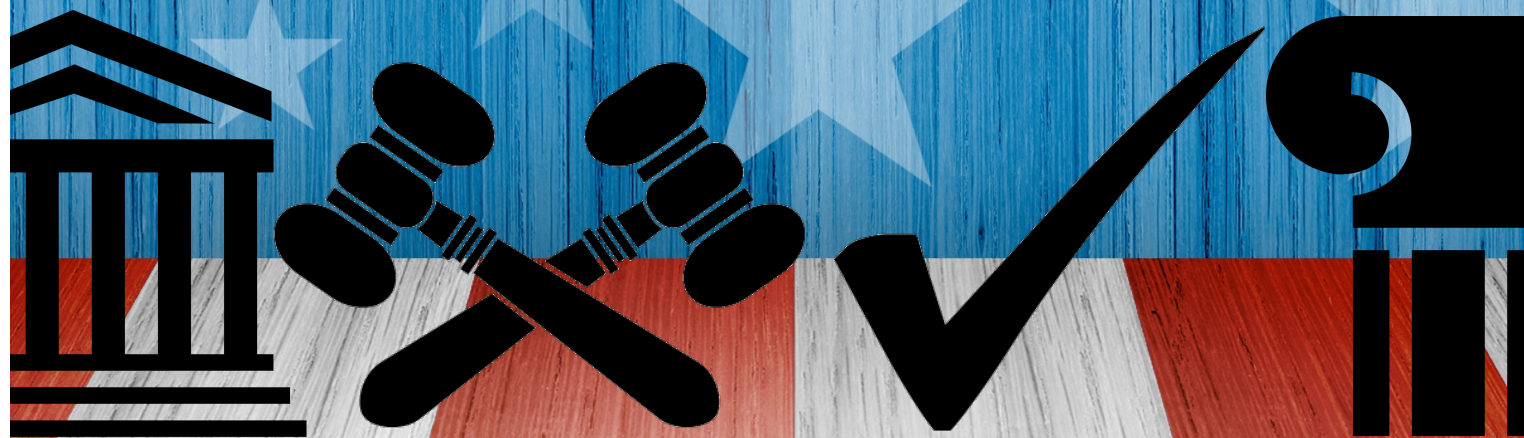


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CIVIC LIFE

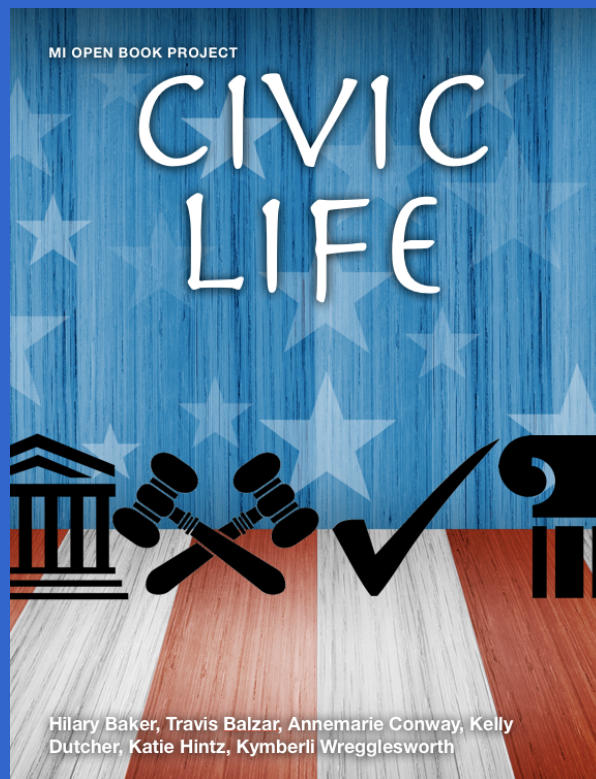


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This is version 1.5.2 of this text, released August 2018

Information on the latest version and updates are available on the project homepage: <http://textbooks.wmisd.org/dashboard.html>



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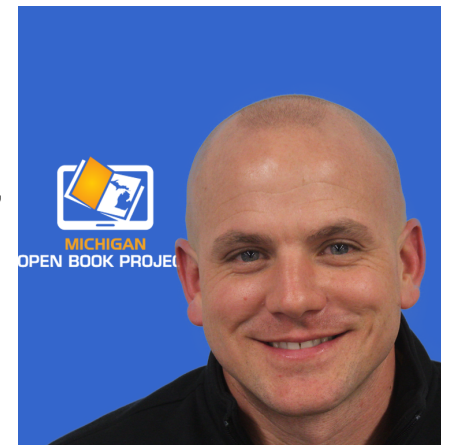
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Annemarie Conway teaches AP US Government, psychology, sociology, American Government, and economics for Charlevoix Middle High School. She graduated from Kalamazoo College with her bachelors degree in political science. She earned her Masters of Education with an emphasis in History from Grand Valley State University. Throughout her teaching career she has worked with AP College Board as a reader, table leader and question leader for the US Government & Politics AP exam. She also sponsors Charlevoix's Model United Nations program.



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Kelly teaches Economics, Civics, U.S. History, and College Readiness at Harbor Springs High School. Aside from teaching, she is also a Michigan Youth in Government advisor, and class of 2017 sponsor. Mrs. Dutcher is a graduate of Lake Superior State University where she received her BS in Social Studies and Secondary Education. She is currently working towards receiving her MA in American History and Government at Ashland University, and was awarded the James Madison Memorial Fellowship in 2014. Kelly loves teaching at the high school level, and helping bring social studies to life for her students. She shares her life with her husband Jordan and three young daughters: Daphne, Au-

Katie Hintz

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Katie is completing her seventh year as a teacher at Gladwin High School, where she has taught every Social Studies course available, including: American Government, Sociology, Current Events, World History, Economics, Social Problems in the United States, and Law. A graduate of Saginaw Valley State University's Secondary Education Program, she majored in History, minored in Sociology and earned a Social Studies Endorsement. As Social Studies Department Chair, she was inspired to participate to the Open Book Project because of the disjointed resources that most economics teachers are forced to scrape together to create a captivating curriculum.

Currently, she is working on completing her Masters in Global History at with American Public University. Her final thesis on the Food Industry is due to be published September, 2015.

Katie spends her time outside of the education world raising her two boys, Connor and



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Kymberli has a BA in history and political science from Alma College, a MA in education from Michigan State University, and will be completing her MA in American History and Government from Ashland University this spring upon completion of her thesis on suffragist and equal rights activist Alice Paul. She was named a James Madison Fellow in 2011 and was chosen as the Michigan Council for the Social Studies High School Educator of the Year in 2015. Kymberli returned to her high school alma mater where she teaches Civics, World History, Current Events, Women's Studies, and World Cultures, as well as serving as National Honor Society adviser and executive director of the Miss Onaway Scholarship Program. When not doing history geek stuff, she enjoys spending time in the

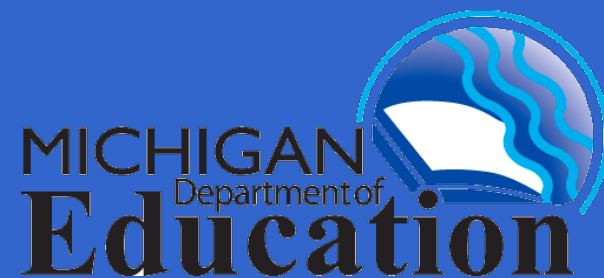


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Jim Cameron, Michigan Department of Education

Melissa Kieswetter, Michigan Department of



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Linda Start has served as the Executive Director of the Michigan Center for Civic Education for more than twenty-five years. Start has presented at hundreds of school districts across Michigan and is sought out as a speaker for many national civic education conferences. As the Executive Director of the Michigan Civic Education Center, Start served on the Committee to draft the Michigan Civics Standards and presented the Civics Standards and Benchmarks to the Michigan State Board of Education. Start served on a Review Committee for the National Standards in Civics and Government. Start represents Michigan in several national networks of civic educators. In addition, Start was asked to join a group of civic education experts in the United States to work with emerging democracies in Eastern Europe. Start has worked closely with civic educators in Poland, Ukraine, the Czech Republic, and Slovakia. A

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Rebecca Bush is currently the Social Studies Consultant at the Ottawa Area Intermediate School District (OAISD), where she assists K-12 social studies teachers in developing curriculum, modeling instructional strategies in social studies literacy, and designing district-level formative and summative assessments. Additionally, as Project Director, she has written and received multiple Teaching American History grants, working with teachers throughout an eight-county radius. She has presented at various national conferences on multiple topics surrounding social studies instruction as well as innovative techniques and topics in formative and summative assessment design. Currently she is Co-Project Director of The Performance Assessments of Social Studies Thinking (PASST) Project and assists with the professional development of teacher writers for the MI Open Book Project where she serves as an editor of several of the project's texts. Rebecca currently leads the Michigan Social Studies Supervisors Association and is a member of the National Social Studies Supervisors Association Executive Board of Directors. She is also an adjunct professor at Hope College in Holland, MI



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Dave began his career teaching 8th grade United States History in Mesick, Michigan. After almost a decade in the classroom, he took a job at Wexford-Missaukee Intermediate School District (WMISD) as an Instructional Consultant for Social Studies. He is shared across 11 ISDs in Northern Michigan that form the Northern Michigan Learning Consortium. He completed his Masters in Educational Leadership through Central Michigan University in 2011 and is Co-Project Director of the Performance Assessments of Social Studies Thinking (PASST) Project in addition to his duties as the Project Manager for MI Open Book.



