



Chapter

3

The Constitution



Why It Matters

The Constitution outlines the ideals of American government and describes how they should be achieved. It tells you what your rights and privileges are. The Constitution affects you, your family, and your friends as much today as it affected those who wrote it more than 200 years ago.

BIG Ideas

Section 1: The Nation's First Governments

Political principles and major events shape how people form governments. Americans faced the task of forming independent governments at both the state and national levels.

Section 2: The Road to the Constitution

Political principles and major events shape how people form governments. American leaders decided that a new constitution was needed.

Section 3: The Structure of Our Constitution

A constitution reflects the values and goals of the society that creates it. The Constitution is this nation's fundamental law.

Section 4: Principles Underlying the Constitution

A constitution reflects the values and goals of the society that creates it. The Constitution sets forth the basic principles of government.

◀ The National Constitution Center in Philadelphia provides an interactive tour of important events in our nation's history.

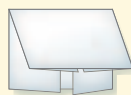
FOLDABLES™ Study Organizer

Sequencing Information Study Foldable Make the following Foldable to help you analyze information about the Constitution.

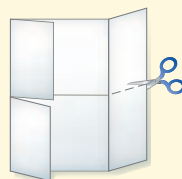
Step 1 Mark the midpoint of a sheet of paper. Then fold in the outside edges to touch the midpoint.



Step 2 Fold paper in half from top to bottom.



Step 3 Open and cut along the inside fold lines to form four tabs. Label your Foldable as shown.



Reading and Writing

As you read the chapter, note details about the Constitution, showing each major idea of the document under the tabs.





Section
1

The Nation's First Governments

Guide to Reading

Big Idea

Political principles and major events shape how people form governments.

Content Vocabulary

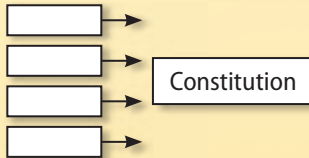
- constitution (p. 67)
- bicameral (p. 67)
- confederation (p. 68)
- ratify (p. 68)

Academic Vocabulary

- convert (p. 67)
- area (p. 69)
- impact (p. 69)

Reading Strategy

Comparing As you read, create a diagram like the one below identifying four important documents of government that preceded the Constitution.



Real World Civics It has a crack—and it no longer rings. The Liberty Bell, on display in Philadelphia today, brings to the minds of every American student what independence and freedom mean. Tradition tells us that the Liberty Bell last rang in July 1776, to announce the first public reading of the Declaration of Independence. This was a time when there was no television, radio, or Internet; it announced to the people that John Hancock and Benjamin Franklin, William Ellery, Josiah Bartlett, and the other 52 people had signed the Declaration.

▼ Several students marvel at the Liberty Bell in Philadelphia, Pennsylvania



NORTH CAROLINA STANDARDS
Civics and Economics

1.02 Trace and analyze the development of ideas about self-government in British North America.

1.05 Identify the major domestic problems of the nation under the Articles of Confederation and assess the extent to which they were resolved by the new Constitution.



The First State Constitutions

Main Idea Americans faced the task of forming independent governments at both the state and national levels.

Civics & You Would you be surprised to learn that the Constitution of the United States was not our first plan of government? Read to find out about the nation’s first constitution.

Even before the Declaration of Independence was signed, American colonists discussed the possibility of independence, and American leaders began preparing new state constitutions to replace the old colonial charters. In May of 1776, the Second Continental Congress urged colonists to form state governments,

“as shall . . . best conduce [contribute] to the happiness and safety of their constituents [voters].”

—Continental Congress

In January 1776, New Hampshire became the first colony to organize as a state and craft a detailed, written plan for government, or **constitution**. Within a few years, every former colony had a new constitution or had **converted**, or changed, its colonial charters into a state constitution.

From Colonies to States

The states set up similar systems of government. Each state had a legislature to create laws. Most of these legislatures were **bicameral**, like the English Parliament; that is, they were divided into two parts, or houses. The members of each house or state legislature were chosen by different methods.

Each state also had a governor, who was elected either by the legislature or by the

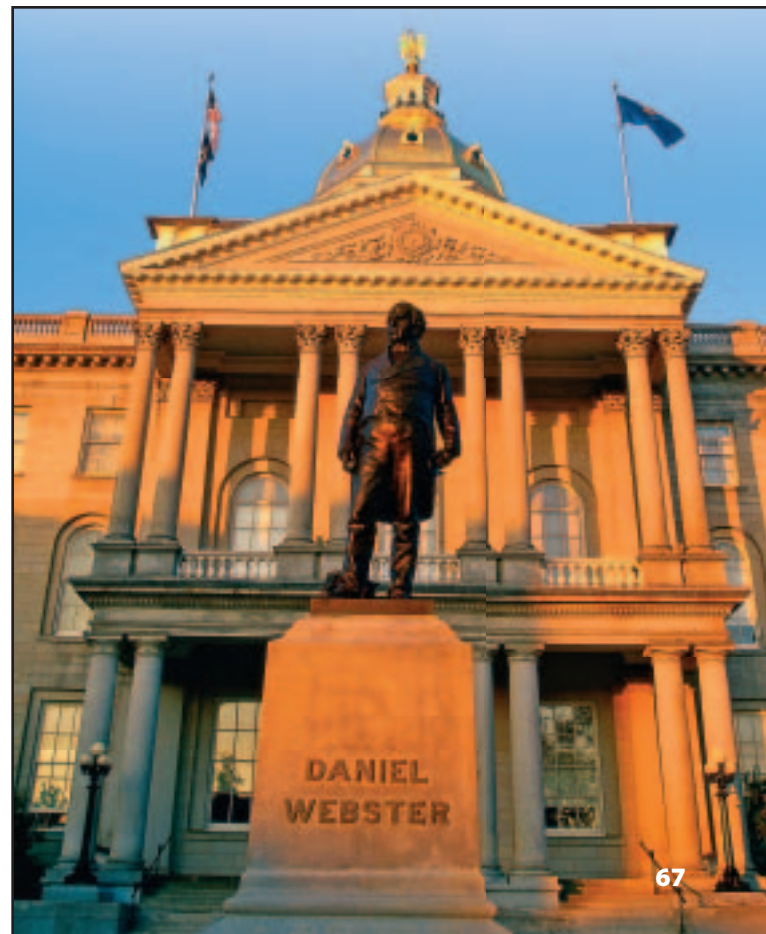
citizens. The governor’s job was to carry out the laws. Finally, each state had judges and courts to decide what the laws meant and how they applied to each new situation.

Preserving Rights

Many of the new state governments were based upon ideals expressed in the Declaration of Independence. American ideals of individual rights to “life, liberty, and the pursuit of happiness” are in the Declaration. Most state constitutions included a bill of rights, guaranteeing certain basic freedoms and legal protections to the state’s citizens. Some of these rights, such as trial by jury and protection of personal property, can be traced back to the Magna Carta and the English Bill of Rights.

Reading Check Describing What documents did the new state constitutions replace?

Early Statehood New Hampshire’s state capitol building is one of the oldest in the country.
Discussing Why were state governments based on the ideals of the Declaration of Independence?





CORBIS

The Articles of Confederation

Main Idea The weaknesses of the Articles of Confederation created problems for the new country.

Civics & You You make a plan but the plan is not working—what do you do? Find out what action American leaders took when their plan of government was not working.

Although each state was well prepared to govern itself when independence was declared, a state could not do some things on its own. It could not raise and maintain a large army, for example, and Americans realized that 13 small, separate forces would be no match for the mighty British army. Americans concluded that if they wanted to

Land Ordinance Some Midwestern boundaries still reflect those drawn by the Ordinance of 1785.

Explaining What are the dimensions of townships? Of sections?



win the war with Great Britain, they needed a single, strong army under central control.

For this and other reasons, the Second Continental Congress made plans for a union of the states. In 1777 the Congress detailed these plans in a document called the Articles of Confederation, the first constitution of the United States of America.

Forming a Confederation A **confederation** is a group of individual state governments that band together for a common purpose. The Articles of Confederation established a system for cooperation, or “league of friendship,” among independent states. By 1781 all 13 states had **ratified**, or approved, the Articles of Confederation.

The Articles set up a one-house legislature in which each state had one vote. This Confederation Congress, as it came to be called, was the only government body with control over the army and authority to deal with foreign countries on behalf of the states. These central powers were quite limited, though.

As a result of the colonial experience under the British government, the 13 states refused to give the Confederation Congress two important powers. It had no power to enforce its laws and no power to tax. The Articles allowed the Congress to ask the states for money but not to demand it. The Congress could not, in fact, require the states to do anything.

Accomplishments

The Confederation Congress laid the foundations for the administration of the national government. It also provided for the systematic growth and development of the United States.

Ordinance of 1785 When the American Revolution began, only a few thousand white settlers lived west of the Appalachian Mountains. By the 1790s, their numbers had increased to about 120,000.



Through the Ordinance of 1785, Congress created a system for surveying—taking a detailed measurement of an area of land—and selling the western lands. It arranged the land into townships six miles square. Each township was divided into 36 sections of each one square mile. The Ordinance of 1785 at first applied only to what was then called the Northwest Territory—present-day Ohio, Indiana, Illinois, Michigan, and Wisconsin. It established a system of land surveying and settlement that we still use today.

Northwest Ordinance Once the policy for settlement of western lands was established, Congress turned to the problem of governing this **area**, or region. In 1787, the Northwest Ordinance, perhaps the most significant achievement of Congress under the Articles, was passed. It laid the basis for the organization of new territorial governments and set a precedent for the method of admitting new states to the Union. The Northwest Ordinance also included a specific provision outlawing slavery:

“There shall be neither slavery nor involuntary servitude in said territory.”

—the Northwest Ordinance

This provision would have an important **impact**, or effect, on the history of America in the 1800s. The Confederation’s western ordinances had an enormous effect on American expansion and development. The Ordinance of 1785 and the Northwest Ordinance opened the way for settlement of the Northwest Territory in a stable and orderly manner.

Weaknesses of the Articles

It soon became clear that the Articles had some serious problems. To begin with, the Congress could not pass a law unless nine states voted in favor of it. Any attempt to amend, or change, the Articles required a unanimous vote of all 13 states. These strict

Weaknesses of the Articles of Confederation

LACK OF POWER AND MONEY

- Congress had no power to collect taxes.
- Congress had no power to regulate trade.
- Congress had no power to enforce its laws.

LACK OF CENTRAL POWER

- No single leader or group directed government policy.
- No national court system existed.

RULES TOO RIGID

- Congress could not pass laws without the approval of 9 states.
- The Articles could not be changed without the agreement of all 13 states.

Analyzing Charts

1. **Discussing** Did Congress have the power to enforce its laws? Explain.
2. **Analyzing** Why was it so difficult to pass laws under the Articles of Confederation?

voting requirements made it difficult for the Congress to accomplish anything.

