

Text of Constitution*

Explanation

Special Notes

The Preamble

We the People of the United States, in order to form a more perfect Union, establish Justice, ensure 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.

Purpose of the Constitution

To establish and maintain:

1. A union of states beneficial to all
2. Justice
3. Peace at home
4. Adequate defense against foreign enemies
5. Welfare of all states
6. Freedom for current and future citizens

Article I

Section 1.

[Clause 1] All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

The Legislature

Establishment of the Legislature

Lawmaking granted to a bicameral (two-house) Congress

1. Senate
2. House of Representatives

Section 2.

[Clause 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.

The House of Representatives

Election of the House of Representatives

1. Representatives chosen every two years
2. States make decisions about who may vote; that is, all qualified to vote for state legislatures can vote for federal representatives.

Federal voting rights listed below have since affected this clause:
1870-15th Amendment: voting rights to men of all races
1820-19th Amendment: voting rights to women
1867-26th Amendment: voting rights to all 18 years and older

[Clause 2] No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Qualifications of members of the House

1. At least 25 years old
2. Citizen for 7 years
3. Resident of the applicable state

In addition, by custom, representatives must reside in the district they represent.

*[Clause 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 30,000, but each state shall have at least one representative; **and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.***

Number of representatives in each state

1. Count is based on the state's population.
2. Census every 10 years to determine population
3. Congress reapportions seats among the states.
4. One representative minimum for each state

In the 1929 Reapportionment Act, Congress fixed the size of the House to 435 members.

Direct taxation apportioned similarly

Share of taxes based on population of each state

The 1st section of boldfaced text refers to the Constitutional Convention's 3/5 Compromise (slaves would be counted as 3/5 of a person). This was changed in 1868 with the 14th Amendment.

The number of seats for each state was dictated until the first census could be taken.

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[Clause 4] When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies

[Clause 5] The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

Explanation

Filling midterm vacancies in the House
State's governor calls a special election.

Leadership and impeachment
House elects its own officers.
House has power to raise impeachment charges against an officer of the government.

Special Notes

Section 3

[Clause 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.

[Clause 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.**

[Clause 3] No person shall be a senator who shall not have attained to the age of 30 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.

[Clause 4] The Vice-President of the United States shall be president of the Senate, but shall have no vote, unless they be equally divided.

[Clause 5] The Senate shall choose their other officers, and also a president pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

[Clause 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.

The Senate

Composition, term, elections, and voting of the Senate

1. Two senators per state
2. Six-year term
3. State legislatures elect senators (no longer applicable-see right)
4. One vote per senator

Procedure for a "Continuing Body"

In 1788, the senators were divided into 3 groups to ensure that the Senate was a "continuing body." Therefore, only 1/3 of the Senate seats are up for election every two years.

Qualifications of members of the Senate

1. At least 30 years old
2. Citizen for 9 years
3. Resident of the applicable state

Vice president's role in the Senate

1. President of the Senate
2. Votes in the Senate only to break a tie

Senate elects officers from its members

Including president *pro tempore* who oversees the Senate in the vice president's absence.

Senate's role in impeachment

1. Senate conducts trial after the House votes to impeach.
2. Vice president presides normally.
3. Chief Justice of the United States (of the Supreme Court) presides if the president is on trial.
4. 2/3 guilty vote by members present is required.

The boldfaced text was replaced by the 17th Amendment in 1913. Originally, senators were elected by states' legislatures. Since 1913, senators are elected by popular vote.

Now, since senators are elected by popular vote, the boldfaced text is no longer in effect. The governor calls a special election if a seat is vacated before the end of the senator's term. This is the same procedure as in the House.

By custom, the president *pro tempore* is chosen from the majority party in the Senate.

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[Clause 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.

Explanation

Limited punishment for impeached officials

1. Removal from office
2. Disqualification from holding other federal office
3. Can be tried in regular court for same offense.

Special Notes

Section 4.

[Clause 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 choosing senators.

Legislative Elections and Meetings

Logistics of congressional elections

Initially, the framers left the elections to each state. Congress had a limited right to alter or make regulations regarding elections in each state.

In 1842, Congress required representatives to be elected from districts within each state with more than one seat in the House. The law also set the election date for all states: the Tuesday after the first Monday in November of every even-numbered year. In 1914, Congress also set that date for Senate elections.

[Clause 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.

Frequency of congressional meetings

At least once a year
The 1st meeting date of each meeting or session was to be the first Monday in December, unless a law stated otherwise.

In 1933, the 20th Amendment changed the first meeting date to January 3rd of each year.

Section 5.