Chapter 3

Is the Constitution Relevant and Effective in America Today?

Why did the founders choose a Federal system?

What are the guiding principles of the Constitution

How is the Constitution formally and informally amended?

How has federalism changed or evolved over time?

How are power and responsibility distributed, shared, and limited in the government established by the U.S. Constitution?

How has the interpretation of the Bill of Rights evolved over time?



Section 1

Foundational Values and Constitutional Principles

QUESTIONS TO GUIDE INQUIRY

1. Why did the founders choose a Federal system?
2. What are the guiding principles of the Constitution
3. How is the Constitution formally and informally amended?
4. How has federalism changed or evolved over time?
5. How are power and responsibility distributed, shared, and limited in the government established by the U.S. Constitution?
6. How has the interpretation of the Bill of Rights evolved over time?

Terms, People, Places

Rule of Law

Popular Sovereignty

Republicanism

Separation of Powers

Checks and Balances

Federalism

Values and Principles

In *Democracy in America*, Alexis de Tocqueville referred to America as “The Great Experiment.” But what did he mean by saying that America’s constitutional democracy was an experiment? America was founded on key principles which, are the same principles that govern our nation today. America’s Founders initiated the experiment in democracy by trying out a new form of government, including the ideas that power should ultimately come from the people, that government power should be limited, and that individual liberties of all peoples should be protected.



In that land the great experiment of the attempt to construct society upon a new basis was to be made by civilized man; and it was there, for the first time, that theories hitherto unknown, or deemed impracticable, were to exhibit a spectacle for which the world had not been prepared by the history of the past.

-Alexis de Tocqueville

At the time of America's founding in 1776, many people living in the country were from countries in western Europe. The population also included both Africans forced into slavery, as well as Indigenous Peoples who lived on the continent at the time of European exploration and settlement. Today, America is much more diverse than in 1776. However, Americans, regardless of differences, need to understand the basic principles and values that originated in founding documents such as the Declaration of Independence as well as the Constitution, and its Bill of Rights. Americans agree, at least in the abstract, that we should uphold and protect the values of life, liberty, property, the pursuit of happiness, the common good, justice, and equality. We may disagree on the specifics of how these values should be protected, but we all have a fundamental investment in guaranteeing these protections from an authoritarian and abusive government.

Limited Government

Constitutional scholars have different views of what constitutes the fundamental principles in the Constitution. Some claim that there are four "guiding principles," while others refer to seven "basic values." What is not disputed is that the Framers drafted the Constitution with the intent to specify what the government could and could not do. The Constitution was written to limit government power so that the people would be assured that it was not abused.

Rule of Law

The Constitution is the highest law of the land. There are no special exceptions for anyone, no matter how rich or powerful they might be. No one is above the law--not even government officials. Sometimes rendered as "the supremacy of the law" the focus of the phrase is that those who govern must base their decisions on known principles or rules instead of allowing their own discretion to guide their decisions. The **rule of law**, one of the foundational principles of legitimate government, binds the nation together to ensure basic principles are maintained above all else. This is important as we are a large and diverse nation with very different cultures, politics, and backgrounds. The rule of law unites us to put our Constitution front and center of all political decisions.

Popular Sovereignty – simply put, is government based on the consent of the people. The government's source of authority is the people, and its power is not legitimate if it disregards the will



https://en.wikipedia.org/wiki/Evidence#/media/File:Dublin_Castle_Gates_of_Fortitude_and_Justice_05.JPG
PG

of the people. Government established by free choice of the people is expected to serve the people, who have sovereignty, or supreme power. At the founding of America, the colonists had just cast off rule by a monarch. The principle that the people had the power and controlled their government was important at the founding of America, and is arguably just as important two hundred plus years later.

Republicanism is the guiding political philosophy of the United States. At its founding, it was centered on limiting corruption and greed. It is based on the principle that all people should have a say in the operation of a country, but recognizes that every individual cannot be involved on a daily basis in every aspect of governing the country. Because of this, people delegate their authority to people whom they elect to serve their interests.

Representatives must be chosen by the people for them to have power.

Separation of Powers - In order to keep one branch of government from becoming too powerful, the Founding Fathers set up a national government that was separated into three distinct branches. One branch would be in charge of making the laws (the legislative branch), one branch would be in charge of enforcing the laws (the executive branch) and one would serve to interpret the laws through the power of judicial review (the judicial branch). Each of these three branches has its own responsibilities, but all were created as checks on the system.



Checks and Balances - The three branches of government (legislative, executive, and judicial), have specific powers granted to them that the other branches do not. When making laws, both of the legislative chambers must agree to a bill. This means that both the Senate and the House of Representatives must have a majority agreement for a bill to become law. If one chamber does not agree to pass it, the new law cannot be enacted. This is a check within just the one branch.

If both chambers do vote to pass a bill with a simple majority, then the President (executive) can choose to either sign the bill into law or veto it. This gives the executive branch the power to check the law making power of the legislative branch. However, an example of a “check within a check” is an override of a presidential veto by Congress, if a two-thirds (supermajority) of

both chambers in the legislative branch to vote in favor of the bill occurs.

It isn't over once a bill has been signed into law. Court cases can make their way through lower courts to the Supreme Court and laws can be upheld or overturned depending on the outcome of the Supreme Court's decision. Each branch has specific powers to bypass or affect the other branches to check that branch's power. This has a balancing effect because it makes sure that no one branch of the government has too much power. Just like the game of "Rock-Paper-Scissors," it wouldn't be much fun to play if one item always could overpower the other.

Federalism - Under the concept of federalism we define several levels of power. The level of the Federal Government is one that maintains many authorities such as relations with foreign countries. Concurrently, there are multiple state governments that oversee issues of concern to the people who reside in each respective state. And at the most local level, county and city governments oversee issues of concern to residents of smaller geographic areas such as cities and towns. Our Constitution clearly states that any powers not specifically granted to the federal government by the Constitution belong to the states themselves.

The national government is located in Washington D.C. The national Congress meets in the Capitol Building pictured above. State governments meet in their own capitals. Pictured above is



https://en.wikipedia.org/wiki/Capitol_Loop#/media/File:Michigan-Capitol-2005.jpg

the Michigan Capitol Building located in Lansing, Michigan.

Natural Rights/Individual Rights -the theory of government responsible for the guarantee of individual rights originated from natural rights philosophy. The philosophy begins with the image of what life would be

Interactive 3.1 Crash Course - Federalism



Learn more about Federalism with this video.

like in a state of nature--a situation where no government is present. You'll remember that in chapter 1 you learned about an important philosopher, John Locke, and his premise that in a state of nature all people are equal, free, and rational. Each individual possesses inalienable rights to "life, liberty, and property." Additionally, those who do not follow reason and respect the rights of others has the right to be punished. The purpose of government is to protect natural rights that each individual possesses.

The Bill of Rights to the Constitution were initially drafted as a way to resolve conflicts between the Federalists and Anti-Federalists, and further define many of the individual rights that American Citizens hold. You'll learn more about these in an upcoming section.

The Constitutional protections of our individual rights to life, liberty and property in the Fifth Amendment sounds great when we aren't forced to look at specific situations that can be interpreted by people differently. It would be difficult to find a person who would argue against a citizen's guaranteed rights to life, liberty and property. However, Constitutional principles can be molded to construct an argument to support opposing sides to just about any political argument.

