growth of the nation and set precedents for government.

The Confederation Encounters Problems

After its success in dealing with the Northwest Territory, the Confederation encountered overwhelming problems in dealing with more immediate issues. These problems ranged from economic issues, such as taxation and the national debt, to political issues, such as the nature of congressional representation. In addition to these domestic issues, there were also many foreign-relations problems that the Confederation was powerless to solve.

POLITICAL AND ECONOMIC PROBLEMS The most serious problem was that the country under the Confederation lacked national unity. Each state functioned independently by pursuing its own interests rather than those of the nation as a whole. In addition, the Confederation didn't recognize the differences in population among the states. Each state, regardless of its population, had only one vote in Congress. Thus, the political power of Georgia, with a population of 23,375 in 1770, was equal to that of Massachusetts, with a population of 235,308. Furthermore, the Articles could not be amended without the consent of every state. A single state could stall the amendment process. Therefore, changes in government were difficult to achieve.

The most serious economic problem was the huge debt that Congress had amassed during the Revolutionary War. The war had cost the nation \$190



The colonies and the states issued currency, such as this early example from Connecticut.

Weaknesses of the Articles of Confederation

- Congress could not enact and collect taxes.
- Congress could not regulate interstate or foreign trade.
- Regardless of population, each state had only one vote in Congress.
- Two-thirds majority—9 out of 13 states—needed to agree to pass any law.
- Articles could be amended only if all states approved.
- There was no executive branch to enforce the laws of Congress.
- There was no national court system to settle legal disputes.
- There were 13 separate states that lacked national unity.

Interpret Tables

1. How many states' votes were needed to approve changes in the Articles of Confederation?
2. Why did the listed weaknesses lead to an ineffective government?

million—a huge amount of money in those days. The Continental Congress had borrowed from foreign countries and had printed its own paper money. After the war, Continental currency became worthless.

Lacking the power to tax, Congress requested the states' approval to impose a tariff, or tax on imported goods. It planned to use the revenue to repay foreign loans. However, one state, Rhode Island, rejected the proposed tax, so it was not adopted. Unable to impose taxes, the Confederation Congress also had no control over interstate or foreign trade.

BORROWERS VERSUS LENDERS Another problem the debt from the Revolution caused was the struggle between creditors (lenders of money) and debtors (borrowers of money). After the war, wealthy people who had lent money to the states favored high taxes so that the states would be able to pay them back. However, high taxes sent many farmers into debt. When a creditor sued a farmer in court for repayment and won the case, the government seized the farmer's land and animals and sold them at auction.

Debtors and creditors also disagreed over the usefulness of paper money. Debtors wanted to increase the supply of money to lessen its value and enable them to pay off their debts with cheap currency. Creditors, in contrast, wanted to keep the supply of money low so that it would keep its full value. Both groups had much to lose.

FOREIGN-RELATIONS PROBLEMS The lack of support from states for national concerns led to foreign-relations problems for Congress. First, since the United States could not repay its debts to British merchants and would not compensate Loyalists for property losses suffered during the Revolutionary War, Britain refused to evacuate its military forts on the Great Lakes. Furthermore, Spain's presence on the borders of the United States posed another threat to westward expansion. In 1784 Spain closed the Mississippi River to American navigation. This action meant western farmers could not

ship their crops to eastern markets through New Orleans. Though northerners were willing to give up navigation rights on the Mississippi in exchange for more profitable trade concessions, westerners and southerners insisted on access to the Mississippi. However, Congress was too weak to resolve either of these challenges by Spain and Britain.

John Jay, president of the Continental Congress and part of the committee sent to negotiate peace with Great Britain, had grave misgivings about the Articles of Confederation.

“To oppose popular prejudices, to censure the proceedings, and expose the improprieties [wrongdoing] of states is an unpleasant task, but it must be done. Our affairs seem to lead to some crisis, some revolution. . . . [W]e are going and doing wrong, and therefore I look forward to evils and calamities. . . .”

—John Jay, from a letter to George Washington, June 27, 1786

The problems Congress encountered in dealing with foreign nations revealed the basic weaknesses of the Confederation government. Americans’ fear of giving the national government too much power had resulted in a government that lacked sufficient power to deal with the nation’s problems. The forthcoming Constitutional Convention would change all of this.

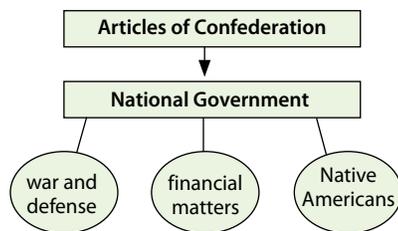
Reading Check

Identify Problems

What weakness in the Confederation was highlighted by the actions of Rhode Island?

Lesson 1 Assessment

1. **Organize Information** Use a web diagram to describe the powers given to the national government by the Articles of Confederation.



2. **Key Terms and People** For each key term in the lesson, write a sentence explaining its significance.

3. **Predict** Do you think that the United States would have become a world power if the Articles of Confederation had remained the basis of government? Explain the reasons for your opinion.

Think About:

- the power that the Articles gave the states
- foreign affairs and the Confederation Congress
- the Confederation Congress’s taxation powers

4. **Analyze Issues** Why were the states afraid of centralized authority and a strong national government?

5. **Identify Problems** What was the main problem with the system of representation by state (rather than by population) that the Confederation adopted?

The Land Ordinance of 1785



Aerial photograph showing how the Land Ordinance transformed the landscape into a patchwork of farms

When states ceded, or gave up, their western lands to the United States, the new nation became “land rich” even though it was “money poor.” Government leaders searched for a way to use the land to fund such services as public education.

The fastest and easiest way to raise money would have been to sell the land in huge parcels. However, only the rich would have been able to purchase land. The Land Ordinance of 1785 made the parcels small and affordable.

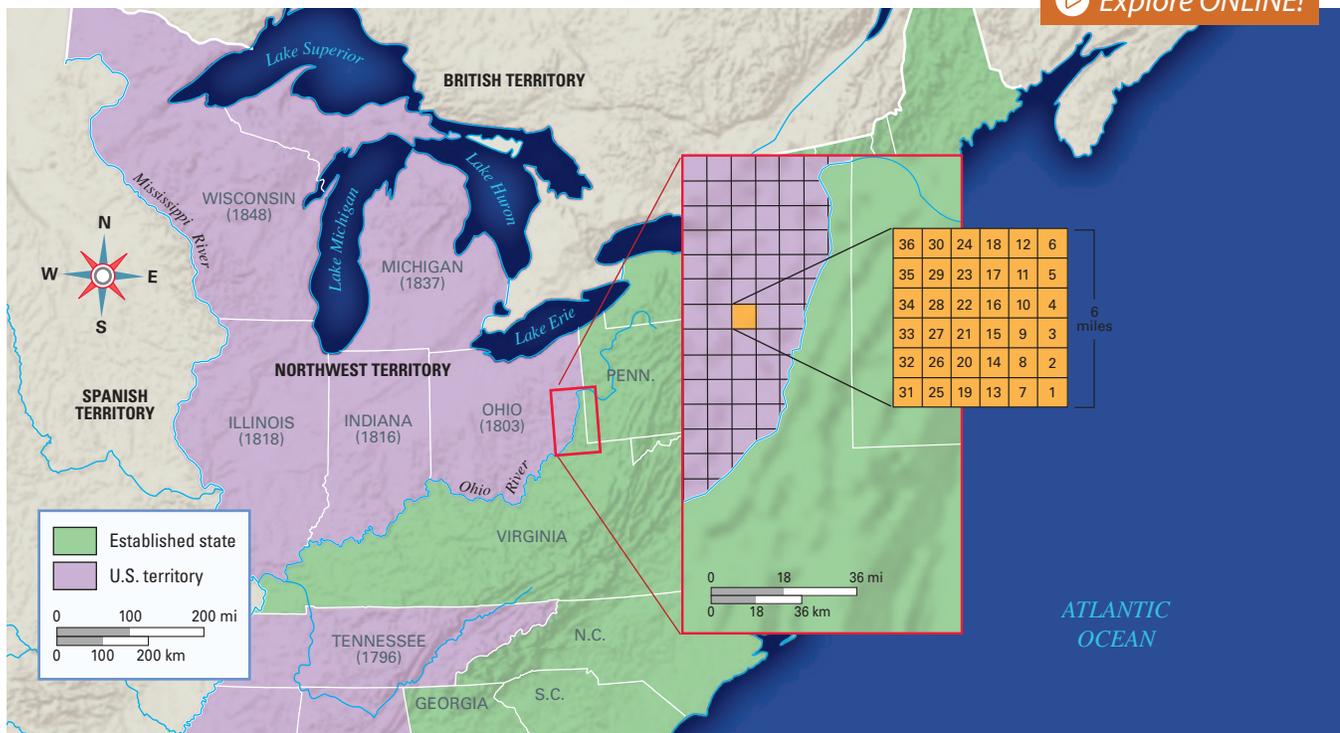
The Land Ordinance established a plan for dividing the land. The government would first survey the land, dividing it into townships of 36 square miles, as shown on the map below. Then each township would be divided into 36 sections of 1 square mile, or about 640 acres, each. An individual or a family could purchase a section and divide it into farms or smaller units. A typical farm of the period was equal to one-quarter section, or 160 acres. The minimum price per acre was one dollar.

Government leaders hoped the buyers would develop farms and establish communities. In this way, settlements would spread across the western territories in an orderly way. Government surveyors repeated the process thousands of times, imposing frontier geometry on the land.

In 1787 the Congress further provided for the orderly development of the Northwest Territory by passing the Northwest Ordinance, which established how states would be created out of the territory.

The map below shows how an eastern section of Ohio has been subdivided into townships and sections, according to the Land Ordinance of 1785.