Even when the Congress managed to pass laws, it could not enforce them. Unlike the state constitutions, the Articles did not provide for a governor or for courts. If a state decided to ignore a law, the Congress could do nothing about it.

A Time of Crisis

The United States was able to overcome the weaknesses of the Articles. The states secured their independence by winning the Revolutionary War against Great Britain. A peace agreement called the Treaty of Paris was signed in 1783.



Debt Independence, however, did not put an end to the struggles of the United States. For one thing, the country faced serious financial troubles. Unable to collect taxes, the Congress had borrowed money to pay for the Revolutionary War. It had run up a debt that would take years to repay.

The state governments had also fallen into deep debt. They taxed their citizens heavily as a result, driving many farmers out of business and sparking widespread resentment. The states also taxed goods imported from other states and foreign countries, hurting trade. The Confederation Congress had no power to remedy these problems.

Shays’s Rebellion Even worse, the Congress could do nothing about the public’s insecurity. Americans feared that the government could not protect their safety. During 1786 and 1787, riots broke out in several states. Daniel Shays, a farmer who had fallen into debt because of heavy state taxes, led one of the most alarming disturbances. When Massachusetts courts threatened

to take his farm as payment for his debts, Shays felt the state had no right to punish him for a problem it had created. Many others agreed. Shays armed about 1,200 farmers in an attack on a federal arsenal. Although the rebellion, known as Shays’s Rebellion, was quickly stopped, it sent a wake-up call throughout the country.

Many political leaders, merchants, and others began arguing for a stronger national government. As George Washington wrote,

“I do not conceive we can exist long as a nation, without having lodged somewhere a power which will pervade the whole Union.”

—George Washington’s papers

In 1787, only 12 of the states sent delegates to a meeting in Philadelphia to revise the Articles of Confederation.

Reading Check Explaining What financial troubles did the young nation face?

Section Review 1

Vocabulary

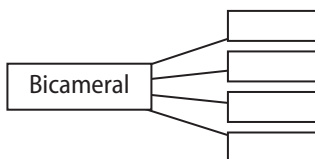
- Write** a paragraph in which you use each of the following vocabulary terms: *constitution, bicameral, confederation, ratify*.

Main Ideas

- Explaining** Why did the colonies decide they needed a national government in addition to state governments?
- Describing** What problems did the colonists come up against because of the weaknesses of the Articles of Confederation?

Critical Thinking

- BIG Ideas** Why was the Ordinance of 1785 important?
- Categorizing** On a graphic organizer like the one below, list the characteristics of bicameral legislatures—the one adopted by most colonies.



- Analyzing** Why did the states approve the Articles of Confederation despite its many weaknesses?

CITIZENSHIP Activity

- Expository Writing** Imagine you are on a committee to write a new state constitution. List three freedoms you want attached to your state’s constitution. Explain why it is important to guarantee these rights.



Study Central™ To review this section, go to glencoe.com.



Section

2

Guide to Reading

Big Idea

Political principles and major events shape how people form governments.

Content Vocabulary

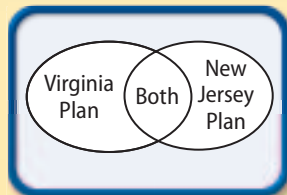
- Constitutional Convention (p. 73)
- Great Compromise (p. 75)
- Three-Fifths Compromise (p. 75)
- Electoral College (p. 76)
- Federalists (p. 77)
- federalism (p. 77)
- Anti-Federalists (p. 78)

Academic Vocabulary

- process (p. 72)
- despite (p. 73)

Reading Strategy

Identifying As you read, compare the Virginia Plan to the New Jersey Plan by completing a Venn diagram like the one below.



The Road to the Constitution

Real World Civics When the U.S. Constitution was ratified in 1787, there were no parades, no wild celebration, and certainly no bulletproof glass to shield the president. But in 1987, then president Ronald Reagan had to be protected from harm when he led the celebration for the 200th birthday of the Constitution. He asked Americans to think back to the time when the document was drafted. The colonies were surrounded by unfriendly powers, some colonies had unbearably high taxes, others had crushing debts, and still others were involved in trade disagreements.

▼ **Americans celebrate the 200th birthday of the Constitution outside the Capitol**



NORTH CAROLINA STANDARDS Civics and Economics

1.05 Identify the major domestic problems of the nation under the Articles of Confederation and assess the extent to which they were resolved by the new Constitution.

1.06 Compare viewpoints about government in the Federalist and the Anti-Federalist Papers.



The Philadelphia Convention

Main Idea American leaders decided to create a new plan of government.

Civics & You Why is it important for a nation to establish a set of laws? Read to find out the issues American leaders faced in organizing a new plan of government.

Ten years of living under the Articles of Confederation had shown Americans that the loose association of 13 independent states was not working. By early 1787, it was clear that the national government had to be strengthened. Each state was asked to send delegates to a convention in Philadelphia to

New Government Colonial reenactors perform a scene at Independence Hall. **Explaining** Would you have waited outside the hall for word of your new government? Why or why not?



fix the flaws. This meeting was to become the Constitutional Convention. Only Rhode Island chose not to take part, because its leaders opposed a stronger central government.

The Work Begins

The convention began in Philadelphia's Independence Hall on May 25, 1787. Rain fell heavily during the opening week, leaving the roads to the city choked with mud. Many delegates had to travel long distances and arrived late. Once all were assembled, however, they were an extraordinary group.

The Delegates Most of the 55 men present were well-educated lawyers, merchants, college presidents, physicians, generals, governors, and planters with considerable political experience. Eight of the delegates had signed the Declaration of Independence. Seven had been governors of their states, and 41 were or had been members of the Continental Congress. Native Americans, African Americans, and women were not considered part of the political process, or movement, so none attended.

Benjamin Franklin of Pennsylvania, 81, was the oldest delegate. He was famous as a diplomat, writer, inventor, and scientist. Most delegates, however, were still young men in their thirties or forties with great careers ahead of them. Two delegates, George Washington and James Madison, would go on to become presidents of the United States. Nineteen would become U.S. senators, and 13 served in the House of Representatives. Four men would become federal judges, and four others would become Supreme Court justices.

A few notable leaders were not at the convention. Thomas Jefferson and John Adams were both in Europe as representatives of the American government—Jefferson in Paris and Adams in London. Patrick Henry, a prominent Virginian leader during the American Revolution, was also missing. Although elected as a delegate, Henry was against the convention and did not attend.



Key Decisions

The delegates unanimously chose George Washington to preside over the convention. Widely respected for his leadership during the American Revolution, Washington would now call on speakers and make sure that the meetings ran in an orderly, efficient manner. At the start, he reminded the delegates of the importance of their task. He warned that if they could not come up with an acceptable plan of government, “perhaps another dreadful conflict is to be sustained.”

Operating Procedures At the very start of the convention, the delegates made several important decisions. They agreed that each state would have one vote, no matter how many delegates represented that state. They also agreed that a simple majority—in this case, seven votes—would decide any issue.

The delegates decided to keep the work of the convention secret. This was a key decision because it made it possible for the delegates to talk freely. The public was not allowed to attend meetings, the doors were guarded, and the windows were kept tightly shut **despite**, or in spite of, the summer heat. Each delegate promised not to tell outsiders what was going on inside.

Because of this secrecy, we have virtually no written records of the convention. The only details we have come from a notebook kept by James Madison, a delegate from Virginia.

Need for a New Constitution The Congress gave delegates the job of revising the Articles of Confederation. The call to revise the Articles of Confederation came while the young nation faced difficult problems. Many Americans believed that the Confederation government was too weak to deal with these challenges. Many national leaders had become dissatisfied with the weaknesses of the Confederation. They quickly agreed, that changing the Articles was not enough. They decided instead to dispose of the Articles and

Who Were the Delegates?

- Practically all of the 55 delegates had experience in colonial and state government.

- Eight delegates had signed the Declaration of Independence.

- Forty-four of the delegates had been members of the Continental Congress.

- Virtually every individual had taken part in the American Revolution, and at least 29 served in the military.

- George Washington and James Madison became president of the United States.

- The delegates ranged in age from Jonathan Dayton (left) of New Jersey, aged 26, to Benjamin Franklin (above), aged 81.



Analyzing Charts

Inferring Why do you think delegates came from so many different backgrounds and professions?

write a new constitution. All the delegates set out to strengthen the national government by creating a new plan of government. Thus the meeting in Philadelphia came to be known as the **Constitutional Convention**.

Reading Check Explaining Why did the delegates decide to keep the work of the Constitutional Convention a secret?



Creating the Constitution

Main Idea Many of the provisions of the Constitution were arrived at through a series of compromises.

Civics & You Have you and a rival ever set aside your differences to work for a common cause? This happened when the delegates resolved their differences to create the Constitution.

“[I] would bury [my] bones in this city rather than [leave] . . . the Convention without any thing being done.”

—George Mason, remarks at the Constitutional Convention

On May 29, 1787, shortly after the convention began, the Virginia delegates proposed a plan for the new government. James Madison had designed what became known as the Virginia Plan.

The Virginia Plan

The Virginia Plan described a federal government very similar to the one we have today. It included a president, courts, and a congress with two houses. Representation in each house of congress would be based on each state’s population. Large states would have more votes than smaller states.

The delegates to the Constitutional Convention were determined to create a framework of government that all states could accept. Everyone knew that failure could mean disaster. According to James Madison’s notes of the Convention, George Mason of Virginia said the following:

Birthplace of the Nation Independence Hall was originally built to serve as the Pennsylvania state capitol. *Speculating* What other important event occurred here? Why do you think it was chosen as the site of the Constitutional Convention?





The Virginia Plan appealed to delegates from the more heavily populated states such as Massachusetts, Pennsylvania, and New York, as well as Virginia. The small states, however, feared that a government dominated by the large states would ignore their interests.

The New Jersey Plan

After two weeks of heated discussion, delegates from the smaller states submitted their own plan. On June 15, William Paterson presented an alternative plan. The New Jersey Plan called for a government similar to the one under the Articles of Confederation. It included a one-house congress in which states would have equal representation and therefore equal votes. Under this plan, Congress could set taxes and regulate trade—powers it did not have under the Articles.

Delegates from Delaware, New Jersey, and Maryland approved of this plan. It made their states equal in power to the big states. Of course, the large states would not accept this plan. They thought larger states should have more power than smaller states.

The Great Compromise

For six weeks the delegates debated the merits of the two plans. A committee headed by Roger Sherman of Connecticut finally came up with an answer. The committee proposed that Congress have two houses—a Senate and a House of Representatives—that would be structured differently from each other. Each state would have equal representation in the Senate, which would please the smaller states. In the House, representation would be based on population, which would please the larger states.

No group was completely happy, but this was a solution with which all could live. Historians call Sherman's plan the Connecticut Compromise, or the **Great Compromise**. (A compromise is a way of resolving disagreements in which each side gives up something but gains something else.)