For instance, the last clause of the fifth amendment, the Takings Clause, allows for eminent domain--the right of the government to expropriate private property for public use by requiring that just

compensation be paid if private property is taken for public use. The needs of a growing population for more and updated modes of transportation have triggered many additional acquisitions for constructing railroads or maintaining navigable waters. *Albert Hanson Lumber Company v. United States*, 261 U.S. 581 (1923), for instance, allowed the United States to take and improve a canal in Louisiana. On the surface, it might seem difficult to determine what might be controversial about this case. However, the owner of the canal, Albert Hanson argued that the federal government didn't need to seize the property in order to make improvements to the entire canal and the surrounding area.

Additionally, Hanson's attorney argued that the amount of money the government was willing to pay Hanson under rights of eminent domain was too low and was not close to the current market value.

Depending on whether or not you have a vested financial interest in utilizing canal access for your livelihood, the point is to recognize that depending on how one frames an issue, or which Constitutional principles to focus on, can alter how one may view a controversial issue. One may view liberty or life as more significant as a right in this case. But what typically stands the test of time is that we are all experts at choosing evidence and arguments to support our already strongly held beliefs. It is difficult to fully identify and acknowledge the viewpoints that contradict our own personally held beliefs.

Preamble and the Legislative Branch

QUESTIONS TO GUIDE INQUIRY

1. Why did the founders choose a Federal system?
2. What are the guiding principles of the Constitution
3. How is the Constitution formally and informally amended?
4. How has federalism changed or evolved over time?
5. How are power and responsibility distributed, shared, and limited in the government established by the U.S. Constitution?
6. How has the interpretation of the Bill of Rights evolved over time?

Terms, People, Places

legislature

bicameral

The Constitution begins with a preamble, which reads as follows:

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



Stop and Think - As you look at the words printed above, how many of the principles in the previous section do you see? Are they addressed anywhere above? Use your highlighter to mark up the preamble.

We the People of the United States – this opening line is dramatically different in tone than the Articles of Confederation which had preceded it. Consider this, the opening of the Articles:

To all to whom these Presents shall come, we, the undersigned Delegates of the States affixed to our Names send greeting. Whereas the Delegates of the United States of America in Congress assembled did on the fifteenth day of November in

the year of our Lord One Thousand Seven Hundred and Seventy seven, and in the Second Year of the Independence of America agree to certain articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts-bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia in the Words following, viz. “Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts-bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

In order to form a more perfect union – Some wanted to simply update the Articles rather than scratch the document completely. This line could mean many things depending on how it is read, but forming a “more perfect” union than the one which had come before was the ultimate goal behind the convention.

Establish Justice – You’ll learn more about the judicial branch in later sections and chapters of this resource, however – establishing justice meant more than just Article III. With a variety of events leading up to the convention, establishing justice was a priority for those working to build our system of government.

Insure domestic Tranquility – Hand in hand with establishing justice, was ensuring that things that had showcased the weaknesses of the articles – Shays’ Rebellion, the central

government’s inability to get things accomplished, bickering between the states – all of these things needed to be corrected to “insure domestic tranquility”

Provide for the common defense- Ensuring that the new nation could stand up for itself was another central idea that was showcased in the Preamble.

Promote the general Welfare – doing the best job possible for the greater good of the country as a whole and the people who live there...

And secure the Blessings of Liberty to ourselves and our Posterity – The entire Constitution is drafted to do this, to create an enduring system of government with all the tools necessary to promote the ideals of liberty from the forefathers, to those of you reading this online resource today.

Part of the Constitution	Structure and General Function of Each of the Parts	
1. Preamble	The Preamble acts as an introduction to the Constitution. The main goals that the founding fathers wanted to accomplish in their new government are laid out.	
2. The Articles	Article I - Legislative	The first three Articles of the Constitution spell out the powers of the three branches. The checks that each branch has over the other are also included in these articles.
	Article II - Executive	
	Article III - Judicial	
	Article IV	Issues regarding the states are addressed, including the rights of citizens from various states and the admission of new states to the United States.
	Article V	The various ways to amend the Constitution are discussed in Article V. This process typically includes both the national and state governments, required joint agreement between the two levels.
	Article VI	The Supremacy of the Constitution as national law is declared in Article VI.
3. Amendments	Article VII	Explains the process for ratifying the Constitution.
	Bill of Rights 1-10	Amendments are meant to "mend" or fix the Constitution to improve its function and protections. The first ten amendments to the Constitution were almost immediately added to placate the Anti-federalists who were worried about the creation of a strong national government. Basic individual rights that many citizens are familiar with are protected in these amendments.
	Amendments 11-27	Over the last two centuries, there have been many changes to our country. In order to help the Constitution adapt to significant changes amendments have been added (e.g. the ending of slavery, the suffrage of women, term limits for the presidency, direct election of senators, etc.). Many of these amendments

The Legislative Branch

Section 1:

While the preamble stands as an introduction to the larger document, the first Article sets up the legislative branch.

"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 legislative branch is composed of two houses, the Senate, and the House of Representatives. The main job for the legislative branch is to make laws. The composition of two houses was actually a compromise that took place at the Constitutional Convention. This practice is known as a **bicameral legislature**. A bicameral legislature is one in which the legislators are divided into two separate assemblies, chambers or houses.

Section 2:

"The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature."

The House was intended to be “the people’s house.” And its members were elected directly by the voters in the states every two years. To be a Representative, you need to be 25 years old and a citizen of the state you seek to represent, as well as a citizen of the United States for a minimum of 7 consecutive years.



Highlight the text of Article I that specifically spells out the requirements for being a Representative

The House of Representatives	
Term Length	2 Years
Term Limits	Unlimited
Total Members	435
Minimum Age	25
Number per State	Minimum of 1 per state. Based on population of state.*
Official Title	Congressman or Congresswoman

*Districts are drawn within a state according to its population. Population is determined by the United States Census that is completed every ten years. More populous states have more representation in the House of Representatives

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to 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.

When vacancies happen in the Representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

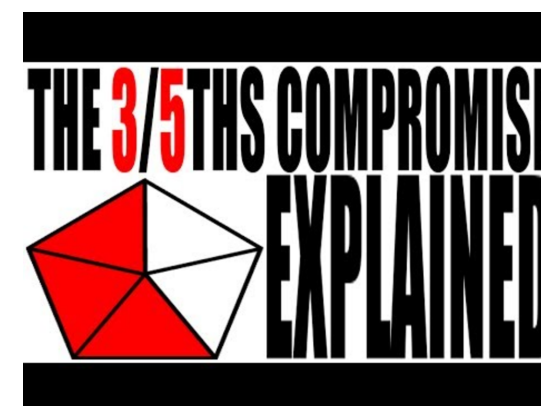
The number of representatives is dependent upon the population of the states. Every state has at least one House seat, with larger states having more. This is looked at and updated every 10 years after the national Census.

Many parts of this section of the Constitution have been revised by subsequent amendments, including the 13th amendment which abolished slavery, and the 14th amendment that

determines that representatives are determined according to the whole number of people in the states.

The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.”

Interactive 3.2 The 3/5ths Compromise



Learn more about the 3/5ths Compromise [here](#).

Section 3

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

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.

While Section 2 establishes the House of Representatives, Section 3 establishes a Senate with two senators from each state regardless of the size. In 1913, the 17th amendment was passed which established that senators would be directly elected by the people of the United States.



Highlight the text of Section 3 above that establishes two members of the senate for each state.

The Senate	
Term Length	6 Years
Term Limits	Unlimited
Total Members	100
Minimum Age	30
Number per State	Two per state
Official Title	Senator

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.

Just as a member of the House must be 25 years of age or older, a similar but slightly different age requirement exists in the Senate. To be elected a Senator you must be 30 years old, an inhabitant of the state in which you're seeking to represent, and a citizen of the United States for nine years.



Highlight the text in the excerpt from the Constitution above that establishes the requirements for being a Senator.

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

The Vice President of the United States presides over the senate, however – they only have a chance to vote if there is a “tie”

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.

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.

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.

There are other positions in the Senate and these are all chosen by the Senate themselves.

The House of Representatives may vote to impeach an elected official, and it is in the Senate where the trial will take place. For an impeachment to remove the individual from office, it requires a two-thirds vote. A convicted person can be barred from holding future offices.

Section 4

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

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

The fourth section of Article I both establishes that elections are conducted by states, and that Congress will meet at least once every year – though the actual day changed with the passage of the 20th amendment.

Section 5

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

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.

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.

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.

