

## Preamble

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

## Article I

### Section 1

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

### Section 2

1. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.
2. No person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.
3. 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,

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

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

## Article I. The Legislative Branch

### Section 1. Congress

The power to make laws is given to a Congress made up of two chambers to represent different interests: the Senate to represent the states; the House to be more responsive to the people's will.

### Section 2. House of Representatives

1. **Election and Term of Office** "Electors" means voters. Every two years the voters choose new Congress members to serve in the House of Representatives. The Constitution states that each state may specify who can vote. But the Fifteenth, Nineteenth, Twenty-fourth, and Twenty-sixth Amendments have established guidelines that all states must follow regarding the right to vote.
2. **Qualifications** Representatives must be 25 years old, citizens of the United States for 7 years, and residents of the state they represent.
3. **Division of Representatives Among the States** The number of representatives from each state is based on the size of the state's population. Each state is divided into congressional districts, with each district required to be equal in population. Each state is entitled to at least one representative. The number of representatives in the House was set at 435 in 1929. Since then, there has been a reapportionment of seats based on population shifts rather than on addition of seats.  
Only three-fifths of a state's slave population was to be counted in determining the number of representatives elected by the state. Native Americans were not counted at all.

The "enumeration" referred to is the census, the population count taken every 10 years since 1790.

4. **Vacancies** Vacancies in the House are filled through special elections called by the state's governor.
5. **Officers** The Speaker is the leader of the majority party in the House and is responsible for choosing the heads of various House committees. "Impeachment" means indictment, or bringing charges against an official.

### Section 3. The Senate

1. **Number of Members, Terms of Office, and Voting Procedure** Originally, senators were chosen by the state legislators of their own states. The Seventeenth Amendment changed this, so that senators are now elected directly by the people. There are 100 senators, 2 from each state.

2. **Staggered Elections; Vacancies** One-third of the Senate is elected every two years. The terms of the first Senate's membership was staggered: one group served two years, one four, and one six. All senators now serve a six-year term.

The Seventeenth Amendment changed the method of filling vacancies in the Senate.

3. **Qualifications** Qualifications for the Senate are more restrictive than those for the House. Senators must be at least 30 years old, residents of the states they represent, and citizens of the United States for at least nine years. The Framers of the Constitution made the Senate a more elite body to further check the powers of the House of Representatives.
4. **President of the Senate** The vice president's only duty listed in the Constitution is to preside over the Senate. The only real power the vice president has is to cast the deciding vote when there is a tie. However, modern presidents have given their vice presidents new responsibilities.
5. **Other Officers** The Senate selects its other officers, including a presiding officer (president pro tempore), who serves when the vice president is absent or has become president of the United States.

New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

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

### Section 3

1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.
2. Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year; and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.
3. No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.
4. The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.
5. The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of the President of the United States.

6. The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.
7. Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

## Section 4

1. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.
2. The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

## Section 5

1. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.
2. Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

**6. Trial of Impeachments** When trying a case of impeachment brought by the House, the Senate convenes as a court. The chief justice of the United States acts as the presiding judge, and the Senate acts as the jury. A two-thirds vote of the members present is necessary to convict officials under impeachment charges.

**7. Penalty for Conviction** If the Senate convicts an official, it may only remove the official from office and prevent that person from holding another federal position. However, the convicted official may still be tried for the same offense in a regular court of law.

## Section 4. Elections and Meetings

1. **Holding Elections** In 1842 Congress required members of the House to be elected from districts in states having more than one representative rather than at large. In 1845 it set the first Tuesday after the first Monday in November as the day for selecting presidential electors.
2. **Meetings** The Twentieth Amendment, ratified in 1933, has changed the date of the opening of the regular session of Congress to January 3.

## Section 5. Organization and Rules of Procedure

**1. Organization** Until 1969, Congress acted as the sole judge of qualifications of its own members. In that year, the Supreme Court ruled that Congress could not legally exclude victorious candidates who met all the requirements listed in Article I, Section 2.

A "quorum" is the minimum number of members that must be present for the House or Senate to conduct sessions. For a regular House session, a quorum consists of the majority of the House, or 218 of the 435 members.

**2. Rules** Each house sets its own rules, can punish its members for disorderly behavior, and can expel a member by a two-thirds vote.