Counting Population The delegates decided representation in a new government would be based on population but could not decide how to count the many slaves in America. **Explaining What compromise answered this question?**

The Three-Fifths Compromise

Although the Great Compromise settled the structure of Congress, other questions remained. At the time of the Constitutional Convention, more than 550,000 African Americans, mostly in the South, were enslaved. The Southern states wanted to count these people as part of their populations to increase their voting power in the House of Representatives. The Northern states, which had few enslaved persons, opposed the idea. They argued that because enslaved persons were not allowed to vote or otherwise participate in government, they should not be used to give Southern states a stronger voice in Congress.

In the **Three-Fifths Compromise**, delegates agreed that every five enslaved persons would count as three free persons. Thus three-fifths of the slave population in each state would be used in determining representation in Congress.

American Biography

James Madison (1751–1836)

Even in his day, **James Madison** was known as the “Father of the Constitution.” Madison protested: “You give me credit to which I have no claim. . . . It ought to be regarded as the work of many heads and many hands.”



When it came to creating a constitution, however, Madison had few equals. Madison, though, at first opposed the addition of a bill of rights. He feared that future governments might honor only those rights listed in the bill. When some leaders continued to insist on a bill of rights, Madison finally agreed.

To make sure the amendments did not weaken the new government, he helped write them himself. Then, as the U.S. representative from Virginia, Madison pushed the amendments through Congress, fulfilling the Constitution’s promise to create a “more perfect union.”

At the Constitutional Convention, Madison served his nation well. In the years to come, the nation would call on him again. In 1801 he became President Thomas Jefferson’s secretary of state. In 1808 Madison was elected the fourth president of the United States.

Making a Difference

CITIZENSHIP

James Madison wrote that “Liberty may be endangered by the abuse of liberty, but also by the abuse of power.” **Explaining Put this statement in your own words.**

Other Compromises Northern and Southern delegates to the convention compromised on trade matters, too. The Northern states felt that Congress should be able to regulate both foreign trade and trade between the states. The Southern states, however, feared that Congress would use this power to tax exports—goods sold to other countries. If this happened, the Southern economy would suffer because it depended heavily on exports of tobacco, rice, and other products.

Southerners also feared that Congress might stop slave traders from bringing enslaved people into the United States. Thus, Southern delegates objected because Southern plantations depended on the labor of slaves. Again a compromise among the delegates would settle the issue.

After some discussion, the Southern states agreed that Congress could regulate trade between the states, as well as with other countries. In exchange, the North agreed that Congress could not tax exports, nor could it interfere with the slave trade before 1808.

The delegates also compromised on issues concerning their new government. Some delegates thought members of Congress should choose the president; others believed that the people should vote to decide the presidency. The solution was the **Electoral College**, a group of people who would be named by each state legislature to select the president and vice president. The Electoral College system is still used today, but the voters in each state, not the legislatures, now choose electors.

Balancing Viewpoints

Main Idea Writing the new Constitution and getting the American people to approve it was not an easy task.

Civics & You Did you ever work on a committee in which many people had to decide on one solution to a problem? That is a similar situation to what faced the writers of the new U.S. Constitution.

Throughout the summer, the delegates to the Constitutional Convention hammered out the details of the new government. As their work drew to an end, some delegates headed home, but 42 remained out of the original 55. On September 17, 1787, they gathered for the last time. A committee headed by Gouverneur Morris had put its ideas in writing, and the Constitution was ready to be signed. All but three delegates signed their names at the bottom.

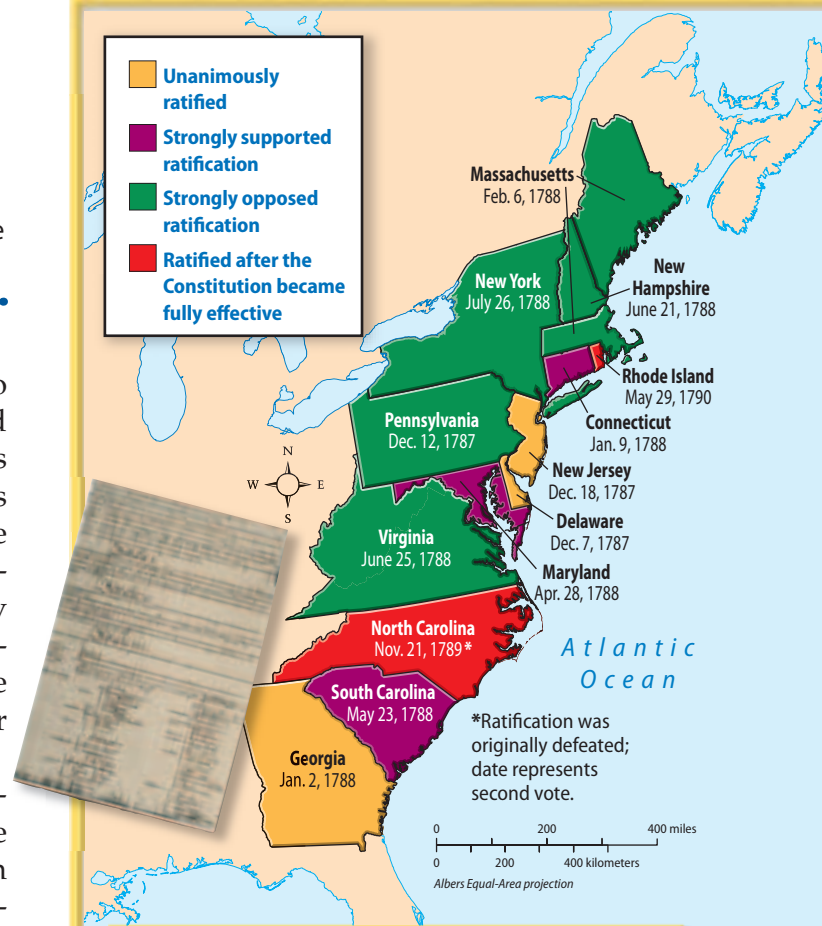
The delegates at Philadelphia had produced the Constitution, but its acceptance depended upon the will of the American people. The next step was to win ratification, or approval, of the Constitution. The delegates had decided that each state would set up a ratifying convention to vote “yes” or “no.” When at least nine of the 13 states had ratified it, the Constitution would become the supreme law of the land.

Who Were the Federalists? Americans reacted to the proposed Constitution in different ways. Supporters of the document called themselves **Federalists**. They chose this name to emphasize that the Constitution would create a system of **federalism**, a form of government in which power is divided between the federal, or national, government and the states.



Student Web Activity Visit glencoe.com and complete the Chapter 3 Web Activity.

Ratification of the Constitution



Analyzing Charts

- Identifying** Which state convention was the first to ratify the Constitution?
- Analyzing** Which states voted unanimously for the Constitution?

To win support, the Federalists reminded Americans of the flaws in the Articles of Confederation. They argued that the United States would not survive without a strong national government. Supporters of the Federalists included large landowners who wanted the property protection a strong national government could provide. The Federalists claimed that only a strong national government could protect the new nation from enemies abroad and solve the country's internal problems.



The Federalist Papers In a series of essays known as *The Federalist*, Alexander Hamilton, James Madison, and John Jay defended the Constitution. Madison argued in *The Federalist*, No. 10:

“A Republic, by which I mean a Government in which the scheme of representation takes place . . . promises the cure for which we are seeking. . . .”

—James Madison, *The Federalist*, No. 10

Who Were the Anti-Federalists? Those who opposed the Constitution were called **Anti-Federalists**. Their main argument was that the new Constitution would take away the liberties Americans had fought to win from Great Britain. They believed the new Constitution would create a strong national government, ignore the will of the states and the people, and favor the wealthy few over the common people.

Perhaps the strongest criticism of the Constitution was that it lacked a bill of rights to protect individual freedoms. Many feared they would lose the liberties gained during the Revolution. Several state conventions took a stand and announced they would not ratify the Constitution without the addition of a bill of rights.

Launching a New Nation The Federalists eventually agreed with the Anti-Federalists that a bill of rights was necessary. They promised that if the Constitution was adopted, the new government would add a bill of rights to it.

That promise helped turn the tide. Several states had already voted for ratification. On June 21, 1788, New Hampshire became the ninth state to do so, and the Constitution took effect. In time, the four remaining states ratified the Constitution, the last being Rhode Island in 1790. The 13 independent states were now one nation, the United States of America.

Reading Check Explaining Why did Anti-Federalists oppose the constitution?

Section Review 2

Vocabulary

- Write** short paragraphs about the Constitutional Convention using these terms: *Great Compromise, Three-Fifths Compromise, Electoral College, Federalists, federalism, Anti-Federalists.*

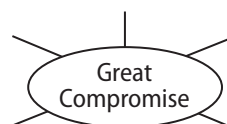
Main Ideas

- Explaining** Why did delegates think the Articles of Confederation needed to be replaced?
- Describing** With what issue did the Three-Fifths Compromise solve?

- Analyzing** What was the biggest obstacle the delegates faced when getting the Constitution approved?

Critical Thinking

- BIG Ideas** Why was the electoral college established? What power did it have?
- Comparing** On a graphic organizer like the one below, list the details of the Great Compromise that many delegates supported.



CITIZENSHIP Activity

- Expository Writing** Conduct a survey of at least 10 adults in which you ask them whether they favor continuing the Electoral College or amending the Constitution to have the presidency determined by the popular vote. Ask respondents to explain their answers. Then, summarize your findings in a short paper.



Study Central™ To review this section, go to glencoe.com.



Section
3

Guide to Reading

Big Idea

A constitution reflects the values and goals of the society that creates it.

Content Vocabulary

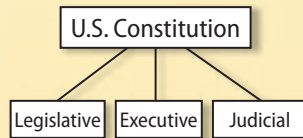
- Preamble (p. 80)
- legislative branch (p. 80)
- executive branch (p. 80)
- judicial branch (p. 81)
- amendment (p. 82)

Academic Vocabulary

- consist (p. 80)
- assume (p. 84)

Reading Strategy

Categorizing As you read, complete the diagram below listing the major powers the Constitution allows each branch.



The Structure of Our Constitution

Real World Civics What does the word government mean to you? The military? Many, many documents? Laws and rules? Lynne Cheney, wife of Vice President Dick Cheney, supports the idea that school children need to know the government is made up of living, breathing people who represent their right to freedom. Mrs. Cheney, hosting a Constitution Day party for dozens of Washington, D.C., second graders, stressed the importance of knowing history and that, “One of the important [history] lessons we can learn is that freedom isn’t inevitable.”

▼ **Lynne Cheney hosts Constitution Day in Washington, D.C.**



NORTH CAROLINA STANDARDS
Civics and Economics

- 2.01** Identify principles in the United States Constitution.
- 2.02** Explain how the United States Constitution defines the framework, organization and structure of the three branches of government at the national level.
- 2.04** Describe how the United States Constitution may be changed and analyze the impact of specific changes.