There are several things happening in Article 5 of the Constitution. The first section addresses qualifications for service, which is determined by the House and Senate. The next establishes that both chambers establish their own rules and will take care of disciplining their own members. The third part requires that all the information be open to the public and published regularly.

Today this includes an active website and video recordings of floor proceedings.

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.

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.

Did you know that one of the perks of being a member of Congress includes that they are protected from criminal or civil liability while performing their Congressional duties? The first part of Section 6 outlines this. The second is an important one that maintains the checks and balances within government by making it impossible to be appointed to an executive or judicial office while holding a seat in Congress.

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.

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.

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

This first portion firmly establishes that the House is responsible for originating tax bills, but that the Senate can amend and propose one.

The second part of Section 7 also firmly establishes a system of checks and balances. Once a bill has made its way through the legislative process, it has to go to the President to be signed into law. If the President does not sign it while Congress is in session it automatically becomes law. The final portion deals with language. It keeps Congress from trying to get around the legislative process by calling a bill something different like “order” or “resolution”.



Highlight the text in the excerpt from the Constitution above that outline a check or balance.

Section. 8.

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

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

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

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

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;

To constitute Tribunals inferior to the supreme Court;

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

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy; To make Rules for the Government and Regulation of the land and naval Forces;

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

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

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

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.

This section addresses enumerated powers. Congress has the power to tax and spend. They're supposed to provide for the nation's defense and welfare. An additional amendment introduced later (Amendment 16 – see section 7) permits

Congress to collect taxes to pay for government services.

Congress can also borrow money, manages commerce with foreign nations, and sets the standard for citizenship. In addition, Congress can create post offices, regulate copyright and patents, hold tribunals, punish piracy and felonies on open waters, declare war, raise and support armies, and make all the laws that are “necessary and proper” for governing the country.



Which of the duties of Congress listed above do you believe is the most important? Why?

Section. 9.

The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

Section Nine begins with a provision that was later made obsolete regarding the slave trade.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

Habeas Corpus refers to a protection of liberty where the Government must inform you of the charges against you, should you find yourself jailed for a crime. You’ll learn more about this later in the book.

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

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

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

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.

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.

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.

The second half of Section 9 outlines several real issues from the colonial perspective. First, Congress is not allowed to tax goods exported from state to state (or two a foreign country) and Congress is specifically forbidden from favoring one state over another when trade takes place. It is also set out in Section 9 that departments cannot spend money that Congress hasn't given permission for. Finally, it ends with a section on foreign

titles and gifts, mandating that federal officials turn over gifts from foreign nations to bar a conflict of interest.

Section. 10.

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

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

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.

With a strong focus on not having a national government that could become too powerful, Section 10 of Article I attempts to solidify some of the things the national government is able to do. States are not allowed to interfere in international trade, and cannot charge their own "duties" or taxes charged when entering a port. States are allowed to come together and solve a

collective problem together, but solutions across state boundaries are still subjected to congressional oversight and consent at times.

This is the longest article of the Constitution and clearly defines the powers and limits of Congress.

The Executive Branch

QUESTIONS TO GUIDE INQUIRY

1. Why did the founders choose a Federal system?
2. What are the guiding principles of the Constitution
3. How is the Constitution formally and informally amended?
4. How has federalism changed or evolved over time?
5. How are power and responsibility distributed, shared, and limited in the government established by the U.S. Constitution?
6. How has the interpretation of the Bill of Rights evolved over time?

Terms, People, Places

While the first Article of the Constitution outlines the duties and responsibilities of Congress, the second article takes a turn at establishing the powers and responsibilities of the executive branch, namely the President. In this section you'll read the text of Article II and learn about the responsibilities of the Executive Branch. This will also be explored in greater detail in a later Chapter.

Section. 1.

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

This first part of Section 1 is known as the “vesting clause” – put simply, one term of the office of the Presidency is four years. The very first President, George Washington, served two four-year terms in office before deciding it was time to step down. While not specifically mandated by Article II, every president following Washington served two terms in office until President Franklin D. Roosevelt was elected to an unprecedented third and fourth term. After he died in office, a new amendment was proposed. Eventually progressing through the ratification process, the 22nd Amendment, ratified in 1951, established a two-term limit for any President taking office after the current president's term had ended.

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.

Every four years Americans head to the polls and cast a vote to elect the President of the United States. However, the process is not over and done once the second Tuesday in November comes and goes. Based on the outcome of the popular vote in each state, states must select electors who comprise the Electoral College to cast ballots for the winner of the popular vote in their state.

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.

This entire portion of Article II was overturned by the passage of the 12th amendment. It does however, say that the President and Vice President are chosen by electors who are picked by the state legislature. Since 1964 the number has been 538 – One hundred representing each senator, four hundred and thirty five representing each member of the House, and three electors chosen to represent Washington DC. More on this and the 12th amendment shortly...

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.

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.

In Article I you learned about the requirements to be a member of the House or Senate. There are similar requirements for holding the office of the President. To be the President you have to be 35 years old or older, a resident of the United States, and a natural born citizen.

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.

This portion of the Constitution was later overturned by a later amendment, the 25th Amendment. This amendment now supersedes this portion of the Constitution.

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.

Do you have a job while attending school? Have you ever gotten a raise? The President of the United States receives a salary for carrying out the duties of the job, and this part of the Constitution outlines that the salary cannot be raised (or lowered) during the President's time in office.

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

This portion simply states that the President must take an oath of office prior to taking office. This is usually done at the Inaugural celebration in January in which the term begins.

Section 2.

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

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

The 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.

The first part of Section 2 states that the President will serve as the Commander in Chief of the United States armed forces.

Further, it provides that while the President can make treaties, the Senate shares in this responsibility and that a two thirds vote is required before a treaty can be put into action. The President is also required to submit names for nominations to the Senate and

the court systems as vacancies occur. Finally, it also allows the President to make recess appointments, or appointments that occur when the Senate is not in session, which the Senate can then consider once the session has resumed.

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.

Every year the President gives a “State of the Union” address which covers a range of issues and status updates for the nation. It is Section 3 that requires this. In addition, Congress can be summoned into special session by the President should the need arise. If the need does arise, Congress can also be given a “time out” so to speak, and be adjourned by the President, but to date, this power has never been used by the President.

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.

The last section of Article II spells out another check on the system of government known as Impeachment. Certain crimes such as treason and bribery are specifically listed as grounds for impeachment but because other crimes could deem impeachment necessary too, the term “high crimes and misdemeanors” is used. It is also important to note that all civil officers of the U.S. government, including the President and Vice President, may be removed from office. In other words, no government official is above the law. Several Presidents have been impeached or faced impeachment proceedings. Andrew Johnson was impeached while in office but was one vote shy of being removed from office. Richard Nixon resigned from office in 1979 rather than face an impeachment trial, and Bill Clinton was impeached by the house in 1998, though he was found not guilty by the Senate.

The office of the President of the United States is responsible for enforcing the laws passed by Congress. The President is often faced with many decisions that can shape the future of the United States. You’ll learn more about the Executive Branch in further chapters.

The Judicial Branch

QUESTIONS TO GUIDE INQUIRY

1. **Why did the founders choose a Federal system?**
2. **What are the guiding principles of the Constitution**
3. **How is the Constitution formally and informally amended?**
4. **How has federalism changed or evolved over time?**
5. **How are power and responsibility distributed, shared, and limited in the government established by the U.S. Constitution?**
6. **How has the interpretation of the Bill of Rights evolved over time?**

Terms, People, Places

What does it mean to “interpret the Constitution?”

The Constitution was written over two-hundred years ago by people who had experienced very different challenges dealing with very different experiences than the times in which we are living. They had specific issues on their mind, or maybe even just in their subconscious, that affected the way the Constitution and its amendments were written. Constitutional scholars and justices whose job it is to interpret the Constitution, must battle through confusing language that doesn’t clearly resolve important legal questions. Therefore, many who have gone on to become justices within the judicial branch have studied the Constitution very thoroughly, which means they understand specific cases where the Constitution has been applied in a certain way, and also know quite a bit about the Founding Fathers who authored the Constitution. Understanding a person more intimately by reading their biography, or knowing about their lifestyle helps to give a broader understanding to someone’s intentions when they wrote something.

The Founding Fathers were purposely vague when they wrote certain parts of the Constitution because they didn’t want to drastically limit the power of the new government, or specifically define the rights of the people. Allowing some wiggle room for interpretation makes the Constitution flexible for the times, thus maintaining its relevance even today.

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.

