

Attest:

William Jackson, SECRETARY
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
Dan of St. Thomas Jennifer
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

AMENDMENTS

First Amendment

(1791) Freedom of Religion, Speech, Press, Assembly, and Petition

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.

Second Amendment

(1791) Bearing Arms

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.

Third Amendment

(1791) Quartering of Troops

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.

First Amendment The First Amendment protects five basic rights: freedom of religion, speech, the press, assembly, and petition. Congress cannot set up an established, or official, church or religion for the nation. During the colonial period, most colonies had established churches. However, the authors of the First Amendment wanted to keep government and religion separate.

Congress may not **abridge**, or limit, the freedom to speak and write freely. The government may not censor, or review, books and newspapers before they are printed. This amendment also protects the right to assemble, or hold public meetings. **Petition** means ask. **Redress** means to correct. **Grievances** are wrongs. The people have the right to ask the government for wrongs to be corrected.

Second Amendment State militia, such as the National Guard, have the right to bear arms, or keep weapons. Courts have generally ruled that the government can regulate the ownership of guns by private citizens.

Third Amendment During the colonial period, the British **quartered**, or housed, soldiers in private homes without the permission of the owners. This amendment limits the government's right to use private homes to house soldiers.

Fourth Amendment This amendment protects Americans from unreasonable searches and seizures. Search and seizure are permitted only if a judge has issued a **warrant**, or written court order. A warrant is issued only if there is probable cause. This means an officer must show that it is probable, or likely, that the search will produce evidence of a crime. A search warrant must name the exact place to be searched and the things to be seized.

In some cases, courts have ruled that searches can take place without a warrant. For example, police may search a person who is under arrest.

Fifth Amendment This amendment protects the rights of the accused. **Capital crimes** are those that can be punished with death. **Infamous crimes** are those that can be punished with prison or loss of rights. The federal government must obtain an **indictment**, or formal accusation, from a grand jury to prosecute anyone for such crimes. A **grand jury** is a panel of between 12 and 23 citizens who decide if the government has enough evidence to justify a trial. This procedure prevents the government from prosecuting people with little or no evidence of guilt. (Soldiers and the militia in wartime are not covered by this rule.)

Double jeopardy is forbidden by this amendment. This means that a person cannot be tried twice for the same crime. However, if a court sets aside a conviction because of a legal error, the accused can be tried again. A person on trial cannot be forced to **testify**, or give evidence, against himself or herself. A person accused of a crime is entitled to **due process of law**, or a fair hearing or trial.

Finally, the government cannot seize private property for public use without paying the owner a fair price for it.

Sixth Amendment In criminal cases, the jury must be **impartial**, or not favor either side. The accused is guaranteed the right to a trial by jury. The trial must be speedy. If the government purposely postpones the trial so that it becomes hard for the person to get a fair hearing, the charge may be dismissed. The accused must be told the charges against him or her and be allowed to question prosecution witnesses. Witnesses who can help the accused can be ordered to appear in court.

The accused must be allowed a lawyer. Since 1942, the federal government has been required to provide a lawyer if the accused cannot afford one. In 1963, the Supreme Court decided that states must also provide lawyers for a defendant too poor to pay for one.

Fourth Amendment

(1791) *Searches and Seizures*

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.

Fifth Amendment

(1791) *Criminal Proceedings; Due Process; Eminent Domain*

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 offense to be twice put in jeopardy of life and 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.

Sixth Amendment

(1791) *Criminal Proceedings*

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 defense.

Seventh Amendment

(1791) *Civil Trials*

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 United States, than according to the rules of the common law.

Eighth Amendment

(1791) *Punishment for Crimes*

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

Ninth Amendment

(1791) *Unenumerated Rights*

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

Tenth Amendment

(1791) *Powers Reserved to the States*

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.

Eleventh Amendment

(1798) *Suits Against States*

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.

Twelfth Amendment

(1804) *Election of President and Vice President*

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 the House of Representatives, open all the certificates and the votes shall then be counted;—the person having the greatest number of votes for

Seventh Amendment *Common law* refers to rules of law established by judges in past cases. This amendment guarantees the right to a jury trial in lawsuits where the sum of money at stake is more than \$20. An appeals court cannot change a verdict because it disagrees with the decision of the jury. It can set aside a verdict only if legal errors made the trial unfair.

Eighth Amendment *Bail* is money the accused leaves with the court as a pledge that he or she will appear for trial. If the accused does not appear for trial, the court keeps the money. *Excessive* means too high. This amendment forbids courts to set unreasonably high bail. The amount of bail usually depends on the seriousness of the charge and whether the accused is likely to appear for the trial. The amendment also forbids cruel and unusual punishments such as mental and physical abuse.