3. **Journals** In addition to the journals, a complete official record of everything said on the floor, as well as the roll call votes on all bills or issues, is available in the *Congressional Record*, published daily by the Government Printing Office.
4. **Adjournment** Neither house may adjourn for more than three days or move to another location without the approval of the other house.

## Section 6. Privileges and Restrictions

1. **Pay and Privileges** To strengthen the federal government, the Founders set congressional salaries to be paid by the United States Treasury rather than by members' respective states. Originally, members were paid \$6 per day. Salaries for senators and representatives were \$169,300 beginning in 2008.

The "immunity" privilege means members cannot be sued or prosecuted for anything they say in Congress. They cannot be arrested while Congress is in session, except for treason, major crimes, or breaking the peace.

2. **Restrictions** "Emoluments" means salaries. The purpose of this clause is to prevent members of Congress from passing laws that would benefit them personally. It also prevents the president from promising them jobs in other branches of the federal government.

## Section 7. Passing Laws

1. **Revenue Bills** "Revenue" is income raised by the government. The chief source of government revenue is taxes. All tax laws must originate in the House of Representatives. This ensures that the branch of Congress that is elected by the people every two years has the major role in determining taxes. This clause does not prevent the Senate from amending tax bills.
2. **How Bills Become Laws** A bill can become a law only by passing both houses of Congress and by being signed by the president. If the president disapproves, or vetoes, the bill, it is returned to the house where it originated, along with a written statement of the president's objections.

3. Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.
4. Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

## Section 6

1. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.
2. No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

## Section 7

1. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.
2. Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House

shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

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

## Section 8

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

If two-thirds of each house approves the bill after the president has vetoed it, it becomes law. In voting to override a president's veto, the votes of all members of Congress must be recorded in the journals or official records. If the president does not sign or veto a bill within 10 days (excluding Sundays), it becomes law. However, if Congress has adjourned during this 10-day period, the bill does not become law. This is known as a "pocket veto."

3. **Presidential Approval or Veto** The Framers included this paragraph to prevent Congress from passing joint resolutions instead of bills to avoid the possibility of a presidential veto. A bill is a draft of a proposed law, whereas a resolution is the legislature's formal expression of opinion or intent on a matter.

## Section 8. Powers Granted to Congress

1. **Revenue** This clause gives Congress the power to raise and spend revenue. Taxes must be levied at the same rate throughout the nation.
2. **Borrowing** The federal government borrows money by issuing bonds.
3. **Commerce** The exact meaning of "commerce" has caused controversy. The trend to expand its meaning and, consequently, the extent of Congress's powers have been reversed to some extent since 1995.
4. **Naturalization and Bankruptcy** "Naturalization" refers to the procedure by which a citizen of a foreign nation becomes a citizen of the United States.
5. **Currency** Control over money is an exclusive federal power; the states are forbidden to issue currency.
6. **Counterfeiting** "Counterfeiting" means illegally imitating or forging.



7. **Post Office** In 1970 the United States Postal Service replaced the Post Office Department.
8. **Copyrights and Patents** Under this provision, Congress has passed copyright and patent laws.
9. **Courts** This provision allows Congress to establish a federal court system.
10. **Piracy** Congress has the power to protect American ships on the high seas.
11. **Declare War** While the Constitution gives Congress the right to declare war, the United States has sent troops into combat without a congressional declaration.
12. **Army** This provision reveals the Framers' fears of a standing army.
13. **Navy** This clause allows Congress to establish a navy.
14. **Rules for Armed Forces** Congress may pass regulations that deal with military discipline.
15. **Militia** The "militia" is now called the National Guard. It is organized by the states.
16. **National Guard** Even though the National Guard is organized by the states, Congress has the authority to pass rules for governing its behavior.
17. **Nation's Capital** This clause grants Congress the right to make laws for Washington, D.C.
18. **Elastic Clause** This is the so-called "elastic clause" of the Constitution and one of its most important provisions. The "necessary and proper" laws must be related to one of the 17 enumerated powers.
7. To establish Post Offices and post Roads;
8. To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;
9. To constitute Tribunals inferior to the supreme Court;
10. To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;
11. To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;
12. To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;
13. To provide and maintain a Navy;
14. To make Rules for the Government and Regulation of the land and naval Forces;
15. To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;
16. To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;
17. To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And
18. To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