[Clause 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 small 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.

Legislative Proceedings

Presiding over elections and members' qualifications

Each house oversees its own elections, members, and affairs.

Quorums

1. A quorum is a majority in the House or the Senate and a quorum is needed to do business.
2. Either house can conduct business with less than a quorum; however, members may compel absent members to be present in order to obtain a quorum.

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

Rules, punishment, and expulsion of members

1. Procedural rules are established by each house.
2. Each house can punish its members for disorderly conduct.
3. 2/3 majority vote is required to expel a member.

[Clause 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.

“Congressional Record”

1. A daily record of what is done must be kept.
2. Secret items are allowed.
3. Voting records can be recorded if 1/5 of the members of the house are in favor.

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[Clause 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.

[Clause 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.

[Clause 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.

Section 7.

[Clause 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.

[Clause 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.

Explanation

Coordination of activity of both houses

1. Neither house can adjourn for more than 3 days without the other house agreeing.
2. Both houses must meet in the same city.

Compensation, Privileges, & Limitations

Compensation and special privileges

1. Compensation is determined by law.
2. Protection from interference:
 - (a) They cannot be arrested, except for treason or a serious crime, while attending a Congressional meeting or travelling to and from a meeting.
 - (b) They cannot be questioned during debates or speeches except in the house of deliberation.

Restrictions against other offices

1. Cannot hold another office during their term
2. Cannot take another government position created during their term
3. Cannot take another government position for which the salary (emolument) has increased during their term

Lawmaking Rules

Revenue bills

1. Begin in the House
2. Senate can amend them.

Enactment of laws

1. The bill must pass both houses of Congress.
2. Then it must go to the president.
3. Then the president takes one of four actions:
 - (a) sign the bill, making it law
 - (b) reject (veto) the bill, in which case it is returned to the house it originated in, where the veto may be overridden by a 2/3 vote in each house
 - (c) not act on the bill within 10 days, thus allowing the bill to pass into law
 - (d) if the Congressional session ends in less than 10 days, the bill does not become law; this is called a "pocket veto."

Special Notes

In 1922, the 27th Amendment modified Congress's ability to set pay raises.

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Explanation

Special Notes

[Clause 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 re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Presidential approval and veto

1. President must approve of bills, resolutions, etc.
2. 2/3 of each house can override presidential veto.

Section 8.

The Congress shall have power:

[Clause 1] 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;

[Clause 2] To borrow money on the credit of the United States;

[Clause 3] To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

[Clause 4] To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

[Clause 5] To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

[Clause 6] To provide for the punishment of counterfeiting the securities and current coin of the United States;

[Clause 7] To establish post-offices and post-roads;

[Clause 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;

[Clause 9] To constitute tribunals inferior to the Supreme Court;

[Clause 10] To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

Expressed (or Enumerated) Powers of Congress

Congress has the powers enumerated below:

To raise money (by imposing taxes, duties, etc.) for:

1. Paying U.S. debt
2. Defense
3. General welfare of the country

The same tax rates must apply throughout the U.S.

To borrow money

To regulate commerce with foreign nations and among states

To determine the process of naturalization (gaining citizenship) for foreign-born individuals
To pass laws regarding bankruptcy

To coin money and determine its worth
To establish a system of uniform weights and measures

To punish persons who counterfeit bonds, stamps, or currency

To provide for the transport and delivery of the mail

To stimulate scientific, technical, and artistic activity by issuing copyrights, patents, etc.

To set up lower federal courts, subordinate to the U.S. Supreme Court

To make laws about crimes in international waters and punish those who break treaties or do not follow international agreements

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*[Clause 11] To declare war, **grant letters of marque and reprisal**, and make rules concerning captures on land and water;*

[Clause 12] To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

[Clause 13] To provide and maintain a navy;

[Clause 14] To make rules for the government and regulation of the land and naval forces;

[Clause 15] To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

[Clause 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;

[Clause 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 the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and,

[Clause 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.

Explanation

To declare war and conduct defense

To raise and support an army and a navy
To limit Congress's control of the armed forces (funding for the armed forces is limited to two years; i.e., it must renewed every two years)

To manage the armed services

To call out the state militias (now called National Guard) to:

1. Enforce the nation's laws
2. Put down domestic rebellions
3. Drive out foreign invaders

To place aspects of the state militias under control of Congress:

1. Organizing
2. Arming
3. Disciplining

States may appoint officers and train their militias as long as the training meets the discipline required by the U.S. Congress.