Ninth Amendment The people have rights that are not listed in the Constitution. This amendment was added because some people feared that the Bill of Rights would be used to limit rights to those actually listed.

Tenth Amendment This amendment limits the power of the federal government. Powers not given to the federal government belong to the states. The powers reserved to the states are not listed in the Constitution.

Eleventh Amendment This amendment changed part of Article 3, Section 2, Clause 1. As a result, a private citizen from one state cannot sue the government of another state in federal court. However, a citizen can sue a state government in a state court.

Twelfth Amendment This amendment changed the way the electoral college voted. Before the amendment was adopted, each elector simply voted for two people. The candidate with the most votes became President. The runner-up became Vice President. In 1800, however, a tie vote resulted between Thomas Jefferson and Aaron Burr.

In such a case, the Constitution required the House of Representatives to elect the President. Federalists had a majority in the House. They tried to keep Jefferson out of office by voting for Burr. It took 35 ballots in the House before Jefferson was elected President.

To keep this from happening again, the Twelfth Amendment was passed and ratified in time for the election of 1804.

COMMENTARY

This amendment provides that each elector choose one candidate for President and one candidate for Vice President. If no candidate for President receives a majority of electoral votes, the House of Representatives chooses the President. If no candidate for Vice President receives a majority, the Senate elects the Vice President. The Vice President must be a person who is eligible to be President.

This system is still in use today. However, it is possible for a candidate to win the popular vote and lose in the electoral college. This happened in 1876.

Thirteenth Amendment The Emancipation Proclamation (1863) freed slaves only in areas controlled by the Confederacy. This amendment freed all slaves. It also forbids *involuntary servitude*, or labor done against one's will. However, it does not prevent prison wardens from making prisoners work. Congress can pass laws to carry out this amendment.

Fourteenth Amendment, Section 1 This section defines citizenship for the first time in the Constitution, and it extends citizenship to blacks. It also prohibits states from denying the rights and privileges of citizenship to any citizen. This section also forbids states to deny due process of law.

Section 1 guarantees all citizens "equal protection under the law." For a long time, however, the Fourteenth Amendment did not protect blacks from discrimination. After Reconstruction, separate facilities for blacks and whites sprang up. In 1954, the Supreme Court ruled that separate facilities for blacks and whites were by their nature unequal. This ruling, in the case of *Brown v. Board of Education*, made school segregation illegal.

Fourteenth Amendment, Section 2 This section replaced the three-fifths clause. It provides that representation in the House of Representatives is decided on the basis of the number of people in the state. It also provides that states which deny the vote to male citizens over age 21 will be punished by losing part of their representation in the

CONSTITUTION

President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, ~~before the fourth day of March next following~~, then the Vice President, shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

Thirteenth Amendment

(1865) *Slavery and Involuntary Servitude*

Section 1. Outlawing Slavery 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. Enforcement Congress shall have power to enforce this article by appropriate legislation.

Fourteenth Amendment

(1868) *Rights of Citizens*

Section 1. Citizenship 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. Apportionment of Representatives 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, representa-

tives 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. Former Confederate Officials 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. Public Debt 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. Enforcement The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Fifteenth Amendment

(1870) *Right to Vote—Race, Color, Servitude*

Section 1. Extending the Right to Vote 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. Enforcement The Congress shall have power to enforce this article by appropriate legislation.

Sixteenth Amendment

(1913) *Income Tax*

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.

Seventeenth Amendment

(1913) *Popular Election of Senators*

Section 1. Method of Election 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.

House. This provision has never been enforced.

Despite this clause, black citizens were often prevented from voting. In the 1960s, federal laws were passed to end voting discrimination.

Fourteenth Amendment, Section 3 This section prohibited people who had been federal or state officials before the Civil War and who had joined the Confederate cause from serving again as government officials. In 1872, Congress restored the rights of former Confederate officials.

Fourteenth Amendment, Section 4 This section recognized that the United States must repay its debts from the Civil War. However, it forbade the repayment of debts of the Confederacy. This meant that people who had loaned money to the Confederacy would not be repaid. Also, states were not allowed to pay former slave owners for the loss of slaves.

Fourteenth Amendment, Section 5 Congress can pass laws to carry out this amendment.

Fifteenth Amendment, Section 1 *Previous condition of servitude* refers to slavery. This amendment gave blacks, both former slaves and free blacks, the right to vote. In the late 1800s, southern states used grandfather clauses, literacy tests, and poll taxes to keep blacks from voting.