[Explore ONLINE!](#)



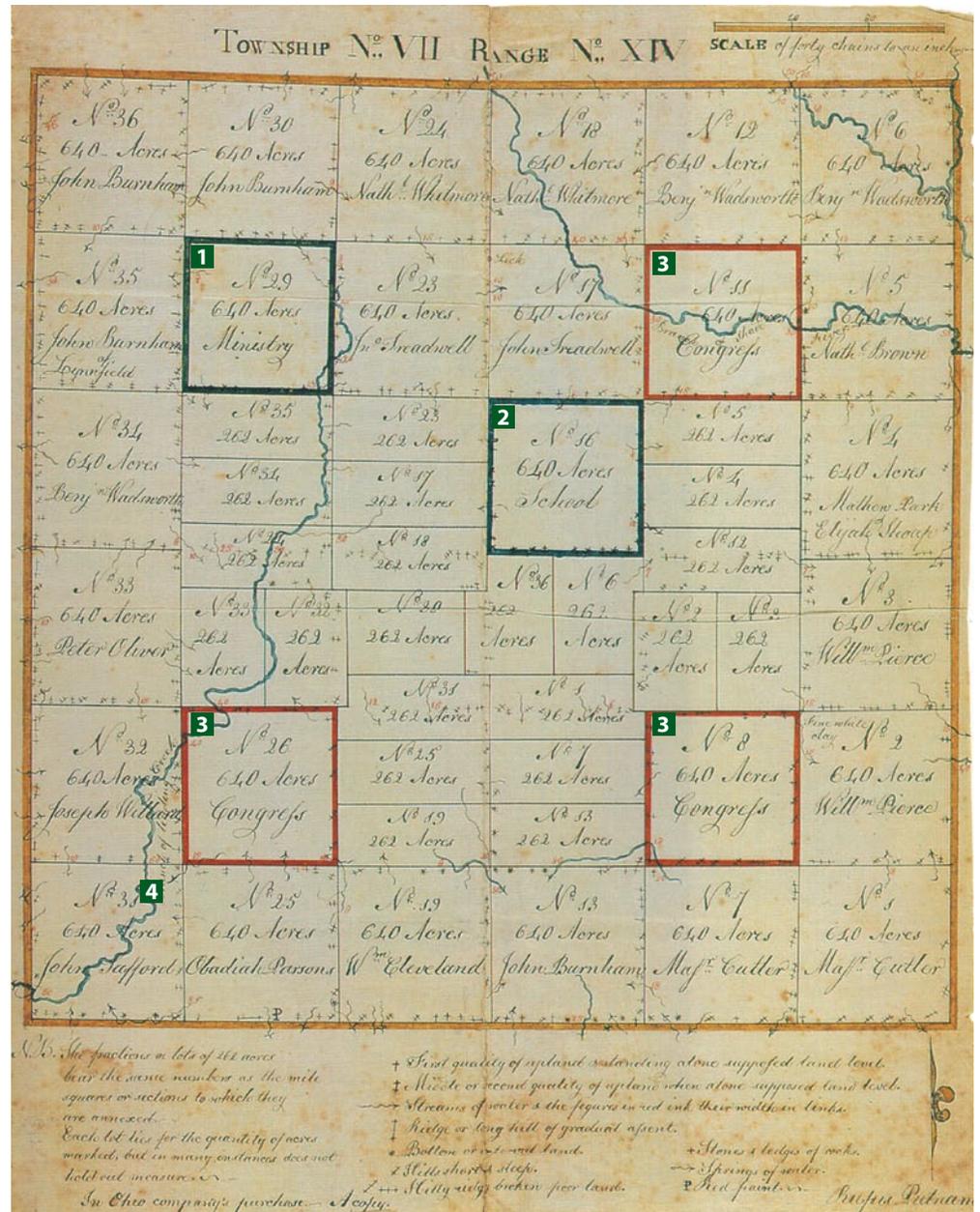
This map shows how a township, now in Meigs County, Ohio, was divided in 1787 into full square-mile sections and smaller, more affordable plots. The names of the original buyers are written on the full sections.

1 RELIGION

To encourage the growth of religion within the township, the surveyors set aside a full section of land. Most of the land within the section was sold to provide funds for a church and a minister's salary. This practice was dropped after a few years because of concern about the separation of church and state.

2 EDUCATION

The ordinance encouraged public education by setting aside section 16 of every township for school buildings. Local people used the money raised by the sale of land within this section to build a school and hire a teacher. This section was centrally located so that students could reach it without traveling too far.



3 REVENUE

Congress reserved two or three sections of each township for sale at a later date. Congress planned to sell the sections then at a tidy profit. The government soon abandoned this practice because of criticism that it should not be involved in land speculation.

4 WATER

Rivers and streams were very important to early settlers, who used them for transportation. Of most interest, however, was a meandering stream, which indicated flat bottomland that was highly prized for its fertility.

Critical Thinking

1. Analyze Distributions How did the Land Ordinance of 1785 provide for the orderly development of the Northwest Territory? How did it make land affordable?

2. Create a Chart Create a chart that organizes and summarizes the information in the map above. To help you organize your thoughts, pose questions that the map suggests and that a table could help answer.

Drafting the Constitution

The Big Idea

At the Philadelphia convention in 1787, delegates rejected the Articles of Confederation and created a new constitution.

Why It Matters Now

The Constitution remains the basis of our government.

Key Terms and People

Shays's Rebellion

James Madison

Roger Sherman

Great Compromise

Three-Fifths Compromise

federalism

legislative branch

executive branch

judicial branch

checks and balances

electoral college

One American's Story

Daniel Shays was angry. A veteran of the Revolutionary War battles at Bunker Hill and Saratoga, he had returned to his farm in western Massachusetts. Because of the heavy debt that he carried, however, he faced debtors' prison. Shays felt that he was the victim of too much taxation.

During the summer and fall of 1786, farmers like Shays kept demanding that the courts be closed so they would not lose their farms to creditors. Their discontent boiled over into mob action in September 1786, when Daniel Shays led an army of farmers to close the courts. In 1787 Shays's army, 1,200 strong, marched through the snow toward the arsenal at Springfield.

State officials hurriedly called out the militia. Four of the rebels were killed and the rest were scattered. Clearly, though, if so many farmers were rebelling, there was something seriously wrong.



Shays's Rebellion in 1786–1787 not only resulted in the death of four rebels but also unsettled some of the nation's leaders.

Nationalists Strengthen the Government

Shays's Rebellion, as the farmers' protest came to be called, caused panic and dismay throughout the nation. Every state had debt-ridden farmers. Would rebellion spread from Massachusetts elsewhere? Not only was private property in danger, but so was the new nation's reputation. As George Washington himself exclaimed, "What a triumph for our enemies . . . to find that we are incapable of governing ourselves."

It was clearly time to talk about a stronger national government. In order to prevent abuse of power, the states had placed such severe limits on the government that the government was too weak.

CALL FOR CONVENTION One of the nation's biggest problems was trade between the states, which led to quarrels over the taxes that states imposed on one another's goods and disagreements over navigation rights. In September 1786 leaders such as **James Madison** of Virginia and Alexander Hamilton called a meeting of state delegates to discuss issues of interstate trade. Only five states sent representatives to the convention, held in Annapolis, Maryland. Delegates decided to call for another meeting the following year in Philadelphia to deal with trade and other problems.

Meanwhile, the disturbing news of Shays's Rebellion in Massachusetts spread throughout the states. The incident convinced 12 states to send delegates to the Philadelphia convention.

CONVENTION HIGHLIGHTS In May 1787 delegates from all the states except Rhode Island gathered at the Philadelphia State House—in the same room in which the Declaration of Independence had been signed 11 years earlier. In spite of the sweltering heat, the windows were tightly closed to prevent outsiders from eavesdropping on the discussions. The delegates agreed to keep their discussions secret so that they could speak freely.

Document-Based Investigation Historical Source

Washington's Opinion

Fearing that the new nation was about to disintegrate, George Washington expressed his view of America's early government.

"The consequences of . . . [an] inefficient government are too obvious to be dwelt upon. Thirteen sovereignties pulling against each other, and all tugging at the federal head will soon bring ruin on the whole. . . . Let us have [government] by which our lives, liberty, and property will be secured or let us know the worst at once."

—George Washington, from a letter to James Madison, November 5, 1786

Analyze Historical Sources

According to Washington, what was wrong with the young government?

Reading Check

Analyze Motives

Why do you think news of Shays's Rebellion made states decide to participate in the Philadelphia convention?

Most of the 55 delegates were lawyers, merchants, or planters. Most were rich, well-educated men in their thirties or forties. They included some of the most outstanding leaders of the time, such as Benjamin Franklin, Alexander Hamilton, and George Washington. Washington was elected presiding officer by a unanimous vote.

Conflict Leads to Compromise

Most of the delegates recognized the need to strengthen the central government. Within the first five days of the meeting, they gave up the idea of revising the Articles of Confederation and decided to form a new government.

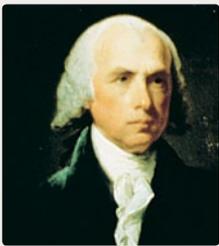
BIG STATES VERSUS SMALL STATES One big issue the delegates faced was giving fair representation to both large and small states. Madison's Virginia Plan proposed a bicameral, or two-house, legislature, with membership based on each state's population. The voters would elect members of the lower house, who would then elect members of the upper house.

Delegates from the small states vigorously objected to the Virginia Plan because it gave more power to states with large populations. Small states supported William Paterson's New Jersey Plan, which proposed a single-house congress in which each state had an equal vote.

Proponents of the plans became deadlocked. Finally, **Roger Sherman**, a political leader from Connecticut, suggested the **Great Compromise**, which

BIOGRAPHY

James Madison (1751–1836)



The oldest of 12 children, James Madison grew up in Virginia. He was a sickly child who suffered all his life from physical ailments. Because of a weak voice, he decided not to become a minister and thus entered politics.

Madison's Virginia Plan resulted from extensive research on political systems that he had done before the convention. He asked Edmund Randolph, a fellow delegate from Virginia, to present the plan because his own voice was too weak to be heard throughout the assembly.

Besides providing brilliant political leadership, Madison kept a record of the debates that took place at the convention. Because of his plan and his leadership, Madison is known as the "Father of the Constitution."

Roger Sherman (1721–1793)



Born in Massachusetts, Roger Sherman spoke a New England dialect that some people found laughable. As a young man, he became a successful merchant. Sherman also studied law

and became so active in politics that he had to quit his business.

Sherman helped draft the Declaration of Independence. When he returned to Philadelphia in 1787 for the Constitutional Convention, he was 66 years old. He introduced a plan—later called the Great Compromise—that resolved the issue of state representation in the national legislature. Roger Sherman was the only man to sign the Continental Association of 1774, the Declaration of Independence, the Articles of Confederation, and the Constitution.

offered a two-house Congress to satisfy both small and big states. Each state would have equal representation in the Senate, or upper house. The size of the population of each state would determine its representation in the House of Representatives, or lower house. Voters of each state would choose members of the House. The state legislatures would choose members of the Senate.

Sherman’s plan pleased those who favored government by the people insofar as it allowed voters to choose representatives. It also pleased those who defended states’ rights insofar as it preserved the power of state legislatures.

SLAVERY-RELATED ISSUES Representation based on population raised the question of whether slaves should be counted as people. Southern delegates, whose states had many slaves, wanted slaves included in the population count that determined the number of representatives in the House. However, southern delegates did not want slaves counted for taxation purposes, which would increase their taxes. Northern delegates, whose states had few slaves, disagreed. Not counting southern slaves would give the northern states more representatives than the southern states in the House of Representatives. The delegates eventually agreed to the **Three-Fifths Compromise**, which called for three-fifths of a state’s slaves to be counted as population for both representation and taxation.