The Sections of the Constitution

Main Idea The Constitution is a remarkable document that serves as an adaptable blueprint for governing the United States.

Civics & You Have you ever read some instructions that did not make sense? Did you wish they were better organized so you could follow them? Read how the Constitution was organized.

Although the main purpose of the Constitution is to provide a framework for government, it does much more than that. It is the highest authority in the nation. It is the basic law of the United States. The powers of the branches of government come from it. Like the American flag, the Constitution is a symbol of our nation. It represents our system of government and our basic ideals, such as liberty and freedom.

The Constitution has three main parts. First is the **Preamble**, an introduction that states the goals and purposes of the government. Next are seven articles that describe the structure of the government. Third are 27 amendments, or additions and changes, to the Constitution.

The Preamble

The Preamble **consists**, or is expressed by, a single concise sentence that begins and ends as follows:

“We the People of the United States . . . do ordain and establish this Constitution for the United States of America.”

—Preamble of the U.S. Constitution

These carefully chosen words make clear that the power of government comes from the people. The government depends on the

people for its power and exists to serve them. The middle part of the Preamble states six purposes of the government:

1. “To form a more perfect Union”—to unite the states so they can operate as a single nation, for the good of all
2. “To establish Justice”—to make certain that all citizens are treated equally
3. “To insure domestic Tranquility”—to maintain peace and order, keeping citizens and their property safe from harm
4. “To provide for the common defense”—to be ready militarily to protect the country and its citizens from attack
5. “To promote the general Welfare”—to help people live healthy, happy, and prosperous lives
6. “To secure the Blessings of Liberty to ourselves and our Posterity”—to guarantee the basic rights of all Americans, including future generations (posterity)

The Articles

The seven articles that follow the Preamble are identified by the Roman numerals I through VII. The first three articles describe the powers and responsibilities of each branch of government.

Article I Article I outlines the lawmaking powers of the **legislative branch**, or Congress. The Article states that Congress, made up of two houses—the Senate and the House of Representatives—will have all lawmaking authority. The article then describes how members of each house will be chosen and what rules they must follow in making laws. You will learn more about Congress in Chapter 6.

Article II Article II provides for an **executive branch**, or law-enforcing branch of government headed by a president and vice president. Article II explains how these leaders are to be elected and how they can be removed from office.



Article II goes on to list the president’s powers, including the power to command the armed forces and to make treaties with other nations. You will learn more about the executive branch in Chapter 7.

Article III The **judicial branch** is the part of government that interprets the laws and sees that they are fairly applied. Article III calls for “one Supreme Court” and such lower courts as Congress deems appropriate. Article III then lists the powers of the federal courts and describes the kinds of cases they may hear. You will read about our federal judiciary in Chapter 8.

Articles IV–VII Article IV of the Constitution explains the relationship between the states and the national government. Article V specifies under what conditions the Constitution can be changed. Article VI contains a key statement declaring the Constitution the “supreme Law of the Land.”

In Article VII, the Framers dealt with practical matters. The Constitution would take effect, they wrote, when nine states ratified it.

Reading Check Describing What is the main purpose of Article I of the U.S. Constitution?

Comparing Governments
Charts In Motion
See StudentWorks™ Plus or glencoe.com.

ARTICLES OF CONFEDERATION

Organization

- ✦ Strong independent states with weak central government
- ✦ One-house legislature with equal representation for each state

Powers

Congress

- ✦ Declare war
- ✦ Make treaties
- ✦ Coin and borrow money
- ✦ Make laws although not empowered to enforce them
- ✦ No power to tax
- ✦ No power to regulate trade

No executive branch
No judicial branch

CONSTITUTION

Organization

- ✦ Strong central government with certain powers reserved to states
- ✦ Two-house legislature: House of Representatives with representation based on state population; Senate, with equal representation for all states

Powers

Congress

- ✦ Declare war
- ✦ Make treaties
- ✦ Coin and borrow money
- ✦ Make nation’s laws
- ✦ Tax
- ✦ Regulate trade

President

- ✦ Commander in chief of armed forces
- ✦ Carries out the nation’s laws

Supreme Court and lower federal court

- ✦ Interpret the law

Analyzing Charts

1. **Explaining** How was the power to make laws limited under the Articles?
2. **Identifying** What branches of government did the Constitution add?



We the People

We caught up with Kushal Kadakia, 17, in his hometown of Fremont, California. He had just taken part in a competition called “We the People.”



QUESTION: What is We the People?

ANSWER: It’s the first three words of the United States Constitution—but it’s also a civics competition.

Q: How does that work?

A: Teams of students compete in a simulated congressional testimony. There are question-and-answer sessions on constitutional principles. It promotes an understanding of the Constitution and how it applies to historical and current events. According to We the People’s Web site, www.civiced.org, the program started in 1987 and served more than 28 million students.

Q: How did your team do?

A: We finished fourth in California. But beyond the awards, We the People has motivated many of us to become involved with politics by making us more aware of how our government functions.

Q: Is that important?

A: Very! Look at voter apathy. People don’t vote because they don’t think it will make a difference. Kids who take part in We the People learn how important it is to assume an active role in the government process!

ACTION FACT: Kadakia is a huge sports fan and runs cross-country and track.



Kushal encourages voting

Making a Difference

CITIZENSHIP

Why does Kushal believe voting is an important responsibility?

Amending the Constitution

Main Idea The Framers wrote the Constitution so that it could be adapted to meet changing needs.

Civics & You How do you think the Constitution and our government have changed over time? Read to find out how the Framers planned for change.

Any change in the Constitution is called an **amendment**. Would it surprise you to know that thousands of amendments to the Constitution have been considered over the years? Only 27 have become law because the Framers deliberately made the amendment process difficult. After months of debate and compromise, they knew how delicately balanced the Constitution was. Changing even one small detail could have dramatic effects throughout the government. Therefore, the Framers made sure the Constitution could not be altered without the overwhelming support of the people.

At the same time, the ability to amend the Constitution is necessary. Constitutional amendments safeguard many of our freedoms. For example, the abolition of slavery and the right of women to vote were added as amendments. If the Constitution could not have been amended to protect the rights of African Americans, women, and other oppressed groups, it—and our government—might not have survived.

Amendment Process The process for amending the Constitution, as outlined in Article V, involves two steps: proposal and ratification. An amendment may be proposed in either of two ways. The first method—used for all amendments so far—is by congressional action. A vote of two-thirds of the members of both houses of Congress is required. The second method is by a national convention requested by two-thirds of the state legislatures.



Ratifying an Amendment Once a national amendment has been proposed, three-fourths of the states must ratify it. The states have two ways to do this: by a vote of either the state legislature or by a special state convention. Only one amendment, the Twenty-first Amendment, has been ratified by means of state conventions.

Interpreting the Constitution

The writers of the Constitution knew that the world would change in ways they could not predict. For this reason, they attempted to keep the document as general as possible. Although they went into great detail about some matters, they left other matters open to interpretation.

The Necessary and Proper Clause

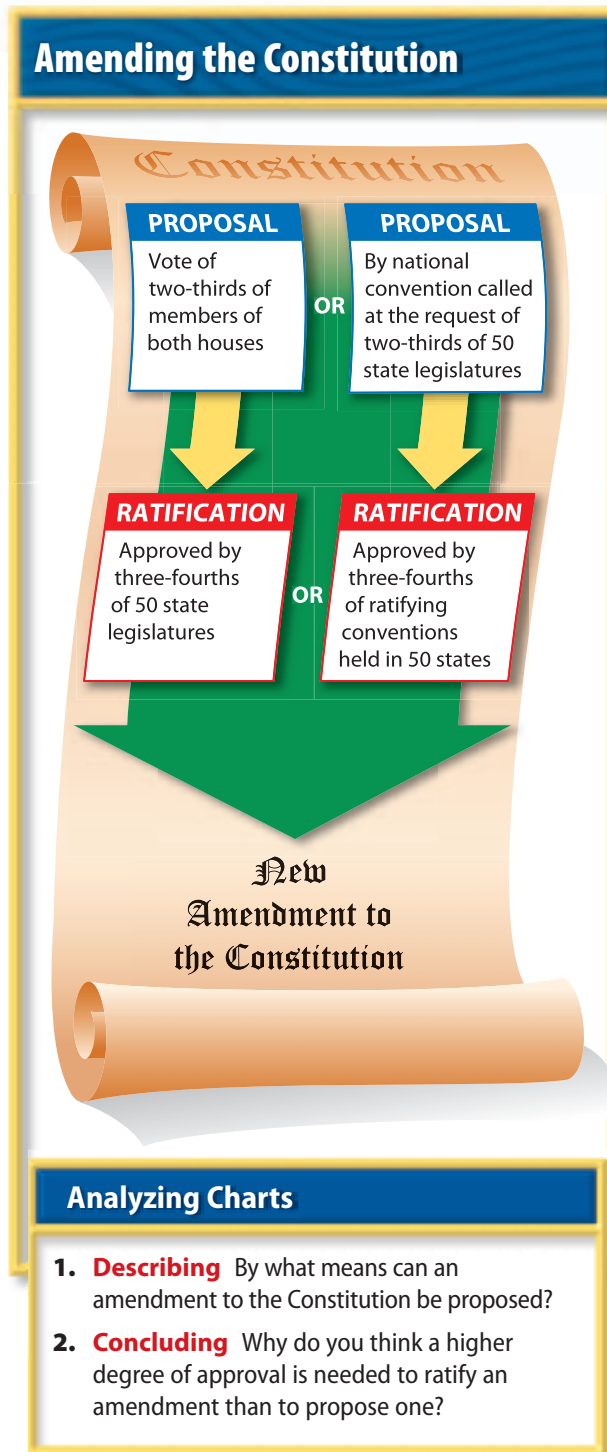
Article I lists the powers of Congress. In this article, the Constitution gives Congress the power “to make all Laws which shall be necessary and proper” to carry out its duties. The necessary and proper clause allows Congress to exercise powers not specifically listed in the Constitution. These powers are known as “implied powers.” Much of what the federal government does today—from licensing television stations to regulating air pollution—is based on the implied powers of Congress.

Of course, not everyone agrees which laws are “necessary and proper” and which laws are not. Some people feel Congress should be allowed to make any laws the Constitution does not specifically forbid. These people believe in a loose interpretation of the Constitution. Others believe in a strict interpretation. They feel Congress should make only the kinds of laws mentioned by the Constitution.

Court Decisions The final authority for interpreting the Constitution rests with the Supreme Court. Over the years, the Supreme Court has interpreted the Constitution in different ways—sometimes strictly, sometimes loosely. With each new interpretation, our government changes.

Legislative and Presidential Actions

The actions of Congress and the executive branch have also caused new interpretations of the Constitution. The Constitution allows the House of Representatives to impeach, or accuse, federal officials, while the Senate determines the person’s guilt or innocence.