The first section specifically sets up the Supreme and lower courts, providing the judicial branch with the power to hear and decide cases. Justices in the Supreme Court are appointed for life. Currently the number of justices on the Supreme Court is set at nine, but there is no limit or provision in the Constitution itself which sets this number. When the court was first established, there were six. The number went as high as ten before being set at nine in 1869.

It should also be noted that in contrast to the legislative and executive branches, there are no requirements listed in the Constitution for becoming a Supreme Court justice.

Section. 2.

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

The first part of Section 2 distinguishes the type of cases that will come to the Federal courts.

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.

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.

There are certain types of cases that can go immediately to the Supreme Court – specifically ones involving high ranking officials, and cases against a state as a whole. This section also specifies that people accused of crimes have the right to a trial by jury.

This was viewed as such an important right that it received further emphasis in the Bill of Rights.

Section. 3.

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

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

The main focus of this section is treason. Highlight the portion of Section 3 above that defines what “treason” is. The section further specifies that in order to be convicted there must be at least two witnesses to the act or the accused person must confess to it.

The first three articles of the Constitution address the three branches specifically. You will learn more about the specific powers of the branches in future chapters that cover the legislative, executive, and judicial branches in more detail. However, it’s never too early to begin learning the basic checks that the branches have over one another in keeping any one branch from becoming too powerful. The three branches have powers that are unique to their own branch and are largely separate from each other. However, some of the specific powers of each branch require the approval or cooperation of another branch. The Constitution is extremely important in that it contains

specific clarification as to what the government can and cannot do. Despite the responsibilities and powers listed in the Constitution, there have been controversial situations where actions by the President, the courts, and Congress have been questioned as being unconstitutional. Some would argue that because society has changed with the passing of time, so too should the interpretation of some of these powers. Such changes can be worrisome because of the possibility of an imbalance in the sharing of power among the three branches. For example, some have argued that the executive branch, and the office of the President in general, has slowly accumulated more power for itself.

Articles IV-VII

QUESTIONS TO GUIDE INQUIRY

1. Why did the founders choose a Federal system?
2. What are the guiding principles of the Constitution
3. How is the Constitution formally and informally amended?
4. How has federalism changed or evolved over time?
5. How are power and responsibility distributed, shared, and limited in the government established by the U.S. Constitution?
6. How has the interpretation of the Bill of Rights evolved over time?

Terms, People, Places

supermajority

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.

Article IV Section 1 includes the “Full Faith and Credit” Clause which requires the states to respect the legal court decisions of other states. Congress has the power to dictate which rules will take precedent when two states have laws that come into conflict with one another. This wasn’t a common issue when the Constitution was first ratified, but as methods of transportation between states continued to improve, this clause became significant as many Americans regularly travel between states.

Section 2.

The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

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.

No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Article IV Section 2 is the “Privileges and Immunities” Clause, which provides protection to citizens of the United States at all times--even when travelling outside of the state in which they reside. When in a different state, citizens are entitled to the same rights and status as citizens who reside within that state. For instance, if you take a road trip to a neighboring state, the police can’t treat you differently because you have a license plate and driver’s license from a different state. There are two additional clauses in Section 2 of Article IV that specify that fugitives of various states travelling to other states have to be returned to the state in which they may have committed a crime for prosecution. Clause 3, specifically contains the “Fugitive Slave” Clause, and has since been nullified by the Thirteenth Amendment.

Section 3.

New states may be admitted by the Congress into this union; but no new states 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.

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.

Article IV Section 3 grants power to the federal government to create new states, and to control all territory controlled by the United States including parts of states as well as territories. The national government retains the right to decide how to handle new accumulations of land, such as the vast acreage acquired from the Louisiana Purchase. The federal government also has the power to determine how to handle territories, such as Puerto Rico and Guam. Additionally, the federal government has the right to maintain and set rules in national parks that fall within the borders of individual states, such as the Sleeping Bear Dunes National Lakeshore.

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 IV of the Constitution includes four sections that primarily deal with issues between states and between the states and the federal government.

Article IV Section 4 contains the “Guarantee Clause,” so named because it guarantees each state to have a “republican form of government.” This means that every state has the right to elect their leaders. Also included is a guarantee by the national government to protect the states from foreign invasions or internal conflicts that would jeopardize the safety of Americans.

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.

Amending the Constitution is a significant act as it requires a change to the document that guides our national governance. The amendment process is a two-step process that typically requires action from both Congress and state legislatures. It is therefore very difficult to amend the Constitution, and has only been done twenty-seven times in over two centuries.

Step 1 - Proposing an Amendment

To propose an amendment, two-thirds of both chambers of Congress must agree to the proposal. Or, two-thirds of the states may call a convention to propose an amendment.

Step 2 - Ratifying an Amendment

To ratify an amendment, three-fourths of the state legislatures must agree to adopt it.

The two-thirds or three-fourths requirements imposed by the Constitution are called “supermajorities.” Achieving a **supermajority** is a very difficult feat, explaining why there have only been twenty-seven amendments added to the Constitution, despite the fact that over 10,000 amendments have been proposed.

Article. VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Article VI – Supremacy of National Law

Article VI has three short clauses that address seemingly very different issues. The first clause pertains to national debts. This clause is largely unimportant today, but when the Constitution was drafted, the framers recognized that the new nation might still have outstanding debts and obligations. The Founders wanted to reassure all debtors that America was not going to excuse itself from its financial obligations after the replacement of the Articles of Confederation with the Constitution.

The second clause contains the “Supremacy Clause,” which establishes the Constitution as the highest law of the land that supersedes any state law. This was a significant declaration given the weakness of the federal government under the Articles of Confederation.

The third clause is related to the previous clause in that it requires elected representatives to swear an oath of allegiance to the Constitution. This includes both federally elected politicians as well as state elected public officials. This clause clearly asserts that the Constitution is the supreme law of the land, and that to serve this nation each person must put the Constitution and its values above any personal allegiances to a state or oneself.

Article. VII.

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

The Word, "the," being interlined between the seventh and eighth Lines of the first Page, The Word "Thirty" being partly written on an Erasure in the fifteenth Line of the first Page, The Words "is tried" being interlined between the thirty second and thirty third Lines of the first Page and the Word "the" being interlined between the forty third and forty fourth Lines of the second Page.

Article VII – Constitutional Ratification

To ratify something means to formally approve it--usually through the process of voting. While the Constitution took a lot of time and compromise to create, there was no guarantee that it was going to be adopted by the states. According to the Articles of Confederation, to change the Articles, all thirteen of the states had to agree to the change. However, to help speed up the process and improve the likeliness that the Constitution would be successfully ratified, the Framers reduced the necessary number for ratification to nine. After almost an entire year, the Constitution was officially ratified with final state vote of approval coming from New Hampshire on June 21, 1788.

Order	State	Date Ratified
1	Delaware	December 7, 1787
2	Pennsylvania	December 12, 1787
3	New Jersey	December 18, 1787
4	Georgia	December 31, 1787
5	Connecticut	January 9, 1788
6	Massachusetts	February 6, 1788
7	Maryland	April 26, 1788
8	South Carolina	May 23, 1788
9	New Hampshire	June 21, 1788
10	Virginia	June 25, 1788
11	New York	July 26, 1788
12	North Carolina	November 21, 1789
13	Rhode Island	May 29, 1790

The Bill of Rights

QUESTIONS TO GUIDE INQUIRY

1. Why did the founders choose a Federal system?
2. What are the guiding principles of the Constitution
3. How is the Constitution formally and informally amended?
4. How has federalism changed or evolved over time?
5. How are power and responsibility distributed, shared, and limited in the government established by the U.S. Constitution?
6. How has the interpretation of the Bill of Rights evolved over time?

Terms, People, Places

double jeopardy

self incrimination

due process

After the drafting of the Constitution had concluded, the delegates knew that ratification could prove difficult, especially since the original purpose of the convention had been to amend the Articles of Confederation--not to create an entirely new document. The Articles of Confederation required approval by Congress and confirmation by all thirteen state legislatures. The delegates knew that approval of the Constitution by Congress and all thirteen state legislatures would probably not happen; after all, Rhode Island hadn't even sent delegates to the convention. Drawing upon the premise of the social contract theory, James Madison developed the plan for ratification. The Constitution would be presented at state conventions where delegates who had been elected by popular vote could debate and approve passage of the new form of government. You've already learned a little about the Federalists and AntiFederalists in Chapter 2. To gain the votes of the Antifederalists, a bill of rights was drafted. This section outlines each of the ten amendments of The Bill of Rights, and provides important details about each one.