The Three-Fifths Compromise settled the political issue but not the economic issue of slavery. Slaveholders, especially in the South, worried that if Congress were given power to regulate foreign trade, it might do away with the slave trade. To resolve this issue, the convention gave Congress the power to regulate trade but prevented it from interfering with the slave trade for at least 20 years. Although the proposal passed, not all the delegates agreed with it. James Madison predicted, “Twenty years will produce all the mischief that can be apprehended from the liberty to import slaves. So long a term will be more dishonorable to the national character than to say nothing about it in the Constitution.”

Reading Check

Analyze Issues

Why was Sherman’s compromise a success?

Key Conflicts in the Constitutional Convention

Strong Central Government vs. Strong States	
<ul style="list-style-type: none"> • Authority derives from the people. • The central government should be stronger than the states. 	<ul style="list-style-type: none"> • Authority derives from the states. • The states should remain stronger than the central government.
Large States vs. Small States	
<ul style="list-style-type: none"> • Congress should be composed of two houses. • Delegates should be assigned according to population. 	<ul style="list-style-type: none"> • A congress of one house should be preserved. • Each state should have one vote.
North vs. South	
<ul style="list-style-type: none"> • Slaves should not be counted when deciding the number of delegates. • Slaves should be counted when levying taxes. 	<ul style="list-style-type: none"> • Slaves should be counted when determining congressional representation. • Slaves should not be counted when levying taxes.

Creating a New Government

After reaching agreement on questions of slavery and representation, the delegates dealt with other issues. They divided power between the states and the national government and separated the national government's power into three branches.

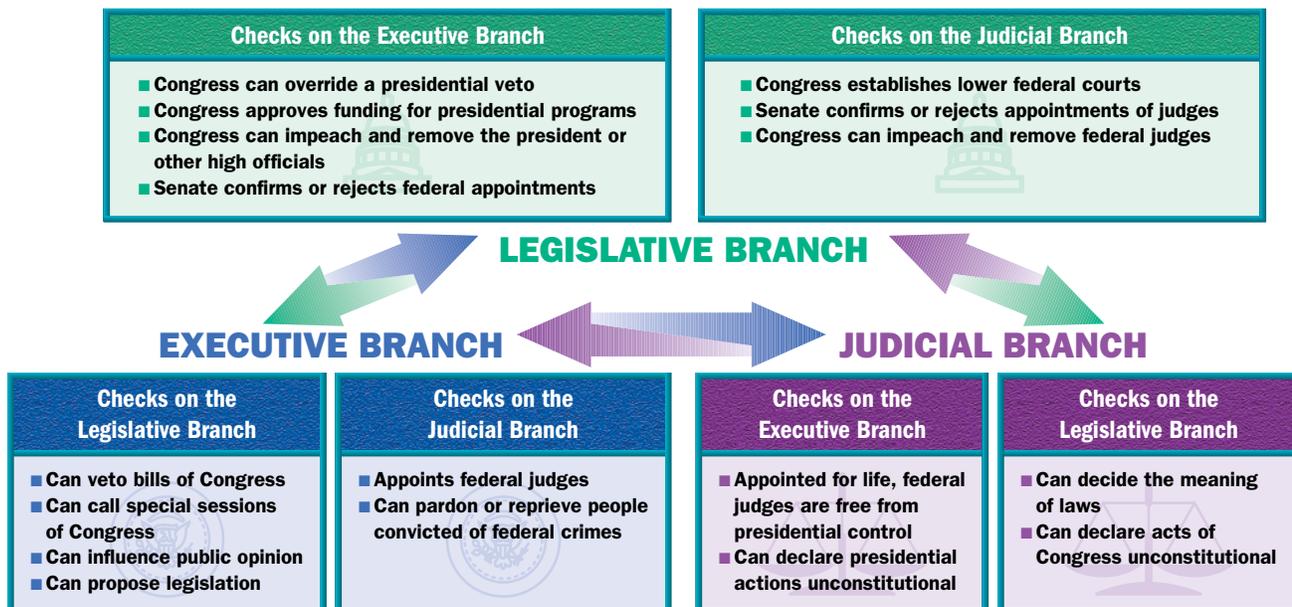
DIVISION OF POWERS The new system of government was a form of **federalism** that divided power between the national government and the state governments. The sharing of power was meant to eliminate states' fears of losing states' rights and sovereignty. The powers granted to the national government by the Constitution are known as delegated powers, or enumerated powers. These include such powers as control of foreign affairs, providing national defense, regulating trade between the states, and coining money. Powers kept by the states are called reserved powers. These include powers such as providing and supervising education and regulating trade in a state.

Both levels of government share such important powers as the right to tax, to borrow money, and to pay debts. They also share the power to establish courts.

SEPARATION OF POWERS The delegates protected the rights of the states, but they also granted some powers exclusively to the national government. At the same time, they limited the authority of the government. First, they created three branches of government—a **legislative branch** to make laws, an **executive branch** to carry out laws, and a **judicial branch** to interpret laws. This separation of powers was an idea that came from the Enlightenment movement. In 1748 the Baron de Montesquieu of France envisioned a republican democracy in which power would be divided to avoid tyranny.

Then the delegates established a system of **checks and balances** to prevent one branch from dominating the others. (See the chart below.) For example, the president has considerable power, but the Senate has to approve some of

The Checks and Balances of the Federal System



The Electoral College

Distrust of popular sovereignty led the framers of the Constitution to devise a complicated system of electing the president. The creation of an electoral college ensured that a college of electors, or representatives, would have the last say in the vote.

In the 2000 presidential election, the electoral college played a decisive role in choosing the president. Even though Al Gore won the popular vote by a margin of almost 540,000, the electors gave George W. Bush 271 electoral votes—one vote more than the 270 votes needed to win the presidency.

the president’s decisions. The president can veto acts of Congress, but Congress can override a veto by a two-thirds vote. The Supreme Court assumes the power to interpret the Constitution, but the president appoints the justices, and Congress can bring them to trial for abuses of power.

The procedure for electing the president reflected two main concerns. Because there were no national political parties and because travel and communication were limited, there was a fear that the popular vote would be divided among many regional candidates. Also, many among the upper classes distrusted and feared the lower classes. Some did not trust the common people to vote wisely; others trusted them to vote the upper class out of power. So the delegates came up with a new system of electing the president. Instead of voters choosing the president directly, each state would choose a number of electors equal to the number of

senators and representatives the state had in Congress. The group of electors chosen by the states, known as the **electoral college**, would cast ballots for the candidates.

CREATING THE CONSTITUTION Finally, the delegates provided a means of changing the Constitution through the amendment process. After nearly four months of debate and compromise, the delegates succeeded in creating a constitution that was flexible enough to last through the centuries to come. Yet when George Washington adjourned the convention on September 17, 1787, he remarked to a fellow delegate, “I do not expect the Constitution to last for more than 20 years.”

The convention’s work was over, but the new government could not become a reality until the voters agreed. So the Constitution was sent to the Congress, which submitted it to the states for approval.

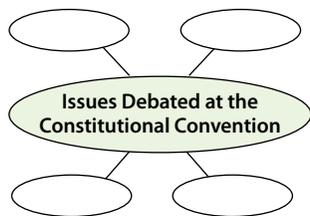
Reading Check

Summarize

Which powers were granted to the national government and to the state governments?

Lesson 2 Assessment

- 1. Organize Information** Use a web diagram to record the issues debated at the Constitutional Convention. Choose one issue and explain how the delegates resolved that issue.



- 2. Key Terms and People** For each term or person in the lesson, write a sentence explaining its significance.

- 3. Evaluate** Do you agree or disagree with the creation of a system of checks and balances? Explain your answer.

Think About:

- the main task of each branch
- how the branches function
- the efficiency of governmental operations

- 4. Analyze Issues** In what ways did the new system of government fulfill the nation’s need for a stronger central government and at the same time allay its fear of a government having too much power?

- 5. Summarize** What was the Great Compromise, and how did it reconcile the interests of the small states with the interests of the more populous states?

Ratifying the Constitution

The Big Idea

During the debate on the Constitution, the Federalists promised to add a bill of rights in order to get the Constitution ratified.

Why It Matters Now

The Bill of Rights continues to protect ordinary citizens.

Key Terms and People

ratification

Federalists

Antifederalists

The Federalist

Bill of Rights

One American's Story

When John Jay was in college, he refused to reveal the identity of a student who had broken school property. As he was being interrogated, Jay pointed out that the college rules did not require one student to inform on another.

Years later, Jay argued for ratification of the newly written Constitution. He warned how other nations would view the United States if it did not unify itself.

“What a poor pitiful figure will America make in their eyes! How liable would she become not only to their contempt, but to their outrage; and how soon would dear-bought experience proclaim that when a people or family so divide, it never fails to be against themselves.”

—John Jay, from *The Federalist*, No. 4



John Jay

Whether Jay was defending his peers or his country's Constitution, his strong principles and commitment to unity gave his arguments tremendous force. Men like John Jay played a key role in ratifying the Constitution.

Federalists and Antifederalists

The delegates to the Philadelphia convention had spent four months drafting the Constitution. When newspapers printed the full text of the new Constitution, the radical changes it proposed shocked many Americans. They had expected the convention to merely amend the Articles of Confederation. Supporters and opponents battled over controversies that threatened to shatter the framers' hope of uniting the states.

CONTROVERSIES OVER THE CONSTITUTION The framers set up a procedure for ratification that called for each state to hold a special convention. The voters would elect the delegates to the convention, who would then vote to accept or reject the Constitution. **Ratification**—official approval—required the agreement of at least nine states. This system largely bypassed the state legislatures, whose members were likely to oppose the Constitution, since it reduced the power of the states. It also gave the framers an opportunity to campaign for delegates in their states who would support ratification.

Supporters of the Constitution called themselves **Federalists**, because they favored the new Constitution's balance of power between the states and the national government. Their opponents became known as **Antifederalists**, because they opposed having such a strong central government and thus were against the Constitution.

The Federalists insisted that the division of powers and the system of checks and balances would protect Americans from the tyranny of centralized authority. Antifederalists countered with a long list of possible abuses of power by a strong central government. These included a fear that the government would serve the interests of privileged factions and ignore the rights of the majority. Antifederalists also raised doubts that a single government could manage the affairs of a large country. Their leading argument, however, centered on the Constitution's lack of protection of individual rights.

NOW

&

THEN

States vs. Federal Government: Public Education

The power struggle between states and the federal government has caused conflict since the nation's founding. The Federalists and Antifederalists were the first to fight over who should hold what power. Today, state and federal governments continue to square off over jurisdictional issues such as public education.