Fifteenth Amendment, Section 2 Congress can pass laws to carry out this amendment. The Twenty-fourth Amendment barred the use of poll taxes in national elections. The Voting Rights Act of 1965 gave federal officials the power to register voters where there was voting discrimination.

Sixteenth Amendment Congress has the power to collect taxes on people's income. An income tax can be collected without regard to a state's population. This amendment changed Article 1, Section 9, Clause 4.

Seventeenth Amendment, Section 1 This amendment replaced Article 1, Section 2, Clause 1. Before it was adopted, state legislatures chose senators. This amendment

provides that senators are directly elected by the people of each state.

Seventeenth Amendment, Section 2 When a Senate seat becomes vacant, the governor of the state must order an election to fill the seat. The state legislature can give the governor power to fill the seat until an election is held.

Seventeenth Amendment, Section 3 Senators who had already been elected by the state legislatures were not affected by this amendment.

Eighteenth Amendment, Section 1 This amendment, known as Prohibition, banned the making, selling, or transporting of alcoholic beverages in the United States. Later, the Twenty-first Amendment *repealed*, or canceled, this amendment.

Eighteenth Amendment, Section 2 Both the states and the federal government had the power to pass laws to enforce this amendment.

Eighteenth Amendment, Section 3 This amendment had to be approved within seven years. The Eighteenth Amendment was the first amendment to include a time limit for ratification.

Nineteenth Amendment, Section 1 Neither the federal government nor state governments can deny the right to vote on account of sex. Thus, women won *suffrage*, or the right to vote. Before 1920, some states had allowed women to vote in state elections.

Nineteenth Amendment, Section 2 Congress can pass laws to carry out this amendment.

Twentieth Amendment, Section 1 The date for the President and Vice President to take office is January 20. Members of Congress begin their terms of office on January 3. Before this amendment was adopted, these terms of office began on March 4.

Twentieth Amendment, Section 2 Congress must meet at least once a year. The new session of Congress begins

The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

Section 2, Vacancies When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies; provided, that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

Section 3, Those Elected Under Previous Procedure 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.

Eighteenth Amendment (1919) Prohibition of Intoxicating Liquors

Section 1, Ban on Alcohol 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 territories subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2, Enforcement The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

Section 3, Method of Ratification 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 Congress.

Nineteenth Amendment

(1920) *Women's Suffrage*

Section 1, The Right to Vote The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

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

Twentieth Amendment

(1933) *Commencement of Terms; Sessions of Congress; Death or Disqualification of President-Elect*

Section 1, Beginning of Terms The terms of the President and 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, Congressional Sessions The Congress shall assemble at least once in every year, and such meeting shall begin at

noon on the 3rd day of January, unless they shall by law appoint a different day.

Section 3. Presidential Succession 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. Elections Decided by Congress 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. Date of Implementation Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6. Ratification Period ~~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.~~

Twenty-first Amendment (1933) Repeal of Prohibition

Section 1. Repeal The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2. State Laws The transportation or importation into any state, territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3. Ratification Period ~~This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the Congress.~~

Twenty-second Amendment (1951) Presidential Tenure

Section 1. Two-Term Limit 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 elect-

on January 3. Before this amendment, members of Congress who had been defeated in November continued to hold office until the following March. Such members were known as lame ducks.

Twentieth Amendment, Section 3 If the President-elect dies before taking office, the Vice President-elect becomes President. If no President has been chosen by January 20 or if the elected candidate fails to qualify for office, the Vice President-elect acts as President, but only until a qualified President is chosen.

Finally, Congress has the power to choose a person to act as President if neither the President-elect nor Vice President-elect is qualified to take office.

Twentieth Amendment, Section 4 Congress can pass laws in cases where a presidential candidate dies while an election is being decided in the House. Congress has similar power in cases where a candidate for Vice President dies while an election is being decided in the Senate.

Twentieth Amendment, Section 5 Section 5 sets the date for the amendment to become effective.

Twentieth Amendment, Section 6 Section 6 sets a time limit for ratification.

Twenty-first Amendment, Section 1 The Eighteenth Amendment is repealed, making it legal to make and sell alcoholic beverages. Prohibition ended December 5, 1933.

Twenty-first Amendment, Section 2 Each state was free to ban the making and selling of alcoholic drink within its borders. This section makes bringing liquor into a "dry" state a federal offense.

Twenty-first Amendment, Section 3 Special state conventions were called to ratify this amendment. This is the only time an amendment was ratified by state conventions rather than state legislatures.

Twenty-second Amendment, Section 1 Before Franklin Roosevelt became President, no President served more than two terms in office. Roosevelt broke with this custom and was elected to four terms. This amendment provides

that no President may serve more than two terms. A President who has already served more than half of someone else's term can serve only one more full term. However, the amendment did not apply to Harry Truman, who had become President after Franklin Roosevelt's death in 1945.

