

**HOW TO
READ THE
Constitution
AND WHY**

KIM WEHLE

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Power	LEGISLATIVE Article I	EXECUTIVE Article II	JUDICIAL Article III
Nature	Make laws	Implement laws	Apply laws; resolve cases and controversies
Body	Congress	President and executive officers	Supreme Court and lower courts
Selection	Elected by state (Senate) or district (House)	Electoral College	Presidential appointment with Senate consent; life tenure and salary protection
Checks	Executive: Veto, pardon power, prosecutorial discretion Judicial: Judicial review	Legislative: Impeachment, veto override, budget control, oversight, statutory limitations Judicial: Judicial review	Legislative: Impeachment, amendment, and jurisdiction Executive: Appointment, removal, pardon power, prosecutorial discretion

No definition of legislative power.

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 3.

The Senate shall have the **sole Power to try all Impeachments**. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Impeachment is mentioned in Article II as well, but the power belongs to Congress.

Section 8 expands Congress's powers, while Section 9 limits them.

Three pillars of congressional power: to tax, borrow money, and regulate commerce.

This power has been neglected and largely yielded to the president, as will be discussed in chapter 3.

Section 8.

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

To **borrow Money** on the credit of the United States;

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

...

To **constitute Tribunals** inferior to the supreme Court;

...

To **declare War**

...

To raise and support Armies . . .

To provide and maintain a Navy

...

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.

What does general welfare mean, and who gets to decide?

If Congress wanted, there could be just one Supreme Court justice and no lower federal courts. To be addressed in chapter 4.

This is very open-ended language that, along with the Commerce Clause, is the basis for lots of congressional power.

We will talk about the “Great Writ” in chapter 3.

Section 9.

...

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.

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

...

No Money shall be drawn from the Treasury, but in Consequence of **Appropriations** made by Law ...

This is one way Congress controls the executive branch: the purse strings.

Here is the Emoluments Clause, which has been in the news during the Trump administration.

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.

Note, again, there's no definition of executive power.

Article II, Section 1.

The **executive Power shall be vested in a President** of the United States of America.

How does this jive with Congress's war power?

Section 2.

The President **shall be Commander in Chief of the Army and Navy of the United States**, and of the Militia of the several States, when called into the actual Service of the United States; . . . and he shall have **Power to Grant Reprieves and Pardons** for Offences against the United States, except in Cases of Impeachment.

Is the pardon power unlimited under this language?

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 . . . 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.

What does *Treaties* mean? And can the president do treaty-like things without Congress?

Says nothing about removal, although it's a critical presidential management tool.

Shall suggests the take care prerogative is mandatory.

Section 3.

[H]e **shall take care that the laws be faithfully executed**, and shall commission all the Officers of the United States.

Recall
chapter 2: Does
this imply
immunity
from criminal
process?

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.

Note, again, there's no definition of judicial power.

Jobs for life and no pay cuts; does this mean we're back to kings?

Section 2.

The judicial Power shall extend to all Cases . . . **arising under this Constitution, the Laws of the United States**, and ~~Treaties made~~ [and to controversies] . . . **between Citizens of different States**.

Here is one key to the federal courthouse door.

Here is another key to the courthouse door.

Note that this says nothing about the separation of church and state.

But what about cities and states—can they restrict speech?

Do corporations “exercise” religion?

Does *speech* include the ability to remain anonymous? What about symbolic conduct that involves no words?

What does the word *religion* even mean? Can someone just make one up and have it count?

Does *freedom of association* come from this language (because it’s not expressed in the Constitution)?

Amendment I [1791].

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.

Does this just mean there can be no official “Church of the US,” or does it do more to constrain government?

Is the press special when it comes to the First Amendment?

Amendment II [1791].

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**.

Does the word *Militia* modify the right to bear arms?

Or is the “right of the people to keep and bear Arms” distinct?

Does this mean lots of laws should govern them?

And what are “Arms”? Any weapon at all?

Does “not . . . infringed” mean no gun regulation whatsoever?

Amendment IV [1791].

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.

Courts cannot issue arrest or search warrants without a sworn statement justifying them.

The ban on unreasonable searches and seizures is one place where the notion of “privacy” appears in the Constitution. The word itself is nowhere.