## Section 9

1. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.
2. The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.
3. No Bill of Attainder or ex post facto Law shall be passed.
4. No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.
5. No Tax or Duty shall be laid on Articles exported from any State.
6. No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.
7. No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.
8. No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

## Section 10

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

## Section 9. Powers Denied to the Federal Government

1. **Slave Trade** This paragraph contains the compromise the Framers reached regarding regulation of the slave trade in exchange for Congress's exclusive control over interstate commerce.
2. **Habeas Corpus** *Habeas corpus* is a Latin term meaning "you may have the body." A writ of habeas corpus issued by a judge requires a government official to bring a prisoner to court and show cause for holding the prisoner. The writ may be suspended only during wartime.
3. **Bills of Attainder** A "bill of attainder" is a bill that punishes a person without a jury trial. An "ex post facto" law is one that makes an act a crime after the act has been committed.
4. **Direct Taxes** The Sixteenth Amendment allowed Congress to pass an income tax.
5. **Tax on Exports** Congress may not tax goods that move from one state to another.
6. **Uniformity of Treatment** This prohibition prevents Congress from favoring one state or region over another in the regulation of trade.
7. **Appropriation Law** This clause protects against the misuse of funds. All of the president's expenditures must be made with the permission of Congress.
8. **Titles of Nobility** This clause prevents the development of a nobility in the United States.

## Section 10. Powers Denied to the States

1. **Limitations on Power** The states are prohibited from conducting foreign affairs, carrying on a war, or controlling interstate and foreign commerce. States are also not allowed to pass laws that the federal government is prohibited from passing, such as enacting ex post facto laws or bills of attainder. These restrictions on the states were designed, in part, to prevent an overlapping in functions and authority with the federal government that could create conflict and chaos.

2. **Export and Import Taxes** This clause prevents states from levying duties on exports and imports. If states were permitted to tax imports and exports, they could use their taxing power in a way that weakens or destroys Congress's power to control interstate and foreign commerce.
3. **Duties, Armed Forces, War** This clause prohibits states from maintaining an army or navy and from going to war, except in cases where a state is directly attacked. It also forbids states from collecting fees from foreign vessels or from making treaties with other nations. All of these powers are reserved for the federal government.

## Article II. The Executive Branch

### Section 1. President and Vice President

1. **Term of Office** The president is given power to enforce the laws passed by Congress. Both the president and the vice president serve four-year terms. The Twenty-second Amendment limits the number of terms the president may serve to two.
2. **Election** The Philadelphia Convention had trouble deciding how the president was to be chosen. The system finally agreed upon was indirect election by "electors" chosen for that purpose. The president and vice president are not directly elected. Instead, the president and vice president are elected by presidential electors from each state who form the electoral college. Each state has a number of presidential electors equal to the total number of its senators and representatives. State legislatures determine how the electors are chosen. Originally, the state legislatures chose the electors, but today they are nominated by political parties and elected by the voters. No senator, representative, or any other federal officeholder can serve as an elector.
3. **Former Method of Election** This clause describes the original method of electing the president and vice president. According to this method, each elector voted for two

2. No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports and Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.
3. No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

## Article II

### Section 1

1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows
2. Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.
3. The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority



of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

4. The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.
5. No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.
6. In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.
7. The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

candidates. The candidate with the most votes (as long as it was a majority) became president. The candidate with the second-highest number of votes became vice president. In the election of 1800, the two top candidates received the same number of votes, making it necessary for the House of Representatives to decide the election. To prevent such a situation from recurring, the Twelfth Amendment was added in 1804.

4. **Date of Elections** Congress selects the date when the presidential electors are chosen and when they vote for president and vice president. All electors must vote on the same day. The first Tuesday after the first Monday in November has been set as the date for presidential elections. Electors cast their votes on the Monday after the second Wednesday in December.
5. **Qualifications** The president must be a citizen of the United States by birth, at least 35 years old, and a resident of the United States for 14 years. See the Twenty-second Amendment.
6. **Vacancies** If the president dies, resigns, is removed from office by impeachment, or is unable to carry out the duties of the office, the vice president becomes president. (Amendment 25 deals with presidential disability.) If both the president and vice president are unable to serve, Congress has the power to declare by law who acts as president. Congress set the line of succession in the Presidential Succession Act of 1947.
7. **Salary** Originally, the president's salary was \$25,000 per year. The president's current salary of \$400,000 plus a \$50,000 taxable expense account per year was enacted in 1999. The president also receives numerous fringe benefits including a \$100,000 nontaxable allowance for travel and entertainment, and living accommodations in two residences—the White House and Camp David. However, the president cannot receive any other income from the United States government or state governments while in office.