Education is not specifically addressed in the U.S. Constitution. As such, governing education is a power reserved to the states under the

Tenth Amendment. However, funding for public education in the United States comes from both the federal and state governments. As a result, the federal government has been able to exert considerable influence over educational matters. In 2002, for example, Congress passed the No Child Left Behind Act, which required states to implement accountability standards for schools and teachers. Schools that choose not to use these standards will not receive federal funding. Opponents of the law, including some teacher organizations, argue that the federal government has overstepped its bounds by taking control of education from state and local government.



Alexander Hamilton



Patrick Henry

THE OPPOSING FORCES Leading Federalists included framers of the Constitution such as George Washington, James Madison, and Alexander Hamilton. They used their experience and powers of persuasion to win support for the document they had drafted. They received heavy support from urban centers, where merchants, skilled workers, and laborers saw the benefit of a national government that could regulate trade. Small states and those with weak economies also favored a strong central government that could protect their interests.

Leading Antifederalists included revolutionary heroes and leaders such as Patrick Henry, Samuel Adams, and Richard Henry Lee. They received support from rural areas, where people feared a strong government that might add to their tax burden. Large states and those with strong economies, such as New York, which had greater freedom under the Articles of Confederation, also opposed the Constitution at first.

Both sides waged a war of words in the public debate over ratification. A series of 85 essays defending the Constitution appeared in New York newspapers between 1787 and 1788. Later, the essays circulated widely in other states and were collected in a book called *The Federalist*, also known as the Federalist Papers. The essays were published under the pseudonym *Publius*, but were written by Federalist leaders Alexander Hamilton, James Madison, and John Jay. *The Federalist* provided an analysis and an explanation of Constitutional provisions, such as the separation of powers, individual rights, and the limits on the power of majorities, that remain important today.

Document-Based Investigation Historical Source

Federalist vs. Antifederalist

In *The Federalist*, James Madison argued that the states were too powerful under the Articles of Confederation. Antifederalist Patrick Henry spoke against the proposed Constitution, saying it took power away from the states.

“Was, then, the American Revolution effected, was the American Confederacy formed, was the precious blood of thousands spilt, . . . not that the people of America should enjoy peace, liberty, and safety, but that the government of the individual States . . . might enjoy a certain extent of power, and be arrayed with certain dignities and attributes of sovereignty?”

—James Madison, from *The Federalist*, No. 45

“Here is a resolution as radical as that which separated us from Great Britain. It is radical in this transition; our rights and privileges are endangered, and the sovereignty of the states will be relinquished.”

—Patrick Henry, from a speech before the Virginia Ratifying Convention, June 5, 1788

Analyze Historical Sources

What do both arguments have in common? How are they different?

Examples of Ideas in *The Federalist*

Essay	Main Idea
No. 10	A republican government would help balance the influence of factions (groups with specific interests). Also, the government would be large and diverse enough to balance majority rule with minority rights.
No. 45	The states are too powerful under the Articles of Confederation.
No. 51	The separation of powers described in the Constitution would limit government powers.
No. 78	An independent judicial branch would be important so it could decide whether a law is constitutional.

Reading Check

Analyze Issues

What were the Antifederalists' major arguments against the Constitution?

Letters from the Federal Farmer, most likely written by Richard Henry Lee, was the most widely read Antifederalist publication. Lee listed the rights the Antifederalists believed should be protected, such as freedom of the press and of religion, guarantees against unreasonable searches of people and their homes, and the right to a trial by jury.

The Bill of Rights Leads to Ratification

The proposed U.S. Constitution contained no guarantee that the government would protect the rights of the people. Some supporters of the Constitution viewed the Constitution's lack of a bill of rights—a formal summary of citizens' rights and freedoms—as a serious drawback to ratification. Echoing the Enlightenment ideals that he included in the Declaration of Independence and other experiences as an American colonist, Thomas Jefferson said:

"I like much the general idea of framing a government, which should go on of itself, peaceably, without needing continual recurrence to the State legislatures. . . . I will now tell you what I do not like. First, the omission of a bill of rights. . . . Let me add, that a bill of rights is what the people are entitled to against every government on earth, general or particular; and what no just government should refuse. . . ."

—Thomas Jefferson, from a letter to James Madison, 1787

PEOPLE DEMAND A BILL OF RIGHTS Antifederalists argued that since the Constitution weakened the states, the people needed a national bill of rights. They wanted written guarantees that the people would have freedom of speech, of the press, and of religion. They demanded assurance of the right to trial by jury and the right to bear arms.



A parade in New York in 1788 celebrates the new Constitution and features the “Ship of State” float. Alexander Hamilton’s name emphasizes the key role he played in launching the new government.

Federalists insisted that the Constitution granted only limited powers to the national government so that it could not violate the rights of the states or of the people. They also pointed out that the Constitution gave the people the power to protect their rights through the election of trustworthy leaders. In the end, though, the Federalists yielded to people’s overwhelming desire and promised to add a bill of rights if the states would ratify the Constitution.

RATIFICATION OF THE CONSTITUTION Delaware led the country in ratifying the Constitution in December 1787. In June 1788 New Hampshire fulfilled the requirement for ratification by becoming the ninth state to approve the Constitution. Nevertheless, Virginia and New York had not voted, and the new government needed these very large and influential states.

Powerful adversaries squared off in Virginia. Patrick Henry, Richard Henry Lee, and James Monroe led the opposition. Richard Henry Lee, a prominent political figure of his time, claimed that those in favor of the Constitution were voluntarily placing themselves under the power of an absolute ruler.

“Tis really astonishing that the same people, who have just emerged from a long and cruel war in defense of liberty, should now agree to fix an elective despotism [absolute power] upon themselves and their posterity.”

—Richard Henry Lee, quoted in *The Letters of Richard Henry Lee: 1779–1794*

The struggle for New York pitted John Jay and Alexander Hamilton against a strong Antifederalist majority. Jay, Hamilton, and Madison launched an effective public campaign through *The Federalist*. News of ratification by New Hampshire and Virginia strengthened the Federalists’

cause. On July 26, 1788, New York ratified by a vote of 30 to 27. Although Rhode Island did not accept the Constitution until 1790, the new government became a reality in 1789.

The Bill of Rights

1. Religious and political freedom
2. Right to bear arms
3. Freedom from quartering troops
4. Freedom against unreasonable search and seizure
5. Rights of accused persons
6. Right to a speedy, public trial
7. Right to a trial by jury
8. Limits on fines and punishments
9. Rights of the people
10. Powers of states and the people

ADOPTION OF A BILL OF RIGHTS In September 1789 Congress submitted 12 amendments to the state legislatures for ratification. By December 1791 the required three-fourths of the states had ratified ten of the amendments, which officially became known as the **Bill of Rights**.

In several states, ratification had hinged on the Federalists' pledge to add a bill of rights. To write it, Federalists went back to the Virginia Declaration of Rights from 1776. This declaration was one of the first calls for American independence. The wording used in it influenced not only the Declaration of Independence but also the content of the Bill of Rights and many state constitutions. The Virginia Statute for Religious Freedom, passed in 1786, also influenced the Bill of Rights. This statute

written by Thomas Jefferson held that citizens had the right to worship freely without interference or persecution from the government. This idea became part of the First Amendment.

The first eight amendments spell out the personal liberties the states had requested. The Ninth and Tenth Amendments impose general limits on the powers of the federal government.

- The *First Amendment*—guarantees citizens' rights to freedom of religion, speech, the press, and political activity.
- The *Second* and *Third Amendments*—grant citizens the right to bear arms as members of a militia of citizen-soldiers and prevent the government from housing troops in private homes in peacetime.
- The *Fourth* through *Eighth Amendments*—guarantee fair treatment for individuals suspected or accused of crimes.
- The *Ninth Amendment*—makes it clear that people's rights are not restricted to just those specifically mentioned in the Constitution.
- The *Tenth Amendment*—clarifies that the people and the states have all the powers that the Constitution does not specifically give to the national government or deny to the states.

Ideals put forth in the Constitution, such as due process, rule of law, and individual rights, were not applied to all people. The protection of rights and freedoms was not given to all Americans at the time the Bill of Rights was adopted. Native Americans and slaves were excluded, due to long-standing discrimination against them by whites. Traditionally, women were also not given equal rights as men, and were therefore not mentioned in the Constitution. Although some northern states permitted free blacks to vote, the Bill of Rights offered them no protection against whites' discrimination and hostility. The expansion of democracy came from later amendments. Nevertheless, the flexibility of the U.S. Constitution made it a model for governments around the world.

Reading Check

Summarize Why were women, Native Americans, and slaves excluded from the protection of rights and freedoms at the time the Bill of Rights was adopted?

Continuing Relevance of the Constitution

The U.S. Constitution is the oldest written national constitution still in use. Since its ratification, it has served as a model for other democracies. The Constitution has been one of our nation's most important exports—influencing the constitutions of dozens of other nations. It is a flexible document that continues to protect Americans and inspire people around the world.

ADAPTING TO CHANGES The U.S. Constitution is a “living” document, capable of meeting the changing needs of Americans. One reason for this capability lies in Article I, Section 8, which gives Congress the power “To make all laws which shall be necessary and proper for carrying into execution” the powers that the Constitution enumerates. This clause is referred to as the “elastic clause” because it stretches the power of the government. The framers of the Constitution included these implied powers in order to allow the authority of the government to expand to meet unforeseen circumstances. The failed Articles of Confederation did not allow a federal government to address several important issues, so the framers of the Constitution wanted the elastic clause to give them more flexibility on lawmaking.

The Constitution also can be formally changed when necessary through amendments. The Constitution provides ways for amendments to be proposed and to be ratified. Only 27 amendments have been added to the Constitution. These amendments have helped the government meet the challenges of a changing world, while still preserving the rights of the American people.

A Model for Other Democracies

In 1996 South Africa's Parliament approved a landmark constitution. Included in this constitution was a bill of rights modeled in part on the United States Bill of Rights.

The South African bill of rights is broader and more detailed than the U.S. Bill of Rights. For example, two pages are devoted to the rights of arrested, detained, and accused persons. One page is devoted to the rights of children. The document forbids discrimination of all kinds and protects the rights of minorities. It guarantees every citizen the right to travel within the country, and it also guarantees a range of social and economic rights, which were often denied blacks in the past.



People outside the polling station in the black township of Soweto wait to vote in South Africa's first multiracial election.



Nelson Mandela, the first black president of South Africa, greets a crowd celebrating the new constitution, May 8, 1996.

VOTING RIGHTS AMENDMENTS Examples of constitutional amendments made to adapt to changing times are those concerning voting rights. In most instances before voting rights amendments, white males were the only voters in America. Four amendments gave more American citizens the right to vote.