Amendment V [1791].

No person . . . shall be **compelled in any criminal case to be a witness against himself**.

This is where the notion of “pleading the Fifth” comes from.

Amendment VI [1791].

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 . . . and to be informed of the nature and cause of the accusation; to **be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel** for his defence.

The Sixth Amendment has rules aimed at making sure criminal trials are fair.

Amendment VIII [1791].

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

This is where the death penalty debate plays out.

Liberty has come to mean more than freedom from incarceration.

Amendment V [1791].

No person shall be . . . deprived of life, **liberty**, or property, without **due process of law**.

There are two due process clauses; this one applies to the federal government.

Amendment XIV [1868].

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**.

What's a *privilege* or an *immunity*?

This one applies to the states.

This is where many of our civil rights come from.

Article IV [1787].

Section 1.

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State.

These are both about making sure states play nice with each other.

Section 2.

The Citizens of each State shall be entitled to all **Privileges and Immunities of Citizens in the several States**.

This “guarantee” seems important. But is it?

Section 4.

The United States shall **guarantee to every State in this Union a Republican Form of Government**.

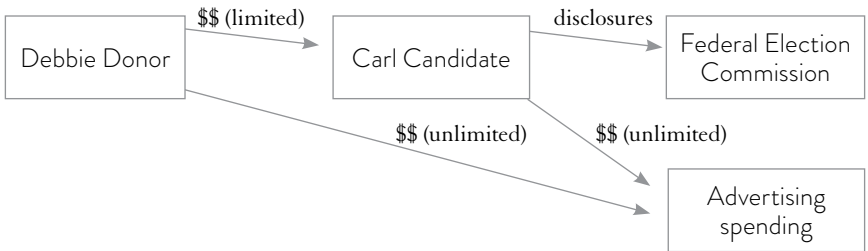
Amendment X [1791].

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.

This is about not allowing the federal government to have too much power.

	Strong national government	Confederation of states
Advantages	Laws may be applied uniformly to all	Laws may be made to suit individual needs of the states
	Efforts seldom duplicate or contradict themselves	Tyranny can be avoided more easily because power is disbursed
	Fast and efficient decision-making	Government is closer to the people
Disadvantages	Concentration of power can lead to tyranny	State governments are susceptible to quarrels, creating rifts that destabilize the nation as a whole
	If the country is large, a distant central government can lose control	Subgovernments may lack the resources that a central government has
	Central officials may not always understand the needs of their citizens	

Money in Politics



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.

There is nothing in the Constitution on what this process would look like.

Glossary

AFFIRMATIVE ACTION: A series of tools utilized to remedy previous race discrimination with the goal of increasing minority presence and diversity in areas such as higher education, admissions, and employment.

APPELLATE COURT: A court that has the power to review the decisions made by a trial court or intermediate appellate court.

BEYOND A REASONABLE DOUBT: The standard of proof that is required for a criminal conviction. This standard is the highest possible standard and requires that there be *absolutely no doubt*. If a percentage were to be assigned, this standard of proof would require more than 99.99 percent certainty.

BICAMERAL: Legislatures that have two chambers are bicameral. The federal legislative branch is bicameral and consists of the Senate and the House of Representatives. States also have bicameral legislatures, though the names of each chamber can vary. In all bicameral bodies, legislation must pass successfully through each chamber.

BIPARTISAN: A piece of legislation or policy that is supported by two political parties.

CLEAR AND CONVINCING: The intermediate level standard of proof. If a percentage were to be assigned, this standard of proof would be about a 70 percent certainty.

CLOTURE: A legislative procedure that can be implemented under certain circumstances to kill a filibuster by placing a time restriction on debate and forcing a vote on a bill.

CONSTITUENT: An individual who has the ability to cast a vote in order to elect a particular representative in that individual's respective district.

DARK MONEY: Money given to a section 501(c)(4) entity, which is a reference to the federal tax code's provisions for the creation of nonprofit organizations and social-welfare groups. These entities can raise and spend an unlimited amount of money. And unlike a super PAC, a 501(c)(4) doesn't have to disclose where it gets the money—only its expenditures. Hence, money given to section 501(c)(4) entities is known as *dark money*.