8. **Oath of Office** The oath of office is generally administered by the chief justice, but can be administered by any official authorized to administer oaths. All presidents-elect except Washington have been sworn into office by the chief justice. Only Vice Presidents John Tyler, Calvin Coolidge, and Lyndon Johnson in succeeding to the office have been sworn in by someone else.

## Section 2. Powers of the President

1. **Military, Cabinet, Pardons** Mention of "the principal officer in each of the executive departments" is the only suggestion of the president's cabinet to be found in the Constitution. The cabinet is a purely advisory body, and its power depends on the president. Each cabinet member is appointed by the president and must be confirmed by the Senate. This clause also makes the president, a civilian, the head of the armed services. This established the principle of civilian control of the military.
2. **Treaties and Appointments** The president is the chief architect of American foreign policy. He or she is responsible for the conduct of foreign relations, or dealings with other countries. All treaties, however, require approval of two-thirds of the senators present. Most federal positions today are filled under the rules and regulations of the civil service system. Most presidential appointees serve at the pleasure of the president. Removal of an official by the president is not subject to congressional approval. But the power can be restricted by conditions set in creating the office.
3. **Vacancies in Offices** The president can temporarily appoint officials to fill vacancies when the Senate is not in session.

## Section 3. Duties of the President

Under this provision, the president delivers annual State of the Union messages. On occasion, presidents have called Congress into special session to consider particular problems.

The president's duty to receive foreign diplomats also includes the power to ask a foreign country to withdraw its diplomatic officials from this country. This is called "breaking diplomatic relations" and often carries with it the implied threat of more drastic action, even war. The

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

## Section 2

1. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.
2. He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.
3. The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

## Section 3

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive

Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

## Section 4

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

## Article III

### Section 1

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

### Section 2

1. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; to all Cases affecting Ambassadors, other public Ministers and Consuls; to all Cases of admiralty and maritime Jurisdiction; to Controversies to which the United States shall be a Party; to Controversies between two or more States; between a State and Citizens of another State; between Citizens of different States, between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.
2. In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

president likewise has the power of deciding whether or not to recognize foreign governments.

## Section 4. Impeachment

This section states the reasons for which the president and vice president may be impeached and removed from office. (See annotations of Article I, Section 3, Clauses 6 and 7.)

## Article III. The Judicial Branch

### Section 1. Federal Courts

The term *judicial* refers to courts. The Constitution set up only the Supreme Court but provided for the establishment of other federal courts. Presently nine justices serve on the Supreme Court. Congress has created a system of federal district courts and courts of appeals, which review certain district court cases. Judges of these courts serve during "good behavior," which means that they usually serve for life or until they choose to retire.

### Section 2. Jurisdiction

1. **General Jurisdiction** Use of the words *in law* and *equity* reflects the fact that American courts took over two kinds of traditional law from Great Britain. The basic law was the "common law," which was based on more than five centuries of judicial decisions. "Equity" was a special branch of British law that was developed to handle cases where common law did not apply.

Federal courts deal mostly with "statute law," or laws passed by Congress, treaties, and cases involving the Constitution itself. "Admiralty and maritime jurisdiction" covers all sorts of cases involving ships and shipping on the high seas and on rivers, canals, and lakes.

2. **The Supreme Court** When a court has "original jurisdiction" over certain kinds of cases, it means that the court has the authority to be the first court to hear a case. A court with "appellate jurisdiction" hears cases that have been appealed from lower courts. Most Supreme Court cases are heard on appeal from lower courts.

3. **Jury Trials** Except in cases of impeachment, anyone accused of a crime has the right to a trial by jury. The trial must be held in the state where the crime was committed. Jury trial guarantees were strengthened in the Sixth, Seventh, Eighth, and Ninth Amendments.