How have actions by the president informally amended the Constitution? In 1841 William Henry Harrison became the first president to die in office. Vice President John Tyler **assumed**, or accepted, the powers of the president according to the provisions in the Constitution. The Constitution, however, was unclear on whether Tyler automatically became president or whether he was merely acting as president until the next election. Tyler went ahead and took the presidential oath. Not until 1967, when the Twenty-fifth Amendment was ratified, was Tyler's action officially part of the Constitution.

There are other examples as well. Nowhere in the Constitution does it state that the president should propose bills or budgets to Congress. Yet since the presidency of Woodrow Wilson (1913–1921), each year the president proposes hundreds of bills to Congress. Presidents interpret the Constitution in other ways, too. Not only does the president make agreements

with other countries without congressional approval, the president also requests legislation from Congress. The Constitution does not direct the president to take these actions.

Interpretation Through Custom The interpretation of the Constitution has also changed through customs that have developed. For example, although the Constitution does not mention political parties, they are an important part of today's political system. These days, parties help organize the government and conduct elections.

The Constitution in the present day is quite different from the document written in 1787. In the next 200 years, it will probably go through many more changes. However, the basic structure and principles of our government—a delicate balance among three branches—will no doubt remain.

 **Reading Check** **Inferring** Why are amendments to the Constitution necessary?

Section 3 Review

Vocabulary

- Write** a paragraph about the Constitution in which you use these terms: *Preamble, legislative branch, executive branch, judicial branch, amendment.*

Main Ideas

- Explaining** Why has the Constitution been called a blueprint for governing the United States?
- Describing** How are the states involved in the process of ratifying an amendment?

Critical Thinking

- BIG Ideas** Why have only 27 amendments been added to the Constitution?
- Summarizing** Complete the chart below by listing important details of each part of the Constitution.

Part	Details
Preamble	
Articles	
Amendments	

Analyzing Visuals

- Comparing** Review the chart on page 81. How does the power to tax differ under both forms of government?

CITIZENSHIP Activity

- Creative Writing** One responsibility of being an American citizen is to become involved in the affairs of one's community. Make a poster showing how students can get involved in their community.



Study Central™ To review this section, go to glencoe.com.



Section
4

Principles Underlying the Constitution

Guide to Reading

Big Idea

A constitution reflects the values and goals of the society that creates it.

Content Vocabulary

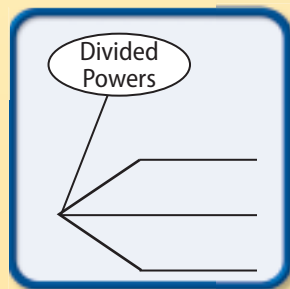
- popular sovereignty (p. 86)
- rule of law (p. 87)
- separation of powers (p. 88)
- checks and balances (p. 88)
- expressed powers (p. 89)
- reserved powers (p. 89)
- concurrent powers (p. 89)

Academic Vocabulary

- ensure (p. 87)
- assign (p. 88)

Reading Strategy

Organizing List information about the way the Constitution divides powers by completing a graphic organizer like the one below.



Real World Civics When young people leave home to go to college, where do they vote? At home or in the city where they go to school for nine months of the year? Young Han, a student at Hamilton College in Utica, New York, believed that state and federal law should grant him the right to vote in the town where he lived while going to school. The county election board in Utica did not agree, claiming that students living in dorms were not permanent residents. Han organized the national Student Voting Rights campaign to fight for college students who wanted to vote at the location of their colleges.

▼ **Young Han, founder of Student Voting Rights, a grass roots voting campaign**



- 2.01** Identify principles in the United States Constitution.
- 2.03** Explain how the United States Constitution grants and limits the authority of public officials and government agencies.

Major Principles of Government

Main Idea The Constitution sets forth the basic principles of government.

Civics & You What principles do you live by? Read to discover how the basic principles of the Constitution have remained the same for more than 200 years.

While the Constitution may seem filled with many details about how our nation should be governed, these details fall under five fundamental principles of government: popular sovereignty; the rule of law; separation of powers; checks and balances; and federalism. These principles are the foundation on which our government is built.

Article IV of the Constitution guarantees the American people “a Republican Form of Government.” Today the word *republic* can

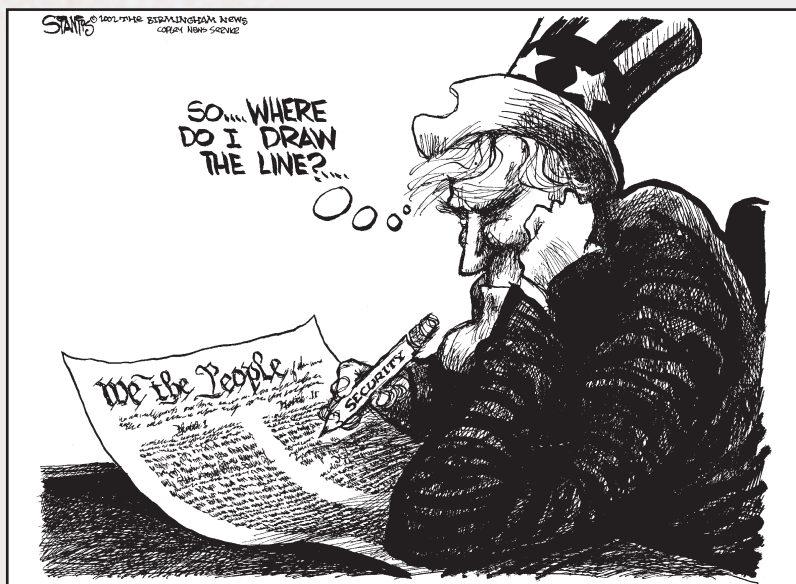
mean any representative government headed by an elected president or similar leader rather than a leader who inherits the position. To the Framers of the Constitution, though, a republic was a representative democracy. In a representative democracy, the power belongs to the people, who express their will through elected representatives. This idea was important to the early English colonists who came to America.

Popular Sovereignty

The idea that the power of government lies with the people is called **popular sovereignty**. (*Sovereignty* means “the right to rule”; *popular*, in this case, means “the population or public.”) The Declaration of Independence is really a statement about popular sovereignty. It says that governments should draw their powers “from the consent of the governed.” The same idea is echoed in the “We the People” phrase with which the Constitution begins.

TIME

Political Cartoons



—Scott Stantis/Copley News Service

In this image, cartoonist Scott Stantis is making a comment on security and liberty in the United States.

1. What figure is depicted, and what document is he holding?
2. What does the pencil stand for?
3. What do you think the figure means when he asks, “So . . . where do I draw the line?”



Further, the Constitution includes several provisions that protect and **ensure**, or guarantee, the sovereignty of the people. Under the Constitution, the will of the people is expressed most strongly through elections. By a majority vote, citizens decide who will represent them in Congress. Through the Electoral College, they also choose the president and vice president.

Elected officials are always accountable to the people. Elections are regularly scheduled, and voters can reject and replace representatives who serve them poorly.

Rule of Law

The Framers firmly believed that the government should be strong, but not too strong. They therefore included in the Constitution the principle of limited government, which means that government can do only what the people allow it to do.

As James Madison put it,

“In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.”

—James Madison, *The Federalist*, No. 51

To limit the power of both the federal government and the states, the Constitution specifies what they may and may not do. English monarchs, prior to the Magna Carta, had unlimited government. There were few restrictions on what they did.

Under the Constitution, the government is also limited by the **rule of law**. This means that the law applies to everyone, even those who govern. No one may break the law or escape its reach.

Foundations of Rights

Charts In Motion

See StudentWorks™ Plus or glencoe.com.

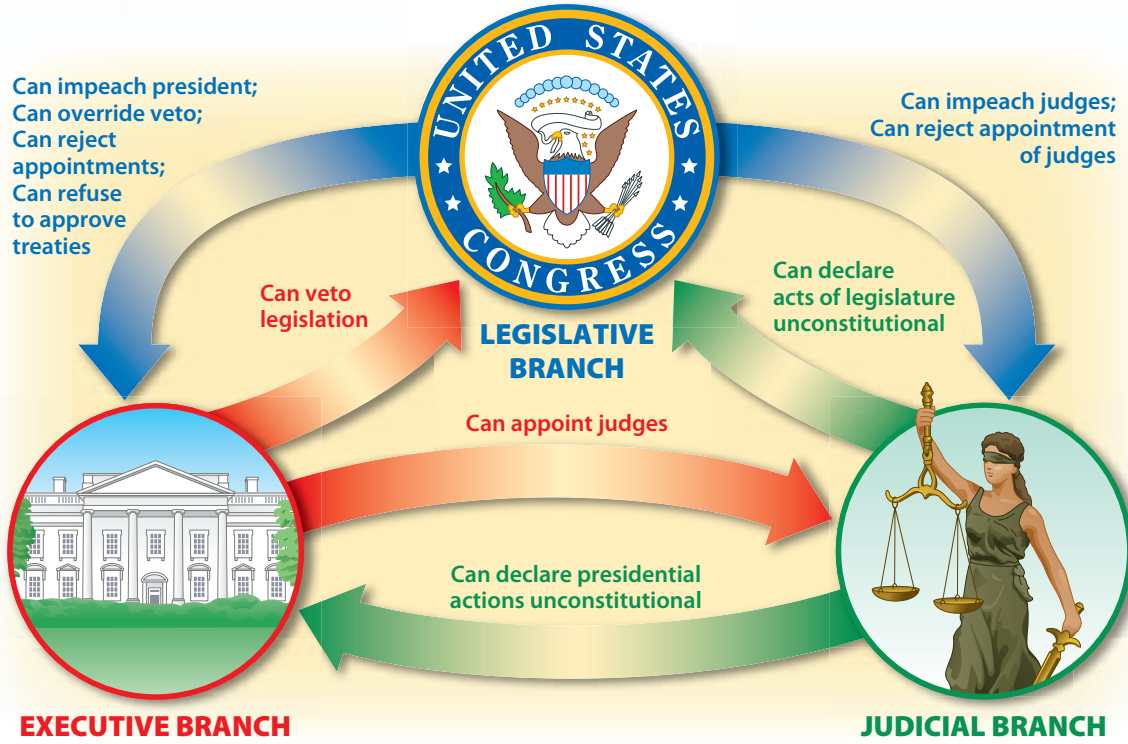
RIGHTS AND FREEDOMS	Magna Carta (1215)	English Bill of Rights (1689)	Virginia Declaration of Rights (1776)	Bill of Rights (1791)
Trial by jury	★	★	★	★
Due process	★	★	★	★
Private property	★		★	★
No unreasonable searches or seizures	★		★	★
No cruel punishment	★	★	★	★
No excessive bail or fines		★	★	★
Right to bear arms		★		★
Right to petition		★		★
Freedom of speech				★
Freedom of the press			★	★
Freedom of religion			★	★

Analyzing Charts

- Identifying** Which documents granted freedom of religion?
- Analyzing** Which rights or freedoms were included in all four documents?