Twenty-second Amendment, Section 2 A seven-year time limit is set for ratification.

Twenty-third Amendment, Section 1 This amendment gives residents of Washington, D.C., the right to vote in presidential elections. Until this amendment was adopted, people living in Washington, D.C., could not vote for President because the Constitution had made no provision for choosing electors from the nation's capital. Washington, D.C., has three electoral votes.

Twenty-third Amendment, Section 2 Congress can pass laws to carry out this amendment.

Twenty-fourth Amendment, Section 1 A *poll tax* is a tax on voters. This amendment bans poll taxes in national elections. Some states used poll taxes to keep African Americans from voting. In 1966, the Supreme Court struck down poll taxes in state elections, also.

Twenty-fourth Amendment, Section 2 Congress can pass laws to carry out this amendment.

Twenty-fifth Amendment, Section 1 If the President dies or resigns, the Vice President becomes President. This section clarifies Article 2, Section 1, Clause 6.

Twenty-fifth Amendment, Section 2 When a Vice President takes over the office of President, he or she appoints a

ed 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. Ratification Period 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.

Twenty-third Amendment (1961) *Presidential Electors for the District of Columbia*

Section 1. Determining the Number of Electors 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. Enforcement The Congress shall have power to enforce this article by appropriate legislation.

Twenty-fourth Amendment (1964) *Right to Vote in Federal Elections—Tax Payment*

Section 1. Poll Tax Banned 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. Enforcement The Congress shall have the power to enforce this article by appropriate legislation.

Twenty-fifth Amendment (1967) *Presidential Succession, Vice Presidential Vacancy, Presidential Inability*

Section 1. President's Death or Resignation In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2. Vacancies in Vice Presidency 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. Disability of the President 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. Vice President as Acting President 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.

Twenty-sixth Amendment (1971) Right to Vote—Age

Section 1. Lowering of Voting Age The right of citizens of the United States, who are eighteen years of age or older, shall not be denied or abridged by the United States or by any state on account of age.

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

Twenty-seventh Amendment (1992) Congressional Pay

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

Vice President who must be approved by a majority vote of both houses of Congress. This section was first applied after Vice President Spiro Agnew resigned in 1973. President Richard Nixon appointed Gerald Ford as Vice President.

Twenty-fifth Amendment, Section 3 If the President declares in writing that he or she is unable to perform the duties of office, the Vice President serves as acting President until the President recovers.

Twenty-fifth Amendment, Section 4 Two Presidents, Woodrow Wilson and Dwight Eisenhower, have fallen gravely ill while in office. The Constitution contained no provision for this kind of emergency.

Section 3 provided that the President can inform Congress that he or she is too sick to perform the duties of office. However, if the President is unconscious or refuses to admit to a disabling illness, Section 4 provides that the Vice President and Cabinet may declare the President disabled. The Vice President becomes acting President until the President can return to the duties of office. In case of a disagreement between the President and the Vice President and Cabinet over the President's ability to perform the duties of office, Congress must decide the issue. A two-thirds vote of both houses is needed to find the President is disabled or unable to fulfill the duties of office.

Twenty-sixth Amendment, Section 1 In 1970, Congress passed a law allowing 18-year-olds to vote. However, the Supreme Court decided that Congress could not set a minimum age for state elections. So this amendment was passed and ratified.

Twenty-sixth Amendment, Section 2 Congress can pass laws to carry out this amendment.

Twenty-seventh Amendment If members of Congress vote themselves a pay increase, it cannot go into effect until after the next congressional election. This amendment was proposed in 1789. In 1992, Michigan became the thirty-eighth state to ratify it.

Reviewing the Constitution

SUMMARY OF THE CONSTITUTION

The Constitution is the set of fundamental laws of the United States. Drafted by the Constitutional Convention in 1787, the document was approved by all thirteen original states by 1790. Twenty-seven amendments have been added to the Constitution since then.

ARTICLE I. Legislative Branch

The Congress constitutes the legislative, or law-making, branch of the federal government. The Congress consists of the Senate and the House of Representatives.

ARTICLE II. Executive Branch

The President heads the executive branch, which enforces the laws of the federal government.

ARTICLE III. Judicial Branch

A Supreme Court and other federal courts make up the judicial branch, which interprets the laws.

ARTICLE IV. Relations Among the States

This article describes states' obligations toward each other and each other's residents, procedures for creating new states, and the obligations of the federal government toward the states.