In 1865 the Thirteenth Amendment banned U.S. slavery. The Fourteenth Amendment in 1868 made former slaves citizens of both the United States and the specific states in which they lived. As a result of these two amendments, the Fifteenth Amendment was ratified in 1870. The purpose of the Fifteenth Amendment was to give voting rights to African American males. It states that voting “shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.” However, states found other ways to deny voting rights to most African American males, including poll taxes. A poll tax was a tax that had to be paid before a person was allowed to vote. Almost a century later, in 1964, the Twenty-Fourth Amendment banned poll taxes, finally removing this obstacle.

In 1920 the Nineteenth Amendment guaranteeing voting rights for American women was ratified. Amendments giving women the right to vote had been presented to Congress many times in the 40 years prior to ratification of the Nineteenth Amendment. Many women, including Elizabeth Cady Stanton and Susan B. Anthony, had worked hard to gain women’s voting rights.

The most recent voting rights amendment is the Twenty-Sixth Amendment of 1971. It gave citizens 18 years and older the right to vote. Before this amendment, a citizen had to be 21 to vote in federal elections. During the war, many young Americans were distressed that they were eligible for the draft at age 18, but were unable to vote for the leaders who were making military decisions.

The Constitution’s flexibility and adaptability have made it the enduring foundation of U.S. government. The ability to amend the Constitution helps preserve the rights of Americans as the world changes over time.

Reading Check

Find Main Ideas

Which Americans gained voting rights through constitutional amendments?

Lesson 3 Assessment

- Organize Information** Use a chart to show which groups and public figures supported the Federalists and which supported the Antifederalists. Which group would you have supported? Explain why.

	Public Figures	Groups
Federalists		
Antifederalists		

- Key Terms and People** For each key term in the lesson, write a sentence explaining its significance.

- Evaluate** Do you think the Federalists or the Antifederalists had the more valid arguments? Support your opinion with examples from the text.

Think About:

- whom each group represented
- Americans’ experience with the Articles of Confederation
- Americans’ experience with British rule

- Analyze Motives** Why did the Antifederalists demand the Bill of Rights?
- Predict** How might the course of American history have changed if the Antifederalists’ fight for the Bill of Rights had resulted in forbidding discrimination of all kinds and had protected the rights of all minorities?

The Constitution of the United States

*“The Constitution was not made to fit us like a straightjacket.
In its elasticity lies its chief greatness.”*

—President Woodrow Wilson

Purposes of the Constitution

The official charge to the delegates who met in Philadelphia in 1787 was to amend the Articles of Confederation. They soon made a fateful decision, however, to ignore the Articles and to write an entirely new constitution. These delegates—the “framers”—set themselves five purposes to fulfill in their effort to create an effective constitution.

1. ESTABLISH LEGITIMACY

First, the framers of the Constitution had to establish the new government’s legitimacy—its right to rule. The patriots’ theory of government was set out in the Declaration of Independence, which explained why British rule over the colonies was illegitimate. Now the framers had to demonstrate that their new government met the standards of legitimacy referred to in the Declaration.

For the framers of the Constitution, legitimacy had to be based on a contract among those who are to be ruled. The framers held to the principle called rule of law: Every member of the United States, both citizens and government, must follow its laws. This made a legitimate constitution absolutely necessary.

2. CREATE APPROPRIATE STRUCTURES

The framers’ second purpose was to create appropriate structures for the new government. The framers were committed to the principles of representative democracy. They also believed that any new government must include an important role for state governments and ensure that the states retained some legitimacy to rule within their borders.

To achieve their goals, the framers created the Congress, the presidency, and the judiciary to share the powers of the national government. They also created a system of division of powers between the national government and the state governments.

3. DESCRIBE AND DISTRIBUTE POWER

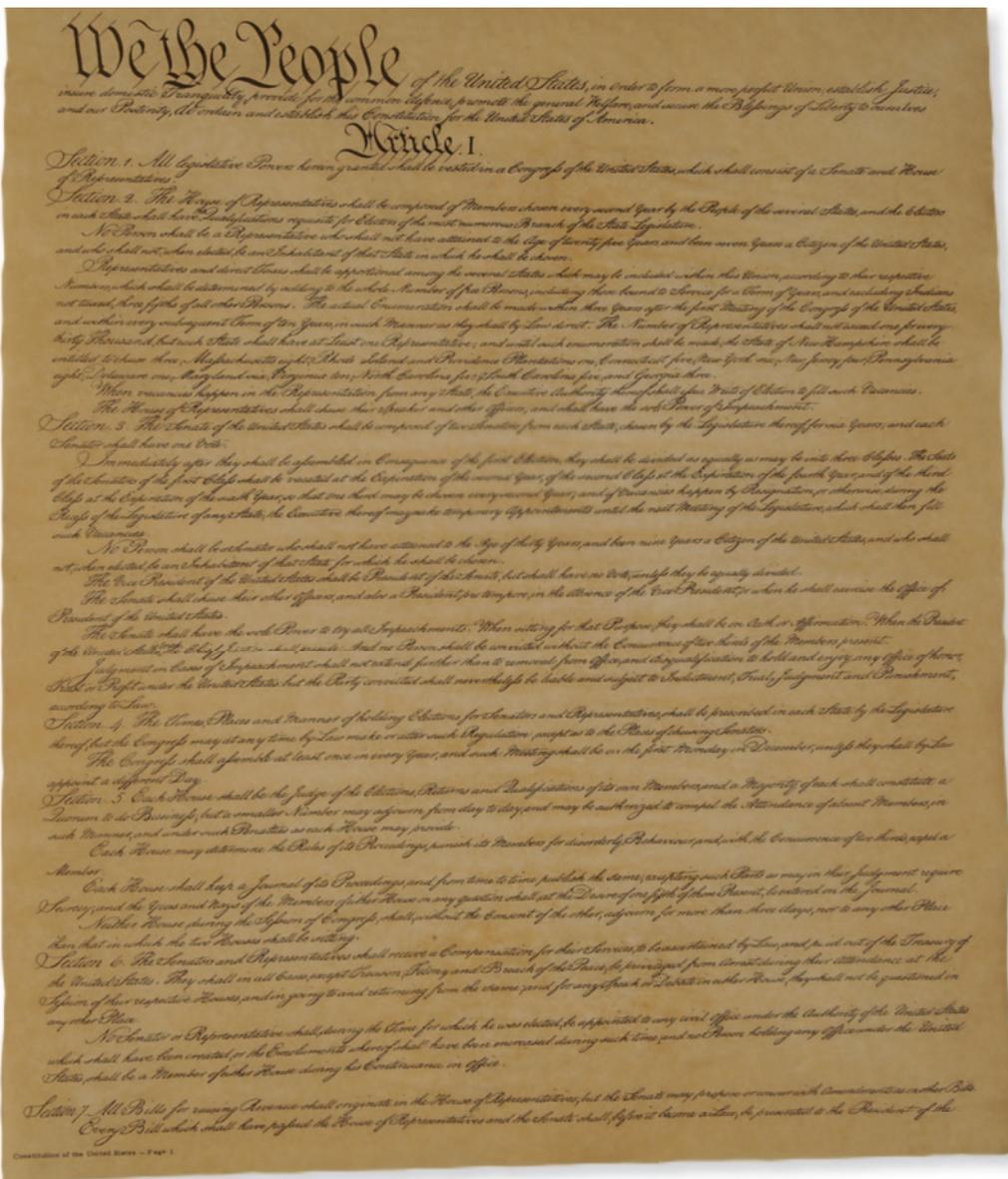
The framers had as their third purpose to describe governmental powers and to distribute them among the structures they created. The powers of the legislative branch, which are those of Congress, are listed in Article I, Section 8, of the Constitution. Many of the executive powers belonging to the president are listed in Article II, Sections 2 and 3. The courts are given judicial powers in Article III. The words of Article IV imply that the states retain authority over many public matters.

4. LIMIT GOVERNMENT POWERS

The fourth purpose of the framers was to limit the powers of the structures they created. Limits on the Congress’s powers are found in Article I, Section 9. Some of the limits on the powers of state governments are found in Article I, Section 10. There the framers enumerate functions that are delegated to the national government and so cannot be directed by the states.

5. ALLOW FOR CHANGE

The framers’ fifth purpose was to include some means for changing the Constitution. Here they faced a dilemma: they wanted to make certain that the government endured by changing with the times, but they did not want to expose the basic rules of government to so many changes that the system would be unstable. So in Article V, they created a difficult, but not impossible, means for amending the Constitution.



The original manuscript of the Constitution is now kept in the National Archives in Washington, DC.

HOW TO READ THE CONSTITUTION

The Constitution, starting on the next page, appears in the major column, while the explanatory notes next to each article, section, or clause appear in the minor column. Each article is divided into sections, and the sections are subdivided into clauses. Headings have been added and the spelling and punctuation modernized for easier reading. Portions of the Constitution no longer in use have been crossed out. The Constitutional Insight questions and answers will help you understand significant issues related to the Constitution.

PREAMBLE

Constitutional Insight Why does the Preamble say “We the people of the United States . . . ordain and establish” the new government? The Articles of Confederation was an agreement among the states. But the framers of the Constitution wanted to be sure its legitimacy came from the American people, not from the states, which might decide to withdraw their support at any time. This is a basic principle of the Constitution.

ARTICLE I, SECTION 1

Constitutional Insight Why does the first article of the Constitution focus on Congress rather than on the presidency or the courts? The framers were intent on stressing the central role of the legislative branch in the new government because it is the branch that most directly represents the people and is most responsive to them.

Critical Thinking

Do you think Congress is still the branch of the federal government that is most directly responsible to the people? Why or why not?

ARTICLE I, SECTION 2.1

Constitutional Insight Why are members of the House of Representatives elected every two years? The House of Representatives was designed to be a truly representative body, with members who reflect the concerns and sentiments of their constituents as closely as possible. The framers achieved this timely representation by establishing two years as a reasonable term for members of the House to serve.

Critical Thinking

Do you think electing members of the House of Representatives every two years is a good idea? Why or why not?

The Constitution

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.

ARTICLE I. THE LEGISLATURE

Section 1. Congress

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

Section 2. The House of Representatives

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

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

3. Number of Representatives Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, ~~which shall be determined by adding to the whole Number of free Persons, including those bound to Service 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.~~

ARTICLE I, SECTION 3.1

Constitutional Insight Why are members of the Senate elected every six years? The framers feared the possibility of instability in the government. So they decided that senators should have six-year terms and be elected by the state legislatures rather than directly by the people. The Seventeenth Amendment, as you will see later, changed this. The framers also staggered the terms of the senators so that only one-third of them are replaced at any one time. This stabilizes the Senate still further.

Critical Thinking

Do you think it is important today for the Senate to have more stability than the House of Representatives? If so, why?

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.