### Section 3. Treason

1. **Definition** Knowing that the charge of treason often had been used by monarchs to get rid of people who opposed them, the Framers of the Constitution defined treason carefully, requiring that at least two witnesses to the same treasonable act testify in court.
2. **Punishment** Congress is given the power to determine the punishment for treason. The children of a person convicted of treason may not be punished, nor may the convicted person's property be taken away from the children. Convictions for treason have been relatively rare in the nation's history.

## Article IV. Relations Among the States

### Section 1. Official Acts

This provision ensures that each state recognizes the laws, court decisions, and records of all other states. For example, a marriage license or corporation charter issued by one state must be accepted in other states.

### Section 2. Mutual Duties of States

1. **Privileges** The "privileges and immunities," or rights of citizens, guarantee each state's citizens equal treatment in all states.
2. **Extradition** "Extradition" means that a person convicted of a crime or a person accused of a crime must be returned to the state where the crime was committed. Thus, a person cannot flee to another state hoping to escape the law.
3. **Fugitive-Slave Clause** Formerly this clause meant that enslaved people could not become free persons by escaping to free states.

3. The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

### Section 3

1. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.
2. The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

## Article IV

### Section 1

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

### Section 2

1. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.
2. A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.
3. No Person held to Service of Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

## Section 3

1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.
2. The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

## Section 4

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

## Article V

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

## Article VI

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

## Section 3. New States and Territories

1. **New States** Congress has the power to admit new states. It also determines the basic guidelines for applying for statehood. One state, Maine, was created within the original boundaries of another state (Massachusetts) with the consent of Congress and the state.
2. **Territories** Congress has power over federal land. But neither in this clause nor anywhere else in the Constitution is the federal government explicitly empowered to acquire new territory.

## Section 4. Federal Protection for States

This section allows the federal government to send troops into a state to guarantee law and order. The president may send in troops even without the consent of the state government involved.

## Article V. The Amending Process

There are now 27 amendments to the Constitution. The Framers of the Constitution deliberately made it difficult to amend the Constitution. Two methods of proposing and ratifying amendments are provided for. A two-thirds majority is needed in Congress to propose an amendment, and at least three-fourths of the states (38 states) must accept the amendment before it can become law. No amendment has yet been proposed by a national convention called by the states, though in the 1980s a convention to propose an amendment requiring a balanced budget was approved by 32 states.

## Article VI. National Supremacy

1. **Public Debts and Treaties** This section promised that all debts the colonies had incurred during the Revolution and under the Articles of Confederation would be honored by the new United States government.



**2. The Supreme Law** The "supremacy clause" recognized the Constitution and federal laws as supreme when in conflict with those of the states. It was largely based on this clause that Chief Justice John Marshall wrote his historic decision in *McCulloch v. Maryland*. The Fourteenth Amendment reinforced the supremacy of federal law over state laws.

**3. Oaths of Office** This clause also declares that no religious test shall be required as a qualification for holding public office.

## Article VII. Ratification of the Constitution

Unlike the Articles of Confederation, which required approval of all thirteen states for adoption, the Constitution required approval of only nine of thirteen states. Thirty-nine of the 55 delegates at the Constitutional Convention signed the Constitution. The Constitution went into effect in June 1788.

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

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

## Article VII

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

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

### Signers

George Washington, **President and Deputy from Virginia**

#### New Hampshire

John Langdon  
Nicholas Gilman

#### Massachusetts

Nathaniel Gorham  
Rufus King

#### Connecticut

William Samuel Johnson  
Roger Sherman

#### New York

Alexander Hamilton

#### New Jersey

William Livingston  
David Brearley  
William Paterson  
Jonathan Dayton

#### Pennsylvania

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

#### Delaware

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

#### Maryland

James McHenry  
Daniel of St. Thomas Jenifer  
Daniel Carroll

#### Virginia

John Blair  
James Madison, Jr.

#### North Carolina

William Blount  
Richard Dobbs Spaight  
Hugh Williamson

#### South Carolina

John Rutledge  
Charles Cotesworth Pinckney  
Charles Pinckney  
Pierce Butler

#### Georgia

William Few  
Abraham Baldwin

#### Attest:

William Jackson,  
**Secretary**