ARTICLE V. Provisions for Amendment

This article describes the procedure by which the Constitution may be amended.

ARTICLE VI. National Debts, Supremacy of National Law, Oath

This article discusses the debts acquired prior to the Constitution, asserts the supremacy of national over state law, and requires oaths of state and federal officials.

ARTICLE VII. Ratification of Constitution

This article states that the approval of nine of the thirteen states was necessary for ratification of the Constitution.

AMENDMENTS

The 27 amendments to the Constitution include the Bill of Rights (amendments 1–10) plus other amendments on such topics as slavery, women's suffrage, and prohibition.

COMPREHENSION: Articles I–III

1. Name the two bodies that constitute the legislative branch.
2. How are the seats in these two bodies divided among the states?
3. What powers does Congress have regarding taxes? Regarding trade?
4. What are the qualifications for President?
5. What are the President's military powers?
6. For what acts may the President be removed from office?
7. Which courts make up the national judicial branch?
8. How long do federal judges serve in office?
9. What kinds of cases do federal courts handle?

COMPREHENSION: Articles IV–VII and Amendments

10. Do states have the power to discriminate against citizens of other states? Why or why not?
11. How does the Constitution ensure that fugitives cannot escape prosecution by fleeing from one state to another?
12. Which level of government is responsible for protecting the states against foreign invasion?
13. What must happen before Congress can propose an amendment to the Constitution?
14. How can the state legislatures propose an amendment to the Constitution?
15. What fraction of the states must approve an amendment before it becomes law?
16. Which is the supreme law of the land: state or federal law?
17. What oath must state and federal officials take?
18. Which amendments make up the Bill of Rights?
19. Which amendment prevents states from denying any citizen the "equal protection of the laws"?
20. Which amendment changed the minimum voting age? What is the minimum voting age?

ANALYZING POLITICAL CARTOONS

1. This cartoon appeared during Bill Clinton's presidential administration. Clinton is the figure on the left. (a) What does the figure on the right represent? (b) How do you know?
2. Note the scene. (a) What activity are the two figures engaged in? (b) What happens if one figure lets go of the rope he is holding?
3. What comment does this cartoon make on the separation of powers and federal system of checks and balances?



CRITICAL THINKING

1. **Recognizing Cause and Effect** Which Article and Section of the Constitution describe the infamous Three-Fifths Compromise? Why has that part of the Constitution been struck out?
2. **Identifying Assumptions** Why, do you think, are the qualifications for the Senate more strict than those for the House?
3. **Drawing Conclusions** Do the American voters directly elect the President? Explain your answer.
4. **Expressing Problems Clearly** Though the Constitution limits the terms of Congress and the President to a specific number of years, it does not set such a limit for federal judges. Why do you think this is so?
5. **Demonstrating Reasoned Judgment** Restate the First Amendment in your own words.
6. **Making Comparisons** Which constitutional amendment do you believe is the most important? Justify your choice.

ACTIVITIES

1. **Organizing a Class Debate** Hold a class debate on the following resolution: *Resolved, that the Constitution be amended to provide for a single, six-year term of office for the President, with no eligibility for reelection.* To organize the debate, divide the class into two equal teams. The debate should begin with a five-minute presentation by each team, after which team members are free to rebut the other team's arguments.
2. **Reporting on Constitutional Issues** Find a current newspaper story that concerns a

INTERNET ACTIVITY

For your portfolio:
PREPARE A REPORT

Access Prentice Hall's *America: Pathways to the Present* site at www.Pathways.phschool.com for the specific URL to complete the activity. Additional resources and related Web sites are also available.

Use the links to find the text of the United States Constitution and your state's constitution. Compare the Preamble of the national Constitution to your state's. How do they compare in spirit? In language? Write a brief report analyzing the similarities and differences between the two.

- constitutional issue, such as an important court case. Then prepare a five-minute oral report in which you (a) provide the background of the issue, (b) describe the outcome, and (c) analyze the importance of the issue.
3. **Creating a Time Line** Connect several sheets of construction paper end-to-end. Then create a time line showing all 27 amendments to the Constitution. For each amendment, include the year in which it was ratified and a brief description of the amendment.

CHAPTER 6

The Origins of American Politics

1789-1820



CHAPTER FOCUS

This chapter describes the period following the ratification of the Constitution, during which Americans continued to debate how much power the federal government should have. Despite this ongoing internal debate, the young nation once again defeated the British and continued to expand west.



The **Why Study History?** page at the end of this chapter explores the role of political parties in the life of the country today.

VIEWING HISTORY

This 1803 painting credits the federal government with the nation's prosperity. **Government** How did the debate over the role of the federal government lead to the rise of political parties?