To make laws for the area given up by the states to be used for the national seat of government
To acquire land from other states for federal purposes

To make all laws needed to carry out the powers outlined in this section and all other powers given to Congress in the Constitution

Special Notes

The president has certain war-making powers as Commander-in-Chief.
"Letters of Marque" hiring private soldiers are no longer granted: privateering was outlawed in 1856.

As an extension of this enumerated power, Congress established an air force in 1947.

The volunteer armed service of each state was referred to as the "militia." As of the 1916 National Defense Act, the militias were referred to as the "National Guard."

In 1800, Washington, D.C., was established as the national seat of government.

This is known as the "Necessary and Proper Clause" or "Elastic Clause." It is used to expand upon the powers of Congress enumerated in this section.

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Special Notes

Section 9

[Clause 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 1808, but a tax or duty may be imposed on such importations, not exceeding ten dollars for each person.

[Clause 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.

[Clause 3] No bill of attainder or ex post facto law shall be passed.

[Clause 4] No capitation, or other direct tax shall be laid unless in proportion to the census or enumeration herein before directed to be taken.

[Clause 5] No tax or duty shall be laid on articles exported from any state.

[Clause 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.

[Clause 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.

[Clause 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.

Powers Expressly Denied to Congress

Congress could not outlaw the slave trade before 1808. However, Congress could impose a tax of up to \$10 for each slave imported into a state.

Congress cannot suspend the writ of *habeas corpus* (the right of the accused to be brought to court for a lawful judgment), unless the U.S. is in serious danger of rebellion or invasion.

Congress cannot pass a bill of attainder (a legislative act imposing punishment without trial) or an *ex post facto* law (a law passed after the fact).

Congress cannot pass a direct tax or “capitation” (per head) tax unless it is based on the census.

Congress cannot tax any goods exported from a state.

Congress’s laws cannot favor any state’s ports. Congress cannot tax vessels traveling from one U.S. port to another.

The U.S. government can only spend money in amounts and for purposes authorized by Congress. A public account of this money must be kept.

Titles of nobility are forbidden. No federal official can accept office, title, gift, payment, etc. from a foreign state without approval by Congress.

This clause was part of the Constitutional Convention’s Commerce Compromise; it was a concession to southern slave-holding states.

In 1913, the 16th Amendment allowed the U.S. to collect income tax.

This was also part of the Constitutional Convention’s Commerce Compromise.

This is part of the “all men are created equal” principle and arose from the suspicion the framers had of the authority of the British Crown.

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Special Notes

Section 10.

[Clause 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.

[Clause 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 control of the Congress.

[Clause 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.

Powers Denied to States

States of the U.S. cannot

1. Make treaties
2. Engage citizens to make war with other nations
3. Coin money
4. Allow the making of paper money
5. Pass bill of attainder or ex post facto laws
6. Void contracts
7. Grant titles of nobility

Restrictions on the imposition of taxes

1. Only Congress, not individual states, can tax imports.
2. Neither the states nor Congress can tax exports.

States' limited sovereignty over international affairs

1. No state can engage in war or enter into agreements with foreign countries unless they are in imminent danger.
2. States are prohibited also from levying a tax on any ships according to weight.

Article II

Executive Branch

Section 1.

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

[Clause 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.

President and Vice President

Setting up the presidency, vice presidency, and their terms

1. Executive power given to president
2. Office of vice president established
3. Both elected for 4-year term, at the same time

Electoral college

1. Indirect election of the president by electors
2. Electors chosen from each state in a manner decided by each state's legislature
3. Each state's electors equals the total senators and representatives the state has in Congress.

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[Clause 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 choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list, the said House shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.

[Clause 4] The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

[Clause 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.

[Clause 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.

Explanation

Initial plan for election of president and vice president

1. The person with the most electoral votes became the president.
 2. The person with the second-most electoral votes became the vice president.
- The 12th Amendment replaced the procedure outlined in this clause.

Still in effect: A majority of electoral votes must be obtained; if not, the election goes to the House of Representatives.

Congress sets the time for

1. Choosing electors
2. Casting ballots

Qualifications for the presidency

1. Born a U.S citizen, or a citizen at the time the Constitution was adopted
2. At least 35 years old
3. U.S. resident for 14 years

Succession rules for the presidency

1. Vice president assumes the presidency if the president becomes incapacitated.
2. Congress elects a successor if both president and vice president become incapacitated.

Special Notes

In 1804, the provisions in the 12th Amendment, which changed the election process for the vice president, replaced this clause. The amendment states that the electors cast votes for both the president and the vice president, and if a majority of electoral votes is not obtained, the House of Representatives elects the president from the top 3 choices and elects the vice president from the top 2 choices.