A System of Checks and Balances



Analyzing Charts

- Describing** How can the judicial branch check the power of the executive branch?
- Describing** How can the executive branch check the power of the judicial branch?

Separation of Powers

To protect against abuse of power and the possibility of one person or group gaining too much power, the Framers divided the federal government into three branches, each with different functions. The Framers were influenced by the ideas of French philosopher Baron de Montesquieu.

Montesquieu believed that the best way to safeguard the liberty of the people was to clearly separate the legislative, executive, and judicial functions of government and **assign**, or appoint, each to a separate branch of government. This division of authority is called **separation of powers**.

Checks and Balances

Even with the separation of powers, the Framers feared that one branch of government could dominate the other two. In order to prevent any one of the three branches from becoming too powerful, the Framers of the Constitution also included a system of **checks and balances**. Under this system, each branch of government is able to check, or limit, the power of the others. Look at the chart of checks and balances on this page and you can see how this is done.

Reading Check Explaining Why did the Framers divide the government into three branches?

The Principle of Federalism

Main Idea The Constitution created a federal system of government. Under federalism, power is divided between national and state governments.

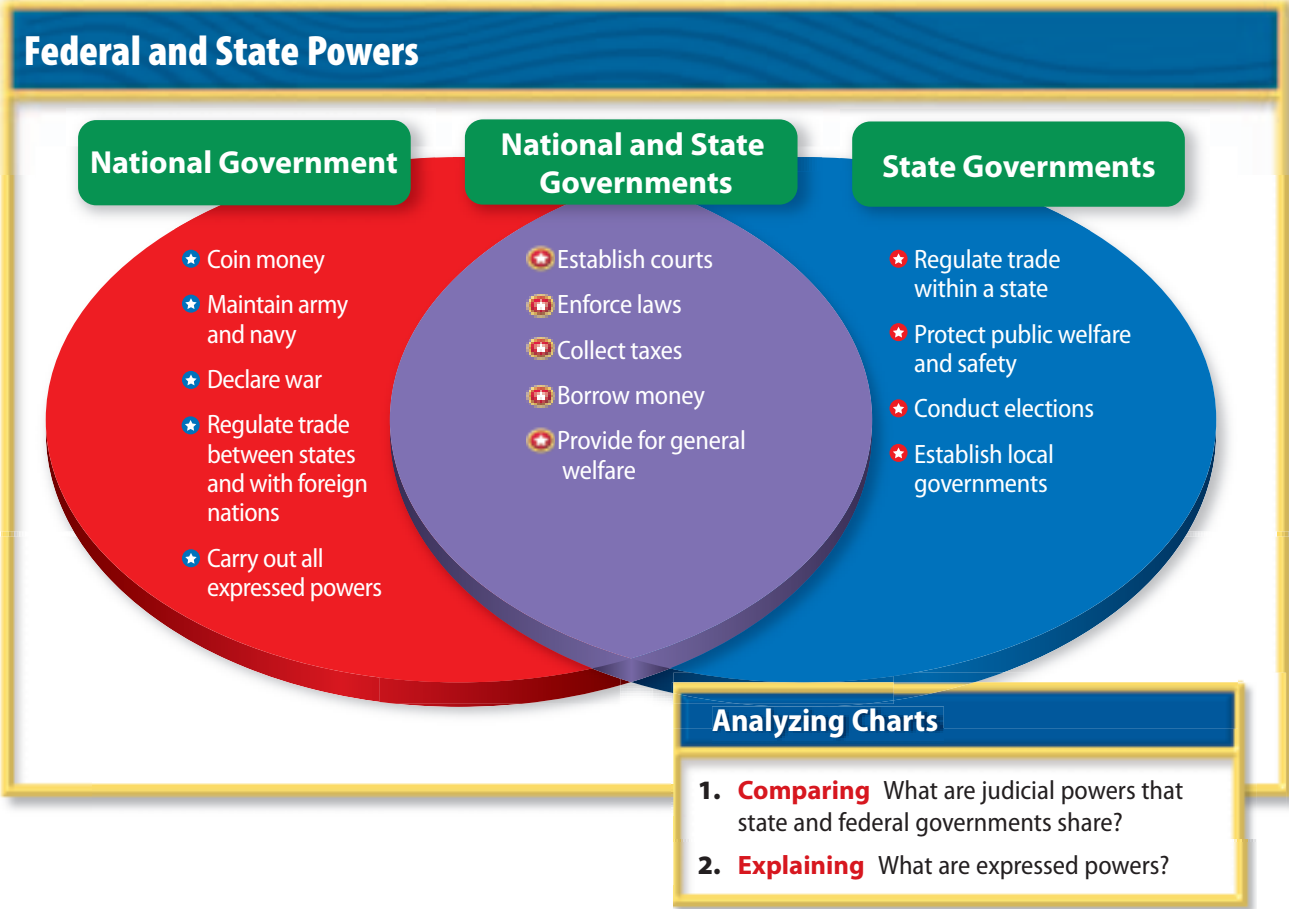
Civics & You As you read, think about how the writers of the Constitution divided powers between the federal and state governments.

Further limits on government arise from our Federal system. Under federalism, as you read in Section 3, power is shared by the national government and the states. Each level of government—national and state—has independent authority over people at the same time. Americans must obey both federal and state laws.

Three Types of Power

In setting up a federal system, the writers of the Constitution divided the powers of government into three types. The powers specifically granted to the national government are called the enumerated powers, or **expressed powers**. You will read more about them in Chapter 6. Powers that the Constitution does not give to the national government are kept by the states. These **reserved powers**, as they are called, include regulating trade within state borders, establishing schools, and making rules for marriage and divorce.

In some areas, the authority of the states and the national government overlaps. Powers that both levels of government can exercise are **concurrent powers**. Examples include the power to collect taxes, borrow money, and set up courts and prisons.





The Supremacy Clause

In a federal system, the laws of a state and the laws of the nation may conflict. To deal with this possibility, the Framers included the supremacy clause. Found in Article VI, the supremacy clause states that the Constitution and other laws and treaties made by the national government “shall be the supreme Law of the Land.”

Because the Constitution is the highest law, the national government is not supposed to act in violation of it. Likewise, states may do nothing that goes against either the Constitution or federal law.

Thomas Jefferson admired the Constitution. He wrote,

“I am persuaded no constitution was ever before so well calculated as ours for . . . self-government.”

—Thomas Jefferson’s letter to James Madison

The Constitution Today

The entire system of federal government in the United States rests on a single document: the Constitution. It has served as the “supreme law of the land” for more than 200 years. The Constitution is both durable and adaptable. The principles that underpin it—popular sovereignty, the rule of law, separation of powers, checks and balances, and federalism—ensure government restraint as well as power. The Constitution gives our chosen representatives enough power to defend our country’s freedom and to keep order. At the same time, it sets limits so that Americans need never fear tyranny. The United States Constitution stands as a powerful symbol of American values and a source of pride and unity.

Reading Check **Explaining** What are reserved powers?

Section Review 4

Vocabulary

- Write** at least three paragraphs about the U.S. Constitution using the group of words that follow: *popular sovereignty, rule of law, separation of powers, checks and balances, expressed powers, reserved powers, concurrent powers.*

Main Ideas

- Identifying Central Issues** Why did the Framers include the principles they did in writing the Constitution?
- Explaining** How is the power to govern shared under the principle of federalism?

Critical Thinking

- BIG Ideas** What are the five principles of government embodied in the United States Constitution?
- Summarizing** Give an explanation of each of the listed Constitutional principles in a graphic organizer like the one below.

Popular Sovereignty	
Rule of Law	
Separation of Powers	
Checks and Balances	

- Analyzing** In what ways has the system of checks and balances helped avoid conflict between the branches of government?

CITIZENSHIP Activity

- Expository Writing** Part of your responsibility as an American citizen is to be informed about what the government is doing and to voice your opinion about its actions. Draft a speech you would give at a schoolwide meeting, outlining your views on an issue your school or community is currently facing.



Study Central™ To review this section, go to glencoe.com.

Visual Summary



Constitutional Convention, 1787

The Constitution

The Constitution is this nation's fundamental law. It established that our nation is a republic that includes:

- an elected president;
- a bicameral legislature;
- a system of courts.

The Constitution is made up of three parts:

- the Preamble
- the Articles
- the Amendments

Independence Hall



The Constitution sets forth the five basic principles upon which the American system of government rests.

1. popular sovereignty
2. the rule of law
3. separation of powers
4. checks and balances
5. federalism

In setting up a federal system, the writers of the Constitution divided the powers of government into three types:

- Enumerated powers are those powers the Constitution specifically gives to the national government.
- Reserved powers are those that the Constitution gives to the states.
- Concurrent powers are those that the national and state governments share.

The Supremacy Clause

Found in Article VI, the supremacy clause states that the Constitution and the laws of the national government are the "supreme law of the land." In any conflict between national law and state law, the national law has the higher authority.



Amending the Constitution

Any change in the Constitution is called an amendment. The Constitution has 27 amendments.



Viewing the Declaration of Independence



Study anywhere, anytime! Download quizzes and flash cards to your PDA from glencoe.com.

North Carolina End-of-Course Test Civics and Economics Practice

TEST-TAKING TIP

Note the kinds of topics and ideas covered in a test to determine what to study for the next examination.

Reviewing Vocabulary

Directions: Choose the word(s) that best completes the sentence.

- The Second Continental Congress made plans for a _____.
A confederation **C** bill of rights
B constitutional convention **D** territorial government
- The agreement about how to represent enslaved persons was known as the _____.
A rule of law **C** Great Compromise
B Electoral College Compromise **D** Three-Fifths Compromise
- According to the Constitution, establishing schools is a(n) _____.
A expressed power **C** concurrent power
B reserved power **D** enumerated power
- The president and vice president head the _____.
A judicial branch **C** legislative branch
B executive branch **D** all three branches

Reviewing Main Ideas

Directions: Choose the best answer for each question.

Section 1 (pp.66–70)

- How were most early state governments different from the British government?
A They guaranteed trial by jury.
B They had written constitutions.
C They had bicameral legislatures.
D They protected private property.