DEFAMATION: The making of a false claim about someone publicly.

DEMOCRACY: A form of government whereby the people elect their represented officials.

DISENFRANCHISEMENT: The denial of an individual's or group's right or privilege; most commonly arises in the form of voter disenfranchisement (e.g., taking away a convicted felon's right to vote).

FEDERALISM: The division of power between federal and state governments. This is often referred to as a power struggle between the sovereigns.

FEDERALIST: Someone who believes in strong power for the federal government and relatively weaker power for the states.

FELONY: A crime that carries the possibility of incarceration of one year or more.

FILIBUSTER: The purposeful delay of a bill by prolonged debate in an effort to curtail the passing of the bill.

FRAMERS OF THE CONSTITUTION: Delegates at the Constitutional Convention in 1787.

GERRYMANDERING: The legislative act of changing district lines to dilute or concentrate members of a constituency group and gain a political advantage for one political party.

GRAND JURY: A group of individuals empaneled by a prosecutor to perform an investigative function by considering testimony and other types of evidence; it also approves criminal charges in an indictment against a party. *See* INDICTMENT.

HABEAS CORPUS: Latin: “that you have the body.” The legal process whereby a petitioner asserts that he or she is being unlawfully and illegally detained or imprisoned and seeks relief in a civil court of law.

HARD MONEY: Donations made directly to a campaign or a candidate.

IMMUNITY: In the civil arena, immunity is a defense that protects a person from liability for money damages. In the criminal arena, immunity can be granted to a witness by the government. Criminal immunity can be either transactional or use and derivative use. Transactional immunity protects a person from being charged with an offense completely. Use and derivative immunity only protects a person’s testimony from being used against them.

IMPEACHMENT: The legislative equivalent of bringing a criminal-type charge against a high government official.

INCUMBENT: Someone who presently holds a position in office or a specific title. (Often discussed in reference to political candidates and their nonincumbent challengers.)

INDICTMENT: A document containing criminal charges against a party that is issued by a grand jury.

INFORMATION: A document containing criminal charges against a party that is issued by a prosecutor's office versus a grand jury.

INJUNCTION: A court order that directs a person to stop doing something or forces a person to take action.

JUDICIAL PRECEDENT: (Also referred to as *stare decisis*.) Law created by past cases that judges apply to present cases bearing similar facts and issues.

JURISDICTION OF A COURT: The power of a court to hear a case on a particular subject or involving a particular defendant.

LIBEL: Written defamation. *See* DEFAMATION.

MISDEMEANOR: A crime that involves a small fine and/or the possibility of incarceration for less than one year.

MONARCHY: Form of government where there is one person in charge who often inherits the position by blood.

ORIGINALISM: The belief or theory that the Constitution should be interpreted with the same intent that the framers had at the time of ratification.

PACs: Separate, segregated campaign funds that are created mostly by corporations and unions. The funds often come from union members or from corporate shareholders. PACs must register with the FEC and can only give up to \$5,000 in hard money per candidate.

PAROLE: Early release from prison after a person is determined eligible by a designated parole board.

PETIT JURY: A group of individuals empaneled by a court to decide factual questions in dispute at trial.

POLICY: The rationale behind a rule; the reasons behind a statute or regulation that governs private conduct. It is distinct from politics, which is often ideological.

POLITICAL QUESTION: An issue that is deemed appropriate for only the legislature to decide, thus the judiciary will refuse to intervene.

PROBABLE CAUSE: There are two types of probable cause: (1) probable cause to arrest, and (2) probable cause to search. In order for probable cause to arrest to be present, it must be established that there was a crime committed and this particular person being arrested is suspected of having committed the crime. Probable cause to search requires sufficient evidence that a crime has been committed but includes the requisite likelihood that evidence of the crime is located in the specific area to be searched. For both, the probable cause standards in their simplest forms can be viewed as more likely than possible.

REGULATION: A law created by an agency instead of Congress.

RETRIBUTION: A theory of punishment in criminal law that people should be punished equally in accordance with the severity of the crime committed.

SLANDER: Spoken defamation. *See* DEFAMATION.

SOFT MONEY: Money that people give to political parties instead of candidates.