The framers allowed citizens not born in the U.S. to be president if they were citizens by the time the Constitution was adopted, since many citizens were immigrants from European countries at the time.

This clause was replaced by the 25th Amendment in 1967, which clarified the procedure for succession.

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[Clause 7] The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

[Clause 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.

[Clause 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.

[Clause 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.

[Clause 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.

[Clause 1] 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.

Explanation

Presidential compensation

1. President receives compensation for services.
2. Amount is fixed during a person's term in office.
3. President cannot receive another salary from U.S. government.

Presidential oath

The president must take the oath of office prescribed here.

Presidential Powers and Duties

Commander-in-chief and executive powers

1. The president commands:
 - (a) the nation's armed forces
 - (b) the state's national guard when in U.S. service
2. President may ask the advice of the chief officers of the executive departments.
3. The president may grant reprieves and pardons concerning federal offenses.

Treaty-making and appointments

1. The president makes treaties, and 2/3 of the Senate approves their ratification.
2. The president appoints:
 - (a) ambassadors
 - (b) justices of the Supreme Court
 - (c) other government officials
3. The president, the courts, or the executive departments may appoint other "inferior" positions, if Congress gives them the power to do so.

President fills temporary vacancies

until the end of the next Senate session

Other Presidential Duties

Congressional, diplomatic, & executive duties

1. Addresses Congress on "state of the Union" in order to recommend laws or improvements
2. Calls special sessions of Congress and ends special sessions if the two houses cannot agree on when to adjourn.
4. Meets representatives of other countries.
5. Ensures that the laws are followed.
6. Signs commissions (written documents) that allow government officials to hold their positions.

Special Notes

The "executive departments" phrase provided a basis for forming the president's Cabinet.

Presidents sometimes bypass the Constitutional requirement of Senate approval by making "executive agreements" instead of treaties. These agreements do not require Senate approval for their enactment.

Many appointments require Senate approval.

The opening phrase in this clause—"He shall, from time to time, give to Congress information of the state of the Union"—is the basis for the president's annual "State of the Union" address to Congress every January.

Text of Constitution*

Explanation

Special Notes

Text of Constitution*	Explanation	Special Notes
Section 4. <i>[Clause 1] 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.</i>	Impeachment Impeachment of president, vice president, and other officers of the government is allowed for serious offenses.	
Article III	Judicial Branch	
Section 1 <i>[Clause 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 behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.</i>	Establishment of Judiciary General role and rules governing judges <ol style="list-style-type: none">1. Right to try cases given to judges of the Supreme and inferior courts.2. Congress can create inferior courts.3. Judges hold office for life “during good behavior.”4. Salary cannot be lowered during their term.	
Section 2 <i>[Clause 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.</i> <i>[Clause 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.</i> <i>[Clause 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.</i>	Jurisdiction: Power to Hear Cases Types of cases heard by federal courts Disputes concerning: <ol style="list-style-type: none">1. The Constitution (Judicial Review)2. U.S. laws3. U.S. treaties4. Representatives from foreign countries5. Ships and shipping6. U.S. government and an opposing party7. Two or more states Original jurisdiction of the Supreme Court The Supreme Court conducts the original trial in cases involving: <ol style="list-style-type: none">1. Ambassadors2. Other public ministers and consuls3. Any state as an interested party. Appellate jurisdiction of the Supreme Court All other cases are first heard in the lower courts and then are appealed to the Supreme Court. Trial by jury and location of trials <ol style="list-style-type: none">1. The right to a trial by jury is guaranteed.2. The trial is held in the state where the crime was committed.3. Congress determines the location of trials for cases not committed in a state, i.e., in a territory.	<p>The highlighted portion was modified in 1798 with the 11th Amendment, which restricted the federal courts’ power to hear cases between a state and a citizen of another state or country.</p> <p>Most of the cases heard in the Supreme Court are on appeal from lower federal courts or state courts.</p> <p>As mentioned in Article II, impeachment trials are always held in the Senate.</p> <p>The 6th Amendment adds more requirements for a criminal trial.</p>

*Boldfaced text is updated or replaced.