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.

The first amendment establishes a protection of religious freedom in the United States, by prohibiting Congress from establishing one religion over another. The first amendment also protects freedom of speech, guarantees a free press, and protects the right to peacefully assemble.

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.

The interpretation of the Second Amendment has caused some controversy in America. Like any other part of the Constitution, it is open to interpretation. Much of the debate has centered upon how extensive individual rights are when it comes to owning weapons. People who have specific opinions already developed on either side of the gun debate tend to interpret the amendment to support completely opposing views.

Some would argue that this amendment guarantees individuals the right to own guns, emphasizing the second half of the amendment: “the right of the people to keep and bear arms, shall not be infringed.” This reading emphasizes that an armed people are able to maintain the “free state” by being able to challenge the government with their personally held arms. Others would point to the beginning part of the amendment which references “a well regulated militia,” suggesting that individuals only have the

Religions	Percentage of the U.S. Population that Affiliates with that Religion
Christian Denomination	70.6%
Evangelical Protestant	25.4%
Mainline Protestant	14.7%
Historically Black Protestant	6.5%
Catholic	20.8%
Mormon	1.6%
Orthodox Christian	0.5%
Jehovah’s Witness	0.8%
Other Christian	0.4%
Jewish	1.9%
Muslim	0.9%
Buddhist	0.7%
Hindu	0.7%
Other World Religions	0.3%
Unaffiliated	22.8%
Atheist	3.1%
Agnostic	4.0%
Nothing in Particular	15.8%
Don’t Know	0.6%

SIDEBAR: This chart from the Pew Research Center, created in 2014 as part of their Religious Landscape Study shows just a slice of the diverse makeup of religion in the United States:

right to own guns so far as they are part of a sort of military organization, such as the National Guard, which would then help to protect the nation during a time of foreign threat.

Regardless of which side of the debate you might tend to lean toward, in this continued debate over the extent to which the Second Amendment guarantees gun rights, what is certain is that the Founding Fathers could probably not have predicted the significant changes in weapons technology that would take place. Aside from technological changes, there have also been significant political changes that have taken place in the last two centuries. As a whole the citizenry is not as concerned as it once was with the national government constantly maintaining a standing army.

Applying the Right to Keep and Bear Arms

United States v. Miller (1939) An Arkansas federal district court charged Jack Miller and Frank Layton with violating the National Firearms Act ("NFA") when they transported a double barrel 12-gauge shotgun through interstate commerce. In part, Miller and Layton argued that the NFA violated their Second Amendment right to keep and bear arms. The district court agreed and dismissed the case.

District of Columbia v. Heller (2008) Provisions of the District of Columbia Code made it illegal to carry an unregistered firearm and prohibited the registration of handguns, though the chief of

police could issue one-year licenses for handguns. The code also contained provisions that required owners of lawfully registered firearms to keep them unloaded and disassembled or bound by a trigger lock or other similar device unless the firearms were located in a place of business or being used for legal recreational activities.

Dick Anthony Heller was a D.C. special police officer who was authorized to carry a handgun while on duty. He applied for a one-year license for a handgun he wished to keep at home, but his application was denied. Heller sued the District of Columbia. He sought an injunction against the enforcement of the relevant parts of the code and argued that they violated his Second Amendment right to keep a functional firearm in his home without a license. The district court dismissed the complaint. The U.S. Court of Appeals for the District of Columbia Circuit reversed the decision and held that the Second Amendment protects the right to keep firearms in the home for the purpose of self-defense, and the District of Columbia's requirement that firearms kept in the home be nonfunctional, violated that right.

McDonald V. City of Chicago (2010) Several suits were filed against Chicago and Oak Park in Illinois challenging the gun bans in those cities after the Supreme Court issued its opinion in the District of Columbia v. Heller case. In that case, the Supreme Court held that a District of Columbia handgun ban violated the Second Amendment. The Court reasoned that the law in question

was enacted under the authority of the federal government and, thus, the Second Amendment was applicable. In the cases against the cities of Chicago and Oak Park, plaintiffs argued that the Second Amendment should also apply to the states. The district court dismissed the suits. On appeal, the U.S. Court of Appeals for the Seventh Circuit affirmed, or agreed with the district court.

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.

The Third Amendment has not been incorporated to the States by any Supreme Court case because it has not been a relevant issue. The protection from having to house soldiers in one's private homestead has not been legally challenged by an individual because the government hasn't effectively forced residential homesteads to take in soldiers. The addition of this amendment to the Constitution was largely a reaction to the British policies witnessed during the Revolutionary War, where British Redcoats had infiltrated a majority of each city that they occupied.

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.

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.

Over the past half-century, this amendment has come to be more loosely interpreted to imply that one is afforded some protection of privacy within their own home. While not entirely pertinent to modern times, some cases have used the Third Amendment to defend the right to have protections against government invasion of privacy of one's personal property.

Amendments IV-VI

The Fourth, Fifth, and Sixth amendments deal with criminal law issues. The fourth protects individuals from illegal searches and seizure of their property and has been cited in many Supreme Court Cases--some even involving rights of students while at school. In the case, *New Jersey v. T.L.O.*, a high school student's purse was searched by a school administrator when it was suspected that she had cigarettes with her. School officials did find cigarettes but also found marijuana and a list of students who owed her money. In a juvenile court, T.L.O. argued that her Fourth Amendment rights against unreasonable searches and seizures had been violated. The court sided with the school, and T.L.O. took her case to the New Jersey Supreme Court, which later found that the search was unreasonable and the evidence could not be used. The Supreme Court overturned this decision saying the district did not violate their rights and that students did not have the same rights as adults..

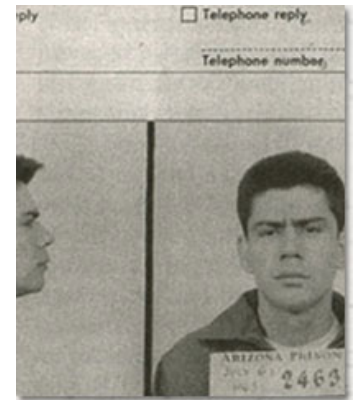
The Fifth Amendment includes several very important protections that are related to the protection of one's natural rights: the right to life, liberty and property. They include: **double jeopardy**, **self incrimination**, and **due process**.

Self-incrimination - The 5th Amendment protects you from having to self-incriminate, or admit to your own guilt. When asked questions by the government, you can remain silent, or "plead the Fifth," a reference to the Fifth

Amendment to prevent from appearing guilty. Most people can complete the Miranda Rights once they are started: "You have the right to remain silent. Anything you say will be used against you in a court of law." There is more to it than that, but the first part has to do with the Fifth Amendment protection from self-incrimination. The Miranda Rights were given their name from the case of *Miranda v. Arizona* (1965).

Double jeopardy - Once found not guilty of a crime, criminal charges for the same crime cannot be brought against you. Whether or not new evidence comes out, you are exempt from having to face the same charges again. This is only if you are found not guilty of a crime. If there is a hung jury, or you have been found guilty you may face another trial for the same crime.

Interactive 3.3 Miranda Rights



What are your Miranda rights and why are they called that? Learn more here!

Interactive 3.4 The Murder of Emmett Till



Learn more here.

The murder of Emmett Till by accused murderers Roy Bryant and J. W. Milam is an interesting case that establishes the extent to which one is protected from being prosecuted for the same crime twice. The following link is a magazine article showcasing an interview with Bryant and Milam discussing the murder of Till after they had been found not guilty.

A person may also be brought to trial over the same crime twice, even if found not guilty in a criminal trial. There are two major branches of law, criminal law and civil law. In a criminal case a person stands to lose their liberty, meaning they can be forced to serve jail or prison time, or perhaps be sentenced to death. Because the stakes are so high, the standard of evidence is very difficult. To convict someone in a criminal trial, they must be proven guilty “beyond a reasonable doubt.” In a civil trial the defendant only stands to lose property, so the standard of proof is much lower. To win a civil case, one must only provide a “preponderance of the evidence” suggesting that the defendant is liable for damages. Sometimes there is reason to take someone to court over civil issues related to a criminal trial. This may appear to violate the stipulations of double jeopardy, but because these legal actions are taking place in two separate branches of the law, it is Constitutional. For instance, O.J. Simpson was accused of murdering Nicole Simpson and Ronald L. Goldman in 1994, but acquitted of the crime in 1995 in a criminal trial. Despite being found not guilty, O.J. Simpson was sued in civil court for

the “wrongful death” of Nicole Simpson and Goldman, and lost the case, owing millions of dollars in punitive damages.