- What was a significant achievement under the Articles of Confederation?
A payment of all Revolutionary War debts
B economic security for American farmers
C establishment of a plan for organizing territories
D uniform enforcement of laws throughout the states

Section 2 (pp. 71–78)

- Which proposal at the Constitutional Convention described a system with a president, courts, and bicameral legislature?
A Albany Plan
B Virginia Plan
C New Jersey Plan
D Connecticut Compromise
- Which person defended the Constitution in *The Federalist*?
A John Jay
B John Tyler
C Roger Sherman
D Baron de Montesquieu

Section 3 (pp. 79–84)

- What does Article I of the Constitution outline?
A the purposes of the federal government
B the lawmaking powers of the legislative branch
C the law-enforcing powers of the executive branch
D the relationship of the state and national governments

Section 4 (pp. 85–90)

- 10.** Which principle divides the functions of government among three branches?
- A** federalism
 - B** rule of law
 - C** popular sovereignty
 - D** separation of powers
- 11.** What does the supremacy clause state?
- A** The Constitution is the highest law of the land.
 - B** Only the national government can raise an army.
 - C** States keep powers not given to the federal government.
 - D** The federal and state governments share the power to tax.

Critical Thinking

Directions: Base your answers to questions 12 and 13 on the diagram below and your knowledge of Chapter 3.

Amending the Constitution	
Proposal By	Proposal By
2/3 vote of Congress	Conventions called by 3/4 of states
Ratification	Ratification
By 2/3 of state legislatures	By 3/4 of state conventions

- 12.** Either process for amending the Constitution involves representatives from _____.
- A** half of the states
 - B** states who entered the union before 1900
 - C** all of the states
 - D** states with populations over 12 million
- 13.** Of those asked, how many state legislatures must approve an amendment for it to be ratified?
- A** three-fifths
 - B** two-thirds
 - C** all
 - D** half

Need Extra Help?

If you missed question...	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Go to page...	68	75	89	80	67	68	74	78	80	88	90	82	83	80	80	69

Document-Based Questions

Directions: Analyze the following document and answer the short-answer questions that follow.

The preamble to the United States Constitution describes the writers’ vision for a new kind of government.

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

—the Constitution

- 14.** What is meant by the phrase to “promote the general Welfare”?
- 15.** Which phrase indicates the source of the government’s power? Explain.

Informational Writing

- 16.** Write a brief essay explaining why leaders of the United States decided to replace the Articles of Confederation.



Civics ONLINE

For additional test practice, use Self-Check Quizzes—
 Go to page glencoe.com.



The Constitution of the United States

The Constitution of the United States is truly a remarkable document.

It was one of the first written constitutions in modern history. The Framers wanted to devise a plan for a strong central government that would unify the country, as well as preserve the ideals of the Declaration of Independence. The document they wrote created a representative legislature, the office of president, a system of courts, and a process for adding amendments. For over 200 years, the flexibility and strength of the Constitution has guided the nation's political leaders. The document has become a symbol of pride and a force for national unity.

The entire text of the Constitution and its amendments follows. For easier study, those passages that have been set aside or changed by the adoption of amendments are printed in blue. Also included are explanatory notes that will help clarify the meaning of each article and section.



Preamble

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

Article I

Section 1

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

Section 2

- [1.] 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.] No person shall be a Representative who shall not have attained 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.] Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, *which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.* The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; *and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three; Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.*

The Preamble introduces the Constitution and sets forth the general purposes for which the government was established. The Preamble also declares that the power of the government comes from the people.

The printed text of the document shows the spelling and punctuation of the parchment original.

What It Means

Article I. The Legislative Branch The Constitution contains seven divisions called articles. Each article covers a general topic. For example, Articles I, II, and III create the three branches of the national government—the legislative, executive, and judicial branches. Most of the articles are divided into sections.

What It Means

Representation The number of representatives from each state is based on the size of the state's population. Each state is entitled to at least one representative. *What are the qualifications for members of the House of Representatives?*

Vocabulary

preamble: introduction

constitution: principles and laws of a nation

enumeration: census or population count



What It Means

Electing Senators Originally, senators were chosen by the state legislators of their own states. The Seventeenth Amendment changed this, so that senators are now elected by the people. There are 100 senators, 2 from each state. The vice president serves as president of the Senate.



▲ John Adams, the first vice president

What It Means

Impeachment One of Congress's powers is the power to impeach—to accuse government officials of wrongdoing, put them on trial, and if necessary remove them from office. *Which body has the power to decide the official's guilt or innocence?*

Vocabulary

impeachment: bringing charges against an official

president pro tempore: presiding officer of Senate who serves when the vice president is absent

indictment: charging a person with an offense

- [4.] When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.
- [5.] The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3

- [1.] 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.] 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.] 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.] The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.
- [5.] The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of the President of the United States.
- [6.] 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.] 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

- [1.] The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.
- [2.] 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

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

Section 6

- [1.] 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.] 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.

What It Means

Congressional Salaries To strengthen the federal government, the Founders set congressional salaries to be paid by the United States Treasury rather than by members' respective states. Originally, members were paid \$6 per day. In 2006, all members of Congress received a base salary of \$165,200.

Vocabulary

quorum: minimum number of members that must be present to conduct sessions

adjourn: to suspend a session

immunity privilege: members cannot be sued or prosecuted for anything they say in Congress

emoluments: salaries

What It Means

Where Tax Laws Begin All tax laws must originate in the House of Representatives. This ensures that the branch of Congress that is elected by the people every two years has the major role in determining taxes.

What It Means

How Bills Become Laws A bill may become a law only by passing both houses of Congress and by being signed by the president. The president can check Congress by rejecting—vetoing—its legislation. *How can Congress override the president's veto?*

What It Means

Powers of Congress Expressed powers are those powers directly stated in the Constitution. Most of the expressed powers of Congress are listed in Article I, Section 8. These powers are also called enumerated powers because they are numbered 1–18. *Which clause gives Congress the power to declare war?*

Vocabulary

bill: draft of a proposed law

revenue: income raised by government

resolution: legislature's formal expression of opinion

naturalization: procedure by which a citizen of a foreign nation becomes a citizen of the United States.

Section 7

- [1.] All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.
- [2.] 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.] 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

- [1.] The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;
- [2.] To borrow Money on the credit of the United States;
- [3.] To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;
- [4.] To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;
- [5.] To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;
- [6.] To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;
- [7.] To establish Post Offices and post Roads;

- [8.] 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.] To constitute Tribunals inferior to the supreme Court;
- [10.] To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;
- [11.] To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;
- [12.] To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;
- [13.] To provide and maintain a Navy;
- [14.] To make Rules for the Government and Regulation of the land and naval Forces;
- [15.] To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;
- [16.] 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.] 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 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.] To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9

- [1.] 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.] 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.] No Bill of Attainder or ex post facto Law shall be passed.
- [4.] No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.
- [5.] No Tax or Duty shall be laid on Articles exported from any State.

What It Means

Elastic Clause The final enumerated power is often called the “elastic clause.” This clause gives Congress the right to make all laws “necessary and proper” to carry out the powers expressed in the other clauses of Article I. It is called the elastic clause because it lets Congress “stretch” its powers to meet situations the Founders could never have anticipated.

What does the phrase “necessary and proper” in the elastic clause mean? Almost from the beginning, this phrase was a subject of dispute. The issue was whether a strict or a broad interpretation of the Constitution should be applied. The dispute was first addressed in 1819, in the case of *McCulloch v. Maryland*, when the Supreme Court ruled in favor of a broad interpretation.

What It Means

Habeas Corpus A writ of habeas corpus issued by a judge requires a law official to bring a prisoner to court and show cause for holding the prisoner. A bill of attainder is a bill that punished a person without a jury trial. An “ex post facto” law is one that makes an act a crime after the act has been committed. *What does the Constitution say about bills of attainder?*

Vocabulary

tribunal: a court

insurrection: rebellion



- [6.] 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.] 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.] 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.

What It Means

Limitations on the States Section 10 lists limits on the states. These restrictions were designed, in part, to prevent an overlapping in functions and authority with the federal government.

Section 10

- [1.] 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.] No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports and Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.
- [3.] 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.

What It Means

Article II. The Executive Branch Article II creates an executive branch to carry out laws passed by Congress. Article II lists the powers and duties of the presidency, describes qualifications for office and procedures for electing the president, and provides for a vice president.

Article II

Section 1

- [1.] The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows.
- [2.] 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.

Vocabulary

appropriations: funds set aside for a specific use

emolument: payment

impost: tax

duty: tax

[3.] The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

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

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

What It Means

Previous Elections The Twelfth Amendment, added in 1804, changed the method of electing the president stated in Article II, Section 3. The Twelfth Amendment requires that the electors cast separate ballots for president and vice president.

What It Means

Qualifications The president must be a citizen of the United States by birth, at least 35 years of age, and a resident of the United States for 14 years.

What It Means

Vacancies If the president dies, resigns, is removed from office by impeachment, or is unable to carry out the duties of the office, the vice president becomes president. The Twenty-fifth Amendment sets procedures for presidential succession.

What It Means

Salary Originally, the president's salary was \$25,000 per year. The president's current salary is \$400,000 plus a \$50,000 nontaxable expense account per year. The president also receives living accommodations in two residences—the White House and Camp David.

What It Means

The Cabinet Mention of “the principal officer in each of the executive departments” is the only suggestion of the president’s cabinet to be found in the Constitution. The cabinet is an advisory body, and its power depends on the president. Section 2, Clause 1 also makes the president—a civilian—the head of the armed services. This established the principle of civilian control of the military.

What It Means

Presidential Powers An executive order is a command issued by a president to exercise a power which he has been given by the U.S. Constitution or by a federal statute. In times of emergency, presidents sometimes have used the executive order to override the Constitution and Congress. During the Civil War, President Lincoln suspended many fundamental rights, such as closing down newspapers that opposed his policies and imprisoning people who disagreed with him. Lincoln said that these actions were justified to preserve the Union.



▲ President Bill Clinton during impeachment proceedings

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

Section 2

[1.] 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.] 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.] 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

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

Section 4

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

Article III

Section 1

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

Section 2

- [1.] 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.] 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.] 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.

What It Means

Article III. The Judicial Branch The term *judicial* refers to courts. The Constitution set up only the Supreme Court, but provided for the establishment of other federal courts. The judiciary of the United States has two different systems of courts. One system consists of the federal courts, whose powers derive from the Constitution and federal laws. The other includes the courts of each of the 50 states, whose powers derive from state constitutions and laws.

What It Means

Statute Law Federal courts deal mostly with “statute law,” or laws passed by Congress, treaties, and cases involving the Constitution itself.

What It Means

The Supreme Court A Court with “original jurisdiction” has the authority to be the first court to hear a case. The Supreme Court has “appellate jurisdiction” and mostly hears cases appealed from lower courts.

Vocabulary

original jurisdiction: authority to be the first court to hear a case

appellate jurisdiction: authority to hear cases that have been appealed from lower courts



What It Means

Article IV. Relations Among the States

Article IV explains the relationship of the states to one another and to the national government. This article requires each state to give citizens of other states the same rights as its own citizens, addresses admitting new states, and guarantees that the national government will protect the states.

What It Means

New States Congress has the power to admit new states. It also determines the basic guidelines for applying for statehood. Two states, Maine and West Virginia, were created within the boundaries of another state. In the case of West Virginia, President Lincoln recognized the West Virginia government as the legal government of Virginia during the Civil War. This allowed West Virginia to secede from Virginia without obtaining approval from the Virginia legislature.