Text of Constitution*

Explanation

Special Notes

Text of Constitution*	Explanation	Special Notes
<p>Section 3.</p> <p><i>[Clause 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.</i></p> <p><i>[Clause 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.</i></p>	<p>Treason</p> <p>Definition of treason</p> <ol style="list-style-type: none">1. Carrying on war against the U.S.2. Helping enemies of the U.S. <p>Evidence required for conviction</p> <ol style="list-style-type: none">1. Two people must testify to the same action or2. The accused must confess in open court. <p>Punishment for treason</p> <ol style="list-style-type: none">1. Congress sets the punishment.2. Punishment cannot extend to the family or heirs, nor can their right of property be taken away.	
<p>Article VI</p> <p>Section 1.</p> <p><i>[Clause 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.</i></p>	<p>State's Relations with Other States</p> <p>"Full Faith and Credit" of all states to each state</p> <ol style="list-style-type: none">1. States must recognize each state's action. This concept is referred to as "full faith and credit."2. Congress can make laws to force states to recognize each others' laws, records, etc.	<p>An example of the "full faith and credit" concept is that a marriage in one state is recognized in all states.</p>
<p>Section 2.</p> <p><i>[Clause 1] The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.</i></p> <p><i>[Clause 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.</i></p> <p><i>[Clause 3] No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labor may be due.</i></p>	<p>Individuals Within the States</p> <p>Privilege and Immunity</p> <ol style="list-style-type: none">1. A person from one state enjoys the same rights as citizens in other states.2. A state's laws cannot discriminate against residents of other states. <p>Extradition</p> <p>A person accused of a crime may be returned (extradited) to the state where the crime was committed. The governors are responsible for requesting and granting extradition.</p> <p>Slaves fleeing to other states</p> <p>Slaves fleeing to other states could not declare their freedom.</p>	<p>This clause was repealed in 1865 with the 13th Amendment and the abolition of slavery.</p>
<p>Section 3.</p> <p><i>[Clause 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.</i></p>	<p>New States and Territories</p> <p>Admitting new states</p> <ol style="list-style-type: none">1. Congress has the power to admit new states.2. A new state cannot be created from existing states without the approval of their legislatures.	

*Boldfaced text is updated or replaced.

Text of Constitution*

[Clause 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

*[Clause 1] 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 1808, 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

[Clause 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.

[Clause 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.

[Clause 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.

Explanation

Congress's power over U.S. territory

1. It can sell or give away U.S. land and property.
2. It can make laws concerning U.S. lands.
3. It cannot favor one state over another.

U.S. Responsibility to the States

The U.S. promises the states:

1. A republican government
2. Protection from internal and external threats

Amending the Constitution

Formal method of changing the Constitution

An amendment is proposed in one of two ways:

1. By 2/3 vote in each house of Congress
2. By a national convention called by Congress at the request of 2/3 of the state legislatures

An amendment is ratified in one of two ways:

1. By 3/4 of the states in a convention called for that purpose
 2. By 3/4 of the state legislatures
- Congress can determine the method of ratification.

The amendment process cannot be used to deny a state equal representation without its consent.

National Debts, Supremacy, and Oath

Previous debts and treaties honored

Supremacy of the Constitution

The Constitution, and U.S. laws and treaties made under the Constitution, supersede:

1. All other laws
2. State constitutions
3. State and local legislation

Oath of allegiance required

1. By federal officials
2. By state officials

No person can be barred from public office due to the person's religious beliefs.

Special Notes

The boldfaced text prohibited any amendment to be made concerning the slave trade (Article 1, Section 9, Clause 1) and direct per capita taxation (Article 1, Section 9, Clause 4) before 1808.

This is known as the "Supremacy Clause."

*Boldfaced text is updated or replaced.

Text of Constitution*

Explanation

Special Notes

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 17th day of September, in the year of our Lord 1787, and of the independence of the United States of America the 12th. In witness whereof we have hereunto subscribed our names.

Ratification

Procedure for ratifying the Constitution

It becomes effective after the conventions of 9 states have ratified the document.

On June 21, 1788, New Hampshire was the ninth state to ratify the Constitution, making it the law of the land.

The following people signed the Constitution. Note the absence of delegates from Rhode Island, the only state that did not send a delegation to the convention.

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, William Livingston*

New Jersey *David Brearly, William Paterson, Jonathan Dayton, Benjamin Franklin, Thomas Mifflin, Robert Morris*

Pennsylvania *George Clymer, Thomas Fitzsimmons, Jared Ingersoll, James Wilson, Gouveneur Morris, George Read, Gunning Bedford, jun.*

Delaware *John Dickinson, Richard Bassett, Jacob Broom, James McHenry*

Maryland *Daniel of St. Thomas Jenifer, Daniel Carroll*

Virginia *John Blair, James Madison, jun., William Blount*

North Carolina *Richard Dodds Spaight, Hugh Williamson, John Rutledge*

South Carolina *Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler*

Georgia *William Few, Abraham Baldwin*

Attest: *William Jackson, Secretary.*