Due Process Clause - Due Process--two words that seem so simple, but what do they mean? Historically, due process meant that government officials must follow recognized procedures.

The Due Process Clause very clearly states that one cannot have their property taken from them, their liberty restricted, or lose their life without “due process of law.” The due process of law means that a person has been given all of their legal rights leading up the loss of any of these rights. If a person stands to lose any of these rights, they should have the right to present their side of the story with a fair trial before forfeiting their life, liberty or property.

Takings Clause and Eminent Domain - The Takings Clause gives the government the right to take your personal property so long as two requirements are met: 1) you are paid a fair amount for your property; and 2) the property is used for public use such as a school or new road. In



[https://en.wikipedia.org/wiki/Holdout_\(real_estate\)#/media/File:Edith_Macefield%27s_house.jpg](https://en.wikipedia.org/wiki/Holdout_(real_estate)#/media/File:Edith_Macefield%27s_house.jpg) This image reminiscent of the movie “Up” shows the real life house of Edith Macefield who refused to sell her home to a land developer.

Kelo v. New London Connecticut (2004) the Supreme Court held that taking private property to promote economic development is a “public use,” extending the meaning of public use.

The Sixth Amendment protects individual rights when a person is accused of a crime. Criminal charges are brought forward by the government. Many cases that deal with criminal charges start with the phrase, “The People” versus, or “The State” versus, because crimes are seen as an act committed against society. Even if the crime only had an individual victim, the fact that there was an innocent victim is perceived as an affront to all of society. Regardless of the crime, whether petty or more serious, when one is accused of a crime, they are to be assumed innocent until proven guilty. The Sixth Amendment lays down much of the groundwork for that assumption.

The guarantee of a “speedy and public trial,” while not very specific, is the goal of the legal system to make sure that the accused isn’t kept from going about his or her business for a long time while confronting charges in some backroom. Most people have obligations that would make a long drawn out court process painful, emotionally and financially. Taking time off work, or from taking care of a loved one, or other dependents, even for short periods of time can be very costly. Furthermore, the point of a public trial is to make sure that the general population can bear witness to the proceedings to make sure that no one is abused by the system. Recent documentaries, such as the series “Making a

Murderer,” have highlighted the importance of transparency in prosecuting the accused. It is important for us as citizens to be conscientious observers of our legal system to make sure that justice is actually being served. This is why we are also sometimes called on to serve as jurors in such trials. Jury duty may be inconvenient from a timing standpoint, but it is likely a responsibility of citizenship that you would appreciate if you were ever to be wrongfully accused of a crime.

A trial is the method by which one’s innocence was to be maintained. In the American court system there are two sides to the criminal procedure, the defense and the prosecution. It is the responsibility of the prosecutor, who represents the government bringing charges up against the defendant, to prove beyond a reasonable doubt that the accused is guilty of a crime. The defense simply attempts to maintain their innocence and establish reason to doubt their guilt. Trials also include a judge who oversees the proceedings. The role of the judge is to make sure that all parties involved in the trial are acting appropriately. The Sixth Amendment guarantees the right to arguably one of the most important elements of a trial, and that is the right to a jury. A jury is responsible for hearing the arguments and evidence brought forward by both parties, and then determining innocence or guilt on the charges against the accused. The purpose of having a jury present is to protect the average citizen from being bullied by an educated and elitist legal system. It is also imperative that the jury be impartial, meaning that jurors don’t

have any prejudices coming into the trial. As a juror, one is supposed to be a blank slate that only determines innocence or guilt after hearing all of the facts of the case. This sometimes can be an issue as cases receive attention from the media, which can influence those who watch the news. We all are also subject to our own prejudices based on our life experiences and values. This is why lawyers representing both the accused and the state are able to remove potential jurors that demonstrate biases that would undermine the fairness of the trial.

The Sixth Amendment also guarantees that one is to be informed of the charges and evidence that will be used against him or her in the trial. This is so the defense has adequate knowledge and time to prepare a strong defense without being blindsided. It also gives the defense time to challenge certain items of evidence on the grounds that the evidence might have been illegally obtained and thus should be ruled inadmissible.

The last brief clause of this amendment also guarantees legal counsel to the accused. This means that those who stand accused have the right to a lawyer, in other words, a legal defense. For a long time in the U.S., this meant that those who could afford an attorney had the right to use one. However, if one didn't have the money available to afford an attorney, they had to represent themselves in court. Representing yourself in court is a difficult feat considering the confusing jargon and procedures to which many are unfamiliar. In one of the most monumental

Supreme Court Cases, *Gideon v. Wainwright*, the extent to which an accused's right to have an attorney was challenged. Ultimately the court decided, overturning previous court decisions on the matter, to guarantee legal counsel regardless of your ability to pay. This case resulted in significant changes to the criminal court system and has caused ripples that have continued to affect the courts over half a century following the 1963 Supreme Court decision. All of these rights give the benefit of the doubt to the accused and place the burden of proof on the prosecutor's side.

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 re-examined in any Court of the

The Seventh Amendment, is the section of the Bill of Rights that guarantees a jury trial for civil cases in the federal courts. However, this type of case is usually not heard anymore in the federal court system. This amendment pertains to one's rights in the civil court system, which is different from the criminal court system in that it pertains to disputes between two parties and the government is not involved as a prosecutor. The two sides in such a trial consist of: the plaintiff (the person suing for some sort of relief), and the defendant (the person being blamed for the harm). In a civil trial, one only stands to lose property, not one's life or liberty as in the criminal court system. Because the stakes

are not as high in civil courts, the standard of evidence for winning is not as high. The plaintiff must present a preponderance of the evidence to win a case against the defendant. Winning a case in civil court usually means that one is awarded money or some other type of property.

In order to sue someone in civil court, the dispute must involve an asset valued at twenty dollars or more. The fees associated with suing someone usually make it so that the amount would have to be significantly more to make it worth taking someone to court. Similarly, to the Sixth Amendment, the Seventh Amendment guarantees the right to a jury in civil cases. If a jury is not present, the trial is considered to be a bench trial where only a judge oversees the case and determines the outcome. Most of the daytime court shows like “Judge Judy” or “Judge Joe Brown,” are such examples. However, in cases where there is a lot of money or property at stake, it might be in one’s best interest to have a jury present to determine the outcome. A group of citizens might be more partial to siding with what seems socially appropriate as opposed to a single judge who might only look at the law as it is written. Juries in civil cases can also recommend the amount of damages to be awarded to either side.

Amendment VIII

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

Punishment and rehabilitation are a part of our justice system, but as illustrated by medieval punishments and other historical episodes, sometimes the treatment of the guilty can be barbarous. For instance, torture is something that the Constitution protects our citizens against. It’s also important that bail, or the ability to temporarily get out of jail leading up to trial, is set at an appropriate amount. Bail is typically set according to crime as well as to the likeliness of the accused to flee. The Eighth Amendment was intended to make sure that our justice system was enlightened, and found the most modern and sophisticated methods to handle the incarcerated.

Punishment and rehabilitation are a part of our justice system, but as illustrated by medieval punishments and other historical episodes, sometimes the treatment of the guilty can be barbarous. For instance, torture is a form of punishment for which the Constitution forbids. It is also important that bail, or the ability to temporarily get out of jail leading up to trial, is set at an appropriate amount. Bail is typically set according to the type of crime to which the accused is charged as well as to the likeliness of the accused to flee. The Eighth Amendment was intended to make sure that the justice system was enlightened, and found the most modern and sophisticated methods to handle those incarcerated.

Those who study the history of jails and prisons in America categorize these methods both historically and based on the treatment of inmates. There is much controversy on how the incarcerated serve their sentences. Some people believe that the criminal justice system is much too lax on prisoners, that harsher and longer sentences in more austere institutions will lower crime rates by discouraging people from committing crime in the first place. Others argue that our justice system is unfair in who it targets, and doesn't do a good enough job rehabilitating inmates so they can effectively enter society following their sentence. This debate is illustrated by the debate over the use of the death penalty, or capital punishment. The Supreme Court has made many recent changes to the legal use of the death penalty as well as the sentencing of minors to life in prison.

Amendment IX

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

The Ninth Amendment doesn't appear to explicitly protect any rights or provide for any limitations on government. When the Constitution was first being debated by the Federalists and Antifederalists, one of the arguments the Federalists made was that the Constitution should be ratified "as-is" without a Bill of Rights. They argued that by trying to list all of the rights that were to be protected some would be left out. The government

could take advantage of such an omission and abuse those rights. The Ninth Amendment was to counteract such an omission.