Section 3. The Senate

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

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

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

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

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

Requirements for Holding Federal Office

Position	Minimum Age	Residency	Citizenship
Representative	25 years	state in which elected	7 years
Senator	30 years	state in which elected	9 years
President	35 years	14 years in the United States	natural-born
Supreme Court Justice	none	none	none

ARTICLE I, SECTION 3.6

Constitutional Insight **Must an impeached president step down from office?**

Not necessarily. An impeachment is a formal accusation of criminal behavior or serious misbehavior. By impeaching the president, the U.S. House of Representatives is officially accusing the nation's chief executive of one or more wrong-doings that warrant possible removal from office. It is then the responsibility of the Senate to conduct a trial to determine whether the president is guilty or not guilty of the charges—and thus whether or not the president must step down. Conviction requires a two-thirds vote of the Senate.

Critical Thinking

Do you think a president should be put on trial for a crime while he or she is still in office? Explain.

ARTICLE I, SECTION 5.2

Constitutional Insight **What kinds of rules does Congress make for itself?**

The Constitution gives each house control over most of its rules of procedure and membership. Rules are important, for they help shape the kinds of laws and policies that pass each body. Senate rules allow a filibuster, whereby a senator holds the floor as long as he or she likes in order to block consideration of a bill he or she dislikes. In recent years, a “cloture” rule has been used to end debate if 60 or more members vote to do so.

In contrast, the House of Representatives has rules to limit debate. The Rules Committee has the primary task of determining how long a bill on the floor of the House may be discussed and whether any amendments can be offered to the bill. In recent years, the power of the Rules Committee has been limited, but being able to shape the rules remains a powerful tool of members of Congress.

Critical Thinking

Why do you think the chair of the Rules Committee is in a powerful position?

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/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 Behaviour, and, with the Concurrence of two thirds, expel a Member.

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

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

ARTICLE I, SECTION 7.1

Constitutional Insight Why must all bills to raise revenue originate in the House?

Because its members all stand for election every two years, the House was expected to be more directly responsive to the people. The tradition of restricting the powers of taxation to the people's representatives dates prior to the English Bill of Rights (1689), which granted to Parliament and withheld from the king the right to raise taxes. When colonists protesting the Stamp Act and the Intolerable Acts protested "no taxation without representation," they were appealing to a longstanding right codified in the English Bill of Rights.

Section 6. Payment

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

2. Restrictions No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments 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.

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.

How a Bill in Congress Becomes a Law



1

A bill is introduced in the House or the Senate and referred to a standing committee for consideration.



2

A bill may be reported out of committee with or without changes—or it may be shelved.



3

Either house of Congress debates the bill and may make revisions. If passed, the bill is sent to the other house.



4

If the House and the Senate pass different versions of a bill, both versions go to a conference committee to work out the differences.



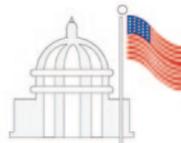
5

The conference committee submits a single version of the bill to the House and the Senate.



6

If both houses accept the compromise version, the bill is sent to the president to be signed.



7

If the president signs the bill, it becomes law.



8

If the president vetoes the bill, the House and the Senate may override the veto by a vote of two thirds of the members present in each house, and then the bill becomes law.

Interpret Visuals

How is the constitutional principle of checks and balances reflected in the process of a bill's becoming a law?

ARTICLE I, SECTION 7.2

Constitutional Insight How often do presidents use the veto, and how often is that action overridden? The use of the veto, which is the refusal to approve a bill, depends on many factors, especially the political conditions of the time. Until 1865 only nine presidents exercised the veto for 36 pieces of legislation, including Andrew Jackson who used it 12 times. Since 1865 every president has used the veto power, some on relatively few occasions, others as frequently as over a hundred times. Usually Congress is unable to produce the votes (those of two-thirds of the members present in each house) needed to override presidential vetoes.

Critical Thinking

Do you think it should be easier for Congress to override a president's veto? Why or why not?

ARTICLE I, SECTION 8

Constitutional Insight The powers given to Congress are in Section 8 of Article I. The first 17 clauses of Section 8 are often called the enumerated powers because they name individually Congress's specific powers. These powers deal with issues ranging from taxation and the national debt to calling out the armed forces of the various states to governing the nation's capital district (Washington, DC).

Critical Thinking

Why do you think it is important to spell out the powers specifically granted to Congress?

2. Lawmaking Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States: If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

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

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 and Bankruptcy To establish an 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;

Modern Money

Technological advances such as color copiers have led to increased counterfeiting. In response, the Bureau of Engraving and Printing (BEP), the federal agency that prints U.S. currency, began adding advanced security features to paper money. The BEP also made a commitment to redesign the nation's currency every seven to ten years to stay ahead of counterfeiters. The \$5, \$10, \$20, \$50, and \$100 bills were all redesigned between 2003 and 2010.

**ARTICLE I, SECTION 8.18**

Constitutional Insight **How is the last clause different?** The 18th and final clause gives Congress the power to do what is “necessary and proper” to carry out the enumerated powers. Thus, the enumerated powers of Congress “to lay and collect taxes;” “to borrow money;” “to regulate commerce;” and “to coin money” imply the power to create a bank in order to execute these powers. Early in the country’s history, this “elastic clause,” as it has been called, was used by Congress to establish the controversial Bank of the United States in 1791 and the Second Bank of the United States in 1816.

Critical Thinking

Why do you think the elastic clause is still important today?

8. Patents and Copyrights To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

9. Courts To constitute Tribunals inferior to the supreme Court;

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

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;

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

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

16. Regulation of the Militia To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

17. District of Columbia To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

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

ARTICLE I, SECTION 9

Constitutional Insight Why didn't the framers include a bill of rights in the original Constitution? Actually, they did. Article I, Section 9, defines limits on the powers of Congress, just as the first ten amendments (which we call the Bill of Rights) do. While some of the provisions focus on such issues as slavery and taxation, there are three explicit prohibitions dealing with citizens' rights:

- *Writ of habeas corpus.* Section 9, Clause 2, says that, except in time of rebellion or invasion, Congress cannot suspend people's right to a writ of habeas corpus. This means that people cannot be held in prison or jail without being formally charged with a crime.
- *Bill of attainder.* Clause 3 prohibits the passage of any law that convicts or punishes a person directly and without a trial. Any legislative action that would punish someone without recourse to a court of law is called a bill of attainder.
- *Ex post facto law.* The same clause prohibits ex post facto laws. Such a law would punish a person for an act that was legal when it was performed.

The fact that these particular rights were protected by the original document issued by the framers reflects both the framers' experiences during the Revolution and their fear of excessive government power.

Critical Thinking

Why are American citizens today so intent on having protections against government violations of their rights?

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 any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

2. Import and Export Taxes No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

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

ARTICLE II. THE EXECUTIVE

Section 1. The Presidency

ARTICLE II, SECTION 1.1

Constitutional Insight What exactly is “executive power”? We know the president has it, but nowhere is it explicitly defined. It is most often defined as the power to carry out the laws of the land, but of course no one person can handle such a chore alone. A more appropriate definition is found in Section 3 of this article, which empowers the president to “take care that the laws be faithfully executed.” In this sense, the president is the chief administrator.

Critical Thinking

Why is it important to have an executive who is the chief administrator?

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

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

3. Former Method of Electing President The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall 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.

ARTICLE II, SECTION 1.6

Constitutional Insight What happens when the vice-president succeeds a dead or incapacitated president?

Section 1.6 provides that the vice-president shall assume the powers and duties of the presidential office. But until the Twenty-Fifth Amendment was added to the Constitution in 1967, there was no explicit statement in the document that the vice-president is to become president. That procedure owes its origin to John Tyler, the tenth president of the United States, who in 1841 succeeded William Henry Harrison—the first president to die in office. Tyler decided to take the oath of office and assume the title of president of the United States. Congress voted to go along with his decision, and the practice was repeated after Lincoln was assassinated. It would take another century for the written provisions of the Constitution to catch up with the practice.

Critical Thinking

Why is it important to know the order of succession if a president dies in office?

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.”

ARTICLE II, SECTION 2.1

Constitutional Insight Just how much authority does the president have as “Commander in Chief” of the armed forces? The president has the power to give orders to American military forces. There have been several instances in U.S. history when presidents have used that authority in spite of congressional wishes.

President Harry Truman involved U.S. armed forces in the Korean War from 1950 to 1953 without a congressional declaration of war.

Reacting to criticism of the Vietnam War, Congress in 1973 enacted the War Powers Resolution, making the president more accountable to Congress for any military actions he or she might take. Every president since Richard Nixon has called the resolution unconstitutional. Nevertheless, every president has reported to Congress within 48 hours of sending troops into an international crisis, as is required by the resolution.

Critical Thinking

Why is it important that the Commander in Chief of the U.S. armed forces be a civilian (the president) rather than a military general?

ARTICLE II, SECTION 3

Constitutional Insight Is it necessary for the president to deliver a State of the Union address before a joint session of Congress at the start of each legislative year? The Constitution requires only that the president report to Congress on the state of the Union from time to time, and nowhere does it call for an annual address. In 1913 President Woodrow Wilson wanted to influence Congress to take action without delay on some legislation that he thought was important. Wilson revived the tradition—which had been discontinued by Jefferson—of delivering the State of the Union address in person.

Critical Thinking

How does the president use the State of the Union address today?

Section 2. Powers of Presidency

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

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

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

Section 3. Presidential Duties

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

ARTICLE II, SECTION 4

Constitutional Insight Have high-level public officials ever been impeached? The House has impeached only two presidents, and neither had to leave office. In 1868 the Senate found President Andrew Johnson not guilty by one vote after the House impeached him, charging him with violating a congressional act. In 1999 senators acquitted President Bill Clinton after the House impeached him with charges of lying under oath and obstructing justice in the attempted cover-up of a White House scandal.

The only other president to come close to impeachment was Richard Nixon. In 1974 the House Judiciary Committee, in what is the first step of the impeachment process, recommended three articles of impeachment against Nixon for his role in the infamous Watergate scandal. Before the full House could vote for or against the articles of impeachment, however, Nixon resigned from office.

Critical Thinking

Why do you think the framers of the Constitution created such an elaborate procedure for removing a sitting president?

ARTICLE III, SECTION 2.1

Constitutional Insight What is judicial review? Is it the same as judicial power? No. Judicial power is the authority to hear cases involving disputes over the law or the behavior of people. Judicial review, in contrast, is a court's passing judgment on the constitutionality of a law or government action that is being disputed. Interestingly, nowhere does the Constitution mention judicial review. There are places where it is implied (for example, in Section 2 of Article VI), but the only explicit description of the responsibility of the courts is the reference to judicial power in Section 1 of Article III. The Supreme Court's power to review laws passed by Congress was explicitly affirmed by the Court itself in *Marbury v. Madison*.

Critical Thinking

Why is judicial review, although not mentioned in the Constitution, an important activity of the Supreme Court?