Vocabulary

treason: violation of the allegiance owed by a person to his or her own country, for example, by aiding an enemy

Section 3

- [1.] 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.] The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Article IV

Section 1

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

Section 2

- [1.] The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.
- [2.] 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.] **No Person held to Service of Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.**

Section 3

- [1.] 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.] 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

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

Article V

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

Article VI

- [1.] 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.
- [2.] 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.
- [3.] 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.

What It Means

Republic Government can be classified in many different ways. The ancient Greek Philosopher Aristotle classified government based on the question: Who governs? According to Aristotle, all governments belong to one of three major groups: (1) autocracy—rule by one person; (2) oligarchy—rule by a few persons; or (3) democracy—rule by many persons. A republic is a form of democracy in which the people elect representatives to make the laws and conduct government.

What It Means

Article V. The Amendment Process

Article V spells out the ways that the Constitution can be amended, or changed. All of the 27 amendments were proposed by a two-thirds vote of both houses of Congress. Only the Twenty-first Amendment was ratified by constitutional conventions of the states. All other amendments have been ratified by state legislatures. *What is an amendment?*

What It Means

Article VI. National Supremacy Article VI contains the “supremacy clause.” This clause establishes that the Constitution, laws passed by Congress, and treaties of the United States “shall be the supreme Law of the Land.” The “supremacy clause” recognized the Constitution and federal laws as supreme when in conflict with those of the states.

Vocabulary

amendment: a change to the Constitution

ratification: process by which an amendment is approved

What It Means

Article VII. Ratification Article VII addresses ratification and declares that the Constitution would take effect after it was ratified by nine states.

Article VII

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

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,

Signers

*George Washington,
President and Deputy
from Virginia*

*New Hampshire
John Langdon
Nicholas Gilman*

*Massachusetts
Nathaniel Gorham
Rufus King*

*Connecticut
William Samuel Johnson
Roger Sherman*

*New York
Alexander Hamilton*

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

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

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

*Maryland
James McHenry
Daniel of St. Thomas Jenifer
Daniel Carroll*

*Virginia
John Blair
James Madison, Jr.*

*North Carolina
William Blount
Richard Dobbs Spaight
Hugh Williamson*

*South Carolina
John Rutledge
Charles Cotesworth
Pinckney
Charles Pinckney
Pierce Butler*

*Georgia
William Few
Abraham Baldwin*

Attest: *William Jackson,
Secretary*



◀ Re-creating colonial response to the signing at Independence Hall

Amendment I

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

Amendment II

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

Amendment III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

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

Amendment V

No person shall be held to answer for a capital, or otherwise infamous 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.

What It Means

The Amendments This part of the Constitution consists of amendments, or changes. The Constitution has been amended 27 times throughout the nation's history.

What It Means

Bill of Rights The first 10 amendments are known as the Bill of Rights (1791). These amendments limit the powers of government. The First Amendment protects the civil liberties of individuals in the United States. The amendment freedoms are not absolute, however. They are limited by the rights of other individuals. *What freedoms does the First Amendment protect?*

What It Means

Rights of the Accused This amendment contains important protections for people accused of crimes. One of the protections is that government may not deprive any person of life, liberty, or property without due process of law. This means that the government must follow proper constitutional procedures in trials and in other actions it takes against individuals. *According to Amendment V, what is the function of a grand jury?*

Vocabulary

quarter: to provide living accommodations

warrant: document that gives police particular rights or powers

probable cause: police must have a reasonable basis to believe a person is linked to a crime

What It Means

Rights to a Speedy, Fair Trial A basic protection is the right to a speedy, public trial. The jury must hear witnesses and evidence on both sides before deciding the guilt or innocence of a person charged with a crime. This amendment also provides that legal counsel must be provided to a defendant. In 1963, the Supreme Court ruled, in *Gideon v. Wainwright*, that if a defendant cannot afford a lawyer, the government must provide one to defend him or her. *Why is the right to a "speedy" trial important?*

Amendment VI

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

Amendment VII

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

Amendment VIII

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

Amendment IX

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

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Amendment XI

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.

What It Means

Powers of the People This amendment prevents government from claiming that the only rights people have are those listed in the Bill of Rights.

What It Means

Powers of the States The final amendment of the Bill of Rights protects the states and the people from an all-powerful federal government. It establishes that powers not given to the national government—or denied to the states—by the Constitution belong to the states or to the people.

What It Means

Suits Against States The Eleventh Amendment (1795) limits the jurisdiction of the federal courts. The Supreme Court had ruled that a federal court could try a lawsuit brought by citizens of South Carolina against a citizen of Georgia. This case, *Chisholm v. Georgia*, decided in 1793, raised a storm of protest, leading to passage of the Eleventh Amendment.

Amendment XII

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

What It Means

Elections The Twelfth Amendment (1804) corrects a problem that had arisen in the method of electing the president and vice president. This amendment provides for the Electoral College to use separate ballots in voting for president and vice president. *If no candidate receives a majority of the electoral votes, who elects the president?*

Vocabulary

common law: law established by previous court decisions

bail: money that an accused person provides to the court as a guarantee that he or she will be present for a trial

majority: more than half

devolve: to pass on

What It Means

Abolition of Slavery Amendments Thirteen (1865), Fourteen (1868), and Fifteen (1870) often are called the Civil War amendments because they grew out of that great conflict. The Thirteenth Amendment outlaws slavery.

What It Means

Rights of Citizens The Fourteenth Amendment (1868) originally was intended to protect the legal rights of the freed slaves. Today it protects the rights of citizenship in general by prohibiting a state from depriving any person of life, liberty, or property without “due process of law.” In addition, it states that all citizens have the right to equal protection of the law in all states.

What It Means

Representation in Congress This section reduced the number of members a state had in the House of Representatives if it denied its citizens the right to vote. Later civil rights laws and the Twenty-fourth Amendment guaranteed the vote to African Americans.

Vocabulary

apportionment: distribution of seats in House based on population

abridge: to reduce

Amendment XIII

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

Section 1

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

Section 2

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

Section 3

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

of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4

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

Section 5

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

Amendment XV

Section 1

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

Section 2

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

Amendment XVI

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

Section 1

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

What It Means

Public Debt The public debt acquired by the federal government during the Civil War was valid and could not be questioned by the South. However, the debts of the Confederacy were declared to be illegal. *Could former slaveholders collect payment for the loss of their slaves?*

What It Means

Right to Vote The Fifteenth Amendment (1870) prohibits the government from denying a person's right to vote on the basis of race. Despite the law, many states denied African Americans the right to vote by such means as poll taxes, literacy tests, and white primaries. During the 1950s and 1960s, Congress passed successively stronger laws to end racial discrimination in voting rights.

What It Means

Election of Senators The Seventeenth Amendment (1913) states that the people, instead of state legislatures, elect United States senators. How many years are in a Senate term?

Vocabulary

insurrection: rebellion against the government

emancipation: freedom from slavery



▲ Dumping illegal liquor

What It Means

Prohibition The Eighteenth Amendment (1919) prohibited the production, sale, or transportation of alcoholic beverages in the United States. Prohibition proved to be difficult to enforce. This amendment was later repealed by the Twenty-first Amendment.

What It Means

Woman Suffrage The Nineteenth Amendment (1920) guaranteed women the right to vote. By then women had already won the right to vote in many state elections, but the amendment put their right to vote in all state and national elections on a constitutional basis.

Section 2

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

Section 3

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

Amendment XVIII

Section 1

After one year from 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

Section 1

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

Section 2

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

Amendment XX

Section 1

The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of the 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 elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4

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

Section 5

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

What It Means

“Lame-Duck” Amendments The Twentieth Amendment (1933) sets new dates for Congress to begin its term and for the inauguration of the president and vice president. Under the original Constitution, elected officials who retired or who had been defeated remained in office for several months. For the outgoing president, this period ran from November until March. Such outgoing officials had little influence and accomplished little, and they were called lame ducks because they were so inactive. *What date was fixed as Inauguration Day?*

What It Means

Succession This section provides that if the president-elect dies before taking office, the vice president-elect becomes president.

Vocabulary

president elect: individual who is elected president but has not yet begun serving his or her term



What It Means

Repeal of Prohibition The Twenty-first Amendment (1933) repeals the Eighteenth Amendment. It is the only amendment ever passed to overturn an earlier amendment. It is also the only amendment ratified by special state conventions instead of state legislatures.

What It Means

Term Limit The Twenty-second Amendment (1951) limits presidents to a maximum of two elected terms. It was passed largely as a reaction to Franklin D. Roosevelt's election to four terms between 1933 and 1945.

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

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

Section 1

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

Section 2

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

Amendment XXIII

Section 1

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

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

Section 2

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

Amendment XXIV

Section 1

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

Section 2

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

Amendment XXV

Section 1

In case of the removal of the President from office or 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 the office upon confirmation by a majority vote of both Houses of Congress.

What It Means

Electors for the District of Columbia

The Twenty-third Amendment (1961) allows citizens living in Washington, D.C., to vote for president and vice president, a right previously denied residents of the nation's capital. The District of Columbia now has three presidential electors, the number to which it would be entitled if it were a state.

What It Means

Abolition of Poll Tax The Twenty-fourth Amendment (1964) prohibits poll taxes in federal elections. Prior to the passage of this amendment, some states had used such taxes to keep low-income African Americans from voting. In 1966 the Supreme Court banned poll taxes in state elections as well.

What It Means

The Vice President The Twenty-fifth Amendment (1967) established a process for the vice president to take over leadership of the nation when a president is disabled. It also set procedures for filling a vacancy in the office of vice president.

This amendment was used in 1973, when Vice President Spiro Agnew resigned from office after being charged with accepting bribes. President Richard Nixon then appointed Gerald R. Ford as vice president in accordance with the provisions of the 25th Amendment. A year later, President Nixon resigned during the Watergate scandal and Ford became president. President Ford then had to fill the vice presidency, which he had left vacant upon assuming the presidency. He named Nelson A. Rockefeller as vice president. Thus individuals who had not been elected held both the presidency and the vice presidency. *Whom does the president inform if he or she cannot carry out the duties of the office?*



▲ Lyndon B. Johnson is sworn into office after the assassination of President John F. Kennedy.

Section 3

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

Section 4

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

What It Means

Voting Age The Twenty-sixth Amendment (1971) lowered the voting age in both federal and state elections to 18.

Amendment XXVI

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

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

What It Means

Congressional Pay Raises The Twenty-seventh Amendment (1992) makes congressional pay raises effective during the term following their passage. James Madison offered the amendment in 1789, but it was never adopted. In 1982 Gregory Watson, then a student at the University of Texas, discovered the forgotten amendment while doing research for a school paper. Watson made the amendment's passage his crusade.

▼ Joint meeting of Congress