In today's language, the Ninth Amendment basically states that just because a specific right might not have been explicitly listed, it doesn't permit the government to take it away. This amendment, in conjunction with other amendments, has worked to further protections of privacy for citizens. Nowhere in The Bill of Rights is the "right to privacy" guaranteed. Therefore, if the national government hasn't by law granted itself the power to invade one's privacy for legal reasons, the individual citizen has a reasonable assurance to a right to privacy.

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.

Written in the same spirit as the Ninth Amendment, the Tenth Amendment states that where there is no legal stipulation against something, the right of the states and the people to exercise that right is granted.

Amendments 11-27

QUESTIONS TO GUIDE INQUIRY

1. Why did the founders choose a Federal system?
2. What are the guiding principles of the Constitution
3. How is the Constitution formally and informally amended?
4. How has federalism changed or evolved over time?
5. How are power and responsibility distributed, shared, and limited in the government established by the U.S. Constitution?
6. How has the interpretation of the Bill of Rights evolved over time?

Terms, People, Places

As the Nation grew and prospered over the course of two hundred years, additional changes to the Constitution have become necessary. While over 10,000 have been proposed, the Constitution currently contains 27 amendments which include the first 10 amendments you have already read about, known as The Bill of Rights. The remaining amendments represent a mix of necessities that have occurred over time.

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.

The Eleventh Amendment is the first amendment to the Constitution that occurred in reaction to a Supreme Court decision. It stemmed out of a problem between a man named Alexander Chisholm and the State of Georgia. Chisholm was the executor of an estate which had not received payment for debts incurred by the State of Georgia during the Revolutionary War. The case eventually made its way to the Supreme Court where the court sided with Chisholm, requiring Georgia to pay. The Eleventh Amendment was proposed after that, and seeks to protect states from being sued by citizens of other states.

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 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.

Imagine for a moment that you were elected President of the United States. Now imagine that you didn't have a say in who would be the Vice President. Prior to the passage of the Twelveth Amendment, that is exactly what happened. The electoral college, established by Article II of the Constitution initially selected two candidates – one for President, and the runner up for Vice President. Not surprisingly that wasn't always welcome news for either person involved. Because of this amendment to the Constitution, a Presidential candidate selects a candidate for Vice President, and the electors vote for both on the same party's ticket.

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.

One of the things that remained unresolved at the Constitutional Convention was the issue of slavery. Furthermore, because of the Tenth Amendment which addresses rights of states, an additional amendment to the Constitution was needed to resolve the long standing debate over slaves. Proposed in 1864, passed by the House in January of 1865, and ratified in December of the same year, this amendment abolished slavery across the entire United States.

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 services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5.

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

The Fourteenth Amendment established citizenship as being anyone “born or naturalized in the United States.” It also includes a “due process” clause that has allowed the Supreme Court to apply The Bill of Rights to the states. Equal protection of the law is also established in the Fourteenth Amendment.

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 the power to enforce this article by appropriate legislation.

The Fifteenth Amendment was the third “Reconstruction” amendment to the Constitution as it was ratified during the period of Reconstruction following the Civil War. The Fifteenth Amendment protects the right to vote for all citizens, but was specifically written to address issues African Americans faced when heading to the polls.

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.

Every year people pay taxes on the money that they make as part of a job or trade. While the amount people should pay may be contested in every political race, the Sixteenth Amendment was put into place after the Supreme Court declared federal income tax laws unconstitutional. This is another amendment that was both proposed and ratified to overturn a Supreme Court decision, authorizing an income tax specifically in the Constitution.

AMENDMENT XVII

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

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

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

As political parties continued to grow and change, the practice of having state legislatures elect U.S. Senators was challenged and eventually overturned by the passage of the Seventeenth Amendment. This amendment makes the election of senators match the way representatives are elected to the House of Representatives--by a direct vote of the people.

AMENDMENT XVIII

Section 1.

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2.

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3.

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

Throughout American history, calls for the prohibition of alcohol have sounded. In 1919, an amendment officially ending the sale of alcohol in the United States was officially ratified and became the law of the land for fourteen years. The Eighteenth Amendment was repealed by the passage of the Twenty First Amendment in 1933.

AMENDMENT XIX

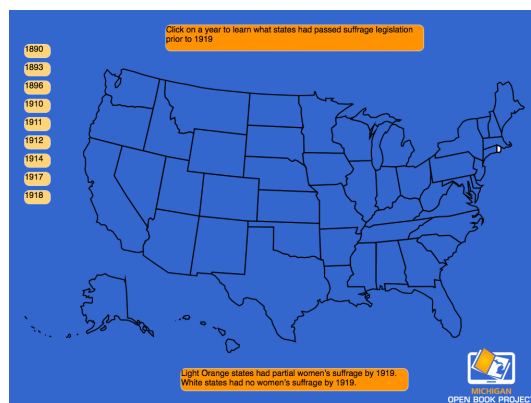
Passed by Congress June 4, 1919. Ratified August 18, 1920.

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

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

Nowhere in the Constitution were women forbidden from voting for public office, however – this was not a practice that was uniform among all the states. (Add voting widget in here) The Nineteenth Amendment effectively made it legal for women to vote in every state, rather than the ones that had passed laws allowing them to do so.

Interactive 3.5 Women's Suffrage Clickable Map



Explore when women received the right to vote prior to the passage of the 19th Amendment.

AMENDMENT XX

Section 1.

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

Section 2.

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

Section 3.

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

Section 4.

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

Section 5.

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

Section 6.

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

The Twentieth Amendment limited a practice known as “Lame-Duck” and is often called the Lame Duck Amendment. It limits the period of time that lame duck members of Congress (those who had either not run for reelection or lost) stay in office after an election is held. With its passage, it moved up the date of inauguration for the office of the President, as well as the start dates for Congress. It also outlines a plan for secession should the President and/or Vice President be unable to assume their duties due to death or other reasons.

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.

When the Eighteenth Amendment passed, it became the law of the land. Defeating the ban on the sale of alcohol known as prohibition took fourteen years and a constitutional amendment. By 1933, however, times had changed; the Twenty First Amendment repealed Prohibition.

AMENDMENT XXII

Section 1.

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

Section 2.

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

Prior to the Twenty Second Amendment, there were no limits on the term of the Presidency. George Washington, our nation’s first president had set an unwritten custom of only serving two terms in office. That all changed during the 1930s and 40s, when Franklin Delano Roosevelt was elected an unprecedented four times. Following Roosevelt’s death in office in 1945 during his fourth term and a shift in political power, the Twenty Second

Amendment was proposed and passed in 1951 which limited a sitting President to two terms in office.

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.

Washington D.C. was initially set up as its own independent territory in order to keep the seat of the nation's power separate from the rest of the states. When it was established, there was no expressed way for people who lived there to vote. It took almost two hundred years, but in 1964, with the passage of the Twenty Third Amendment, people living in the District of Columbia were granted three votes in the electoral college.

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.

While the Fifteenth Amendment guaranteed citizens the right to vote in elections, there were still some practices particularly in the deep South that discouraged people, in particular – African Americans from practicing their rights. Poll taxes were sometimes charged as a way to deter voters who didn't have the financial means to pay to vote. The Twenty Fourth Amendment outlawed the practice of requiring citizens to pay a fee to vote in national elections.

AMENDMENT XXV

Section 1.

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

Section 2.

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

Section 3.

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

Section 4.

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

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

The Twenty Fifth Amendment attempted to clarify language about who becomes President should the person elected be unable to complete the duties of the office. The amendment defines the order of succession; for example, if the office of the President were to become vacant, the Vice President ascends to the Presidency. The amendment also allows the President to appoint a new Vice President if that office becomes vacant, pending approval from both the Senate and the House.

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.

The Twenty Sixth Amendment lowers the voting age in federal and state elections to 18, thus allowing people to vote at a younger age which was uniform from state to state.

AMENDMENT XXVII

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

The Twenty Seventh Amendment was not ratified until over 200 years after it was proposed. The purpose behind it was to ensure that members of Congress can't set their own wages without a check on the system. Any change in Congressional pay cannot take place until after the next election is held – presumably giving the American people an opportunity to weigh in (via their vote) on how much that raise is deserved.

Interactive 3.6 How a C Grade Paper led to a constitutional amendment



Learn more about the bizarre history of the 27th Amendment with this article from Constitution Daily.