Section 4. Impeachment

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

ARTICLE III. THE JUDICIARY

Section 1. Federal Courts and Judges

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

Section 2. Authority of the Courts

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

2. Supreme Authority In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

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 attainted.

ARTICLE IV. RELATIONS AMONG STATES

Section 1. State Acts and Records

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

Section 2. Rights of Citizens

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

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

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

ARTICLE IV, SECTION 2.1

Constitutional Insight Why do college students attending public universities outside their state of residence have to pay higher tuition fees? The Supreme Court has interpreted the “privileges and immunities” clause to allow higher tuition fees (and fees for hunting permits, etc.) for nonresidents when a state can give a “substantial reason” for the difference. Since state colleges and universities receive some financial support from the states’ taxpayers, the difference is regarded as justified in most states. If a student establishes residency in the state, he or she can pay in-state tuition after one year.

Critical Thinking

Do you think it is fair that a nonresident must pay higher tuition fees at a state college than a resident of the state must pay? Explain.

ARTICLE IV, SECTION 3.1

Constitutional Insight Should there be a West Virginia?

The Constitution states that “no new state shall be formed or erected within the jurisdiction of any other state” without the permission of the legislature of the state involved and of the Congress. Vermont, Kentucky, Tennessee, and Maine were created from territory taken from existing states, with the approval of the sitting legislatures.

West Virginia, however, is a different story. During the Civil War, the residents of the westernmost counties of Virginia were angry with their state’s decision to secede from the Union. They petitioned Congress to have their counties declared a distinct state. Congress agreed, and so the state of West Virginia was created. After the Civil War, the legislature of Virginia gave its formal approval, perhaps because it was in no position to dispute the matter.

Critical Thinking

Suppose a section of Texas should decide to become a new state today. Could it do this? Why or why not?

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 V. AMENDING THE CONSTITUTION

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

ARTICLE VI. SUPREMACY OF THE NATIONAL GOVERNMENT

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, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

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.

ARTICLE VI, SECTION 2

Constitutional Insight Just how “supreme” is the “law of the land”? The Constitution and all federal laws and treaties are the highest law of the land. (To be supreme, federal laws must be constitutional.) All state constitutions and laws and all local laws rank below national law and cannot be enforced if they contradict national law. For example, if the United States enters into a treaty protecting migratory Canadian birds, the states must change their laws to fit the provisions of that agreement. That was the decision of the Supreme Court in the case of *Missouri v. Holland* (1920). The state of Missouri argued that the national government could not interfere with its power to regulate hunting within its borders, but the Supreme Court concluded that the treaty was a valid exercise of national power and therefore took priority over state and local laws. The states had to adjust their rules and regulations accordingly.

Critical Thinking

What would happen if the national law were not supreme?

ARTICLE VII

Constitutional Insight Why was ratification by only nine states sufficient to put the Constitution into effect?

In taking such a momentous step as replacing one constitution (the Articles of Confederation) with another, the framers might have been expected to require the agreement of all 13 states. But the framers were political realists. They knew that they would have a difficult time winning approval from all 13 states. But they also knew that they had a good chance of getting nine or ten of the states “on board” and that once that happened, the rest would follow. Their strategy worked, but just barely. Although they had the approval of nine states by the end of June 1788, two of the most important states—Virginia and New York—had not yet decided to ratify. Without the approval of these influential states, the new government would have had a difficult time surviving. Finally, by the end of July, both had given their blessing to the new constitution, but not without intense debate.

Then there was the last holdout—Rhode Island. Not only had Rhode Island refused to send delegates to the Constitutional Convention in 1787, but it turned down ratification several times before finally giving its approval in 1790 under a cloud of economic and even military threats from neighboring states.

Critical Thinking

Do you think all 50 states would ratify the Constitution today? Why or why not?

ARTICLE VII. RATIFICATION

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

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

George Washington—President and deputy from Virginia

Delaware

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

Maryland

James McHenry
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

New Hampshire

John Langdon
Nicholas Gilman

Massachusetts

Nathaniel Gorham
Rufus King

Connecticut

William Samuel Johnson
Roger Sherman

New York

Alexander Hamilton

New Jersey

William Livingston
David Brearley
William Paterson
Jonathan Dayton

Pennsylvania

Benjamin Franklin
Thomas Mifflin
Robert Morris
George Clymer
Thomas FitzSimons
Jared Ingersoll
James Wilson
Gouverneur Morris

Attest:

William Jackson,
Secretary

AMENDMENT I

Constitutional Insight Do Americans have an absolute right to free speech? The right to free speech

is not without limits. In the case of *Schenck v. United States* (1919), Justice Oliver Wendell Holmes wrote that this right does “not protect a man in falsely shouting fire in a theatre and causing a panic.” Thus, some forms of speech are not protected by the First Amendment, and Congress is allowed to make laws regarding certain types of expression.

Critical Thinking

Why is there controversy over freedom of speech today?

AMENDMENT IV

Constitutional Insight Can the police search your car without a court-issued search warrant when they stop you for speeding? The answer, according to Supreme Court decisions, depends on whether they have good reasons—called “probable cause”—for doing so. If a state trooper notices bloody clothing in a vehicle that has been stopped for a traffic violation, there might be probable cause for a search of the vehicle. There is probably not sufficient reason for a search if the trooper is merely suspicious of the driver’s behavior. In such cases, the trooper may make a casual request to perform a search. If the driver agrees, then according to the Court, he or she has waived his or her constitutional right against unreasonable searches.

Critical Thinking

Why do you think the right against unreasonable searches and seizures is highly important to most people?

AMENDMENT V

Constitutional Insight Can you be tried twice for the same offense? The prohibition against “double jeopardy” protects you from having the same charge brought against you twice for the same offense, but you can be tried on different charges related to that offense.

Critical Thinking

What do you think could happen if a person could be tried twice for the same offense?

Amendments I–X: The Bill of Rights

PROPOSED BY CONGRESS SEPTEMBER 25, 1786.

RATIFIED DECEMBER 15, 1791.

AMENDMENT I 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.

AMENDMENT II 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 III 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 IV 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 V 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 offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI

Constitutional Insight **What are the Miranda rights?** The term comes from the Supreme Court's decision in *Miranda v. Arizona* (1966), in which the justices established rules police must follow when questioning a suspect. If suspected of a crime, you must be told that you have a right to remain silent and that anything you say "can and will" be used against you. You also need to be informed that you have a right to an attorney and that the attorney may be present during questioning.

Critical Thinking

How do Miranda rights protect you?

AMENDMENT VII

Constitutional Insight **What are the "rules of the common law"?** The common law is the body of legal practices and decrees developed in England and English-speaking America from AD 1066 through the present. It includes the Magna Carta (1215), which acknowledges versions of rights affirmed in the Fifth, Sixth, and Seventh Amendments, as well as the English Bill of Rights (1689), which codified rights asserted in the First, Second, Seventh, and Eighth Amendments. It also includes the decisions and published opinions of state and federal appeals courts, including the U.S. Supreme Court.

AMENDMENT IX

Constitutional Insight **Do you have a right to privacy?** Until 1965 no such right had ever been explicitly stated by the courts. That year, in the case of *Griswold v. Connecticut*, the Court said there is an implied right of American citizens to make certain personal choices without interference from the government; this case concerned the right to use birth control. Years later, in *Roe v. Wade* (1973), the same logic was used to declare unconstitutional a Texas law restricting a woman's right to an abortion in the first stages of pregnancy. Since that decision, both the right to privacy and abortion rights have become major political controversies.

Critical Thinking

How do you define the right to privacy?

AMENDMENT VI 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 defence.

AMENDMENT VII 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 VIII LIMITS OF FINES AND PUNISHMENTS (1791)

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

AMENDMENT IX 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 X 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.

AMENDMENT XI

Article III, Section 2, of the Constitution was modified by the Eleventh Amendment.

AMENDMENT XII

A portion of Article II, Section 1, of the Constitution was superseded by the Twelfth Amendment.

Constitutional Insight **How did the election of 1800 lead to the Twelfth Amendment?** The election ended in a tie vote between the Republican running mates. The election was decided in Jefferson's favor on the House's 36th ballot. Almost immediately, Alexander Hamilton and others designed an amendment that established that the presidential electors would vote for both a presidential and a vice-presidential candidate. This amendment prevents a repeat of the problem experienced in the 1800 election.

Critical Thinking

Why is the Twelfth Amendment important?

Amendments XI–XXVII

AMENDMENT XI LAWSUITS AGAINST STATES (1795)

PASSED BY CONGRESS MARCH 4, 1794. RATIFIED FEBRUARY 7, 1795.

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 XII ELECTION OF THE EXECUTIVES (1804)

PASSED BY CONGRESS DECEMBER 9, 1803. RATIFIED JUNE 15, 1804.

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

AMENDMENT XIII

A portion of Article IV, Section 2, of the Constitution was superseded by the Thirteenth Amendment.

AMENDMENT XIV

Article I, Section 2, of the Constitution was modified by Section 2 of the Fourteenth Amendment.

Constitutional Insight Which personal status takes priority— that of U.S. citizen or that of state citizen? The Fourteenth Amendment firmly notes that Americans are citizens of both the nation and the states, but that no state can “abridge the privileges or immunities” of U.S. citizens, deprive them “of life, liberty, or property, without due process of law,” or deny them “equal protection of the laws.”

What does it mean to have “equal protection of the laws”? “Equal protection of the laws” means that the laws are to be applied to all persons in the same way. The legal system may discriminate between persons—treat them differently, or unequally—if there are relevant reasons to do so. For example, a person’s income and number of dependents are relevant for how much income tax the person should pay; a person’s gender is not. The Supreme Court’s 1954 decision in *Brown v. Board of Education of Topeka*, which declared segregated public schools unconstitutional, was based on an Equal Protection claim; a child’s race is not a relevant reason for the state to assign that child to a particular school.

Critical Thinking

Do you agree or disagree with the Supreme Court’s decision that separate educational facilities are unequal? Explain your position.

AMENDMENT XIII SLAVERY ABOLISHED (1865)

PASSED BY CONGRESS JANUARY 31, 1865. RATIFIED DECEMBER 6, 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.

AMENDMENT XIV CIVIL RIGHTS (1868)

PASSED BY CONGRESS JUNE 13, 1866. RATIFIED JULY 9, 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 abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2 Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, ~~excluding Indians not taxed.~~ But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the ~~male~~ inhabitants of such State, ~~being twenty-one years of age,~~ and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such ~~male~~ citizens shall bear to the whole number of ~~male~~ citizens ~~twenty-one years of age~~ in such State.

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

AMENDMENT XV

Constitutional Insight **Can you be denied the right to vote?** The Fifteenth Amendment prohibits the United States or any state from keeping citizens from voting because of race or color or because they were once slaves. However, a person convicted of a crime can be denied the right to vote, as can someone found to be mentally incompetent.