SPECIAL OR INDEPENDENT COUNSEL: A prosecutor who is specially assigned to investigate a particular incident or person in response to a determination by the Department of Justice that a conflict of interest exists.

STANDING: A requirement whereby a party must demonstrate a connection between a legal harm and their injury in order to bring suit.

SUPER PACs: Entities that can raise and spend unlimited amounts of money in a campaign. Because they're regulated by the FEC, they must disclose their donors and how they are spending money.

WARRANT: A document signed by a judicial magistrate that authorizes law enforcement to either make an arrest of a person or search a specific location. The warrant must be supported by probable cause.

WRIT OF CERTIORARI: Process whereby a party seeks review from the Supreme Court.

WRIT OF MANDAMUS: Court order to a government official that directs the official to perform a duty of the office.

The Constitution of the United States of America

CONSTITUTION OF THE UNITED STATES

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, 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. 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.

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.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within

every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make tem-

porary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

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.

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

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 President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section. 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at

any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

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

Section. 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

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

Section. 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning

from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been 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. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States: If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress

by their Adjournment prevent its Return, in which Case it shall not be a Law

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

Section. 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

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

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

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

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

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

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

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

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

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

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

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

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

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section. 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

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

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

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

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

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince or foreign State.

Section. 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

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

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article. II.

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

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.

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 Representatives 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.

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

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In 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.

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.

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. 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.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section. 3. He shall from time to time give to the Congress Information on 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. 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.

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 appel-

late Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

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

Section. 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

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

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. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or 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. 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.

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.

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

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

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

Article. VII.

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

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

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,

Attest WILLIAM JACKSON

Secretary

G^o. WASHINGTON—Presid^t.
and deputy from Virginia

New Hampshire	JOHN LANGDON NICHOLAS GILMAN
Massachusetts	NATHANIEL GORHAM RUFUS KING
Connecticut	WM SAM ^L JOHNSON ROGER SHERMAN
New York	ALEXANDER HAMILTON
New Jersey	WIL: LIVINGSTON DAVID BREARLEY. WM PATTERSON. JONA: DAYTON
Pennsylvania	B FRANKLIN THOMAS MIFFLIN ROB ^T MORRIS GEO. CLYMER THO ^S FITZSIMONS JARED INGERSOL JAMES WILSON GOUV MORRIS

Delaware	GEO: READ GUNNING BEDFORD JUN JOHN DICKINSON RICHARD BASSETT JACO: BROOM
Maryland	JAMES MCHENRY DAN OF ST THO ^S JENIFER DAN ^L CARROLL
Virginia	JOHN BLAIR— JAMES MADISON JR.
North Carolina	W ^M BLOUNT RICH ^D DOBBS SPAIGHT HU WILLIAMSON J. RUTLEDGE
South Carolina	CHARLES COTESWORTH PINCKNEY CHARLES PINCKNEY PIERCE BUTLER
Georgia	WILLIAM FEW ABR BALDWIN

In Convention Monday, September 17th 1787.

Present

The States of

New Hampshire, Massachusetts, Connecticut, M^R Hamilton from New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

Resolved,

That the preceeding Constitution be laid before the United States in Congress assembled, and that it is the Opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates, chosen in each State by the People thereof, under the Recommendation of its Legislature, for their Assent and Ratification; and that each Convention assenting to, and ratifying the Same, should give Notice thereof to the United States in Congress assembled. Resolved, That it is the Opinion of this Convention, that as soon as the Conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a Day on which Electors should be appointed by the States which shall have ratified the same, and a Day on which the Electors should assemble to vote for the President, and the Time and Place for commencing Proceedings under this Constitution. That after such Publication the Electors should be appointed, and the Senators and Representatives elected: That the Electors should meet on the Day fixed for the Election of the President, and should transmit their Votes certified, signed, sealed and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled, that the Senators and Representatives should convene at the Time and Place assigned; that the Senators

should appoint a President of the Senate, for the sole Purpose of receiving, opening and counting the Votes for President; and, that after he shall be chosen, the Congress, together with the President, should, without Delay, proceed to execute this Constitution.

By the Unanimous Order of the Convention

G^o: WASHINGTON—Presid^t.

W. JACKSON Secretary.