Critical Thinking

Why do you think so many people do not exercise the right to vote?

AMENDMENT XVI

Article I, Section 9, of the Constitution was modified by the Sixteenth Amendment.

Constitutional Insight **How has the ability of Congress to impose taxes been amended?** The Sixteenth Amendment permits a federal income tax and in so doing changes Article I, Section 9, Clause 4, by stating that Congress has the power to levy an income tax—which is a direct tax—without apportioning such a tax among the states according to their populations.

Critical Thinking

Do you think Congress should have the power to impose an income tax on the people of the nation? Explain your answer.

AMENDMENT XVII

Article I, Section 3, of the Constitution was modified by the Seventeenth Amendment.

Constitutional Insight **How has the way senators are elected been changed?** The Seventeenth Amendment changes Article I, Section 3, Clause 1, by stating that senators shall be elected by the people of each state rather than by the state legislatures.

Critical Thinking

Why is the direct election of senators by the people of each state important?

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

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

AMENDMENT XV 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 the power to enforce this article by appropriate legislation.

AMENDMENT XVI INCOME TAX (1913)

PASSED BY CONGRESS JULY 2, 1909. RATIFIED FEBRUARY 3, 1913.

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

AMENDMENT XVII DIRECT ELECTION OF SENATORS (1913)

PASSED BY CONGRESS MAY 13, 1912. RATIFIED APRIL 8, 1913.

Clause 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.

Clause 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.

Clause 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 XIX

Constitutional Insight When did women first get the right to vote in the United States?

Women had the right to vote in the state of New Jersey between 1776 and 1807. In the late 19th century, some states and territories began to extend full or limited suffrage to women. Then, in 1920 the Nineteenth Amendment prohibited the United States or any state from denying women the right to vote.

Critical Thinking

How does the right of women to vote affect politics today?

AMENDMENT XX

Article I, Section 4, of the Constitution was modified by Section 2 of this amendment. In addition, a portion of the Twelfth Amendment was superseded by Section 3.

Constitutional Insight Why is the Twentieth Amendment usually called the “Lame Duck” amendment?

A lame duck is a person who continues to hold office after his or her replacement has been elected. Such a person is called a lame duck because he or she no longer has any strong political influence. The Twentieth Amendment reduces the time between the election of a new president and vice-president in November and their assumption of the offices, which it sets at January 20 instead of March 4. It also reduces the time new members of Congress must wait to take their seats from four months to about two months. They are now seated on January 3 following the November election. As a result, the lame duck period is now quite short.

Critical Thinking

Why may the framers have specified a longer lame duck period?

AMENDMENT XVIII PROHIBITION (1919)

PASSED BY CONGRESS DECEMBER 18, 1917. RATIFIED JANUARY 16, 1919. REPEALED BY AMENDMENT XXI.

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 WOMEN’S SUFFRAGE (1920)

PASSED BY CONGRESS JUNE 4, 1919. RATIFIED AUGUST 18, 1920.

Clause 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.

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

AMENDMENT XX “LAME DUCK” SESSIONS (1933)

PASSED BY CONGRESS MARCH 2, 1932. RATIFIED JANUARY 23, 1933.

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

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

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

AMENDMENT XXI

Constitutional Insight **What is unique about the Twenty-First Amendment?** Besides being the only amendment that explicitly repeals another, it was the first, and is so far the only one, to have been ratified by the state convention method outlined in Article V. Congress, probably fearing that state legislatures would not deal swiftly with the issue of repeal, chose to have each state call a special convention to consider the amendment. The strategy worked well, for the elected delegates to the conventions represented public opinion on the issue and ratified the amendment without delay.

Critical Thinking

Why is it necessary to pass another amendment to revoke or remove an existing amendment?

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 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 XXII 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 President more than once. ~~But this Article shall not apply to any person holding the office of President when this Article was proposed by Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.~~

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

AMENDMENT XXIII

Constitutional Insight Why were residents of the District of Columbia without a vote in presidential elections? First, the district was merely an idea at the time the Constitution was written. Second, no one expected the district to include many residents. Third, the framers designed the electoral college on a state framework. By 1960, however, the fact that nearly 800,000 Americans living in the nation's capital could not vote in presidential elections was an embarrassment. The Twenty-Third Amendment gives Washington, DC, residents the right to vote in presidential elections by assigning them electoral votes.

Critical Thinking

Do you think the District of Columbia should be made a separate state?

AMENDMENT XXIV

Constitutional Insight Why was the poll tax an issue important enough to require an amendment? The poll tax was used in some places to prevent African American voters—at least the many who were too poor to pay the tax—from participating in elections. As the civil rights movement gained momentum, the abuse of the poll tax became a major issue, but the national government found it difficult to change the situation because the constitutional provisions in Article I, Section 4, leave the qualifications of voters in the hands of the states. The Twenty-Fourth Amendment changed this by prohibiting the United States or any state from including payment of any tax as a requirement for voting.

Critical Thinking

What impact do you think the Twenty-Fourth Amendment has had on elections?

AMENDMENT XXV

Article II, Section 1, of the Constitution was affected by the Twenty-Fifth Amendment.

AMENDMENT XXIII VOTING IN DISTRICT OF COLUMBIA (1961) PASSED BY CONGRESS JUNE 16, 1960. RATIFIED MARCH 29, 1961.

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

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

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

AMENDMENT XXIV 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 poll tax or other tax.

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

AMENDMENT XXV PRESIDENTIAL DISABILITY, SUCCESSION (1967)

PASSED BY CONGRESS JULY 6, 1965. RATIFIED FEBRUARY 10, 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.

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.

AMENDMENT XXVI

Amendment XIV, Section 2, of the Constitution was modified by Section 1 of the Twenty-Sixth Amendment.

Constitutional Insight Why was the Twenty-Sixth Amendment passed? Granting 18-year-olds the right to vote became a major issue in the 1960s, during the Vietnam War, when people questioned the justice of requiring 18-year-old men to submit to the military draft but refusing them the right to vote in federal elections. In 1970 Congress passed a voting rights act giving 18-year-olds the right to vote in elections. When the constitutionality of this act was challenged, the Supreme Court decided that states had to honor the 18-year-old vote for congressional and presidential elections but could retain higher age requirements for state and local elections. To avoid confusion at the polls, the Twenty-Sixth Amendment was passed. It guarantees 18-year-olds the right to vote in national and state elections.

Critical Thinking

Do you think 18-year-olds should have the right to vote? Why or why not?

AMENDMENT XXVII

Constitutional Insight How long did it take to ratify this amendment? Although the Twenty-Seventh Amendment was one of the 12 amendments proposed in 1789 as part of the Bill of Rights, it was not ratified until 1992. This amendment, which deals with congressional compensation, allows the members of Congress to increase congressional pay, but delays the increase until after a new Congress is seated.

Critical Thinking

Do you think members of Congress should be able to vote themselves a pay increase? Explain your answer.

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 18-YEAR-OLD VOTE (1971)

PASSED BY CONGRESS MARCH 23, 1971. RATIFIED JULY 1, 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.

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

AMENDMENT XXVII CONGRESSIONAL PAY (1992)

PROPOSED 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.

Module 4 Assessment

Key Terms and People

For each term or person below, write a sentence explaining its significance for the United States in the 1780s.

1. republic
2. Articles of Confederation
3. Land Ordinance of 1785
4. Shays's Rebellion
5. James Madison
6. checks and balances
7. electoral college
8. Federalist
9. Antifederalist
10. Bill of Rights

Main Ideas

Use your notes and the information in the module to answer the following questions.

The Articles of Confederation

1. Why did the new states prefer a republic rather than a democracy for their government?
2. Why did the states fear a strong central government?
3. How did the Northwest Ordinance of 1787 affect slavery and public education?
4. In what ways was the Confederation too weak to handle the nation's problems?

Drafting the Constitution

5. What issues and events led to the Constitutional Convention?
6. In what ways did compromise play a critical role in the drafting of the Constitution?
7. Why was the slave trade an issue at the Constitutional Convention?
8. Briefly explain the separation of powers established by the Constitution.

Ratifying the Constitution

9. What were the arguments for and against ratifying the Constitution?
10. What was *The Federalist*, and what effect did this publication have on ratification?
11. Why did the states ratify the Constitution once a bill of rights was promised?
12. What two documents influenced the writing of the Bill of Rights?

The Constitution of the United States

13. Why does the legislative branch of the government represent the people most directly? What is the principal job of this branch?
14. Who officially elects the president of the United States? Explain.
15. What kinds of cases go before the Supreme Court? Why is the Court's decision whether to hear a case important?
16. How does Article VI establish the supremacy of the Constitution?

Critical Thinking

1. **Categorize** Create a chart to list the beliefs and goals of the Federalists and Antifederalists.

	Beliefs	Goals
Federalists		
Antifederalists		

2. **Develop Historical Perspective** How might the United States have developed if the Articles of Confederation had continued to provide the basis for government?
3. **Make Inferences** In what ways was the land of the Northwest Territory distributed democratically?
4. **Summarize** How does the Constitution reflect the fear of too strong a central government?

Module 4 Assessment, continued

5. **Evaluate** The Bill of Rights guarantees a defendant a speedy, public trial. Do you think it is being observed today? Explain.
6. **Analyze Motives** Why did the framers make it so difficult to amend the Constitution? Do you agree or disagree with their philosophy? Explain.
7. **Develop Historical Perspective** The Fifteenth, Nineteenth, and Twenty-Sixth Amendments give voting rights to specific groups. Why was it necessary for Congress to spell out these groups' rights in amendments?
8. **Evaluate** Find a specific part of the Constitution and develop an argument that it would have helped address a problem facing the United States in the 1780s.
9. **Synthesize** Explain a portion of the Constitution's Bill of Rights in terms of how it reflects Enlightenment ideas.

Engage with History

Imagine you are living in the 1780s. Write an article for either *The Federalist* or *Letters from the Federal Farmer*, arguing either for or against giving the national government more power.

Focus on Writing

Do research on differing views of republicanism in the early national period using secondary sources. Recall that a secondary source interprets or analyzes a primary source, which is an eyewitness or firsthand account of history. Include republicanism in relation to the Constitution and limited government. Find sources and write a paragraph summarizing them.

Collaborative Learning

Organize into pairs and choose an issue debated at the Constitutional Convention. Read the section of the Constitution that contains the final compromise as well as documents that show the various sides of the issue before a compromise was reached. Then prepare a debate of the issue to present to the class. Each partner should draft a three-minute speech defending one side of the issue. The opposing partner should give a short rebuttal after each point of view is presented. Have the class evaluate the two sides of the argument before you remind your classmates how the issue was resolved.