

	Art.	Sect.	Para.
eligibility for office	I	2	2
may not be presidential electors	II	1	2
must support Constitution	VI		3
prohibitions on	I	6	2
salaries of	I	6	1
term of office	I	2	1
	A20	1	
Republican government guaranteed to states	IV	4	
Reserved powers	A10		
Resolutions of Congress	I	7	3
Revenue bills	I	7	1
Rights (see "Civil rights and liberties")			

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	Art.	Sect.	Para.
President of, pro tempore	I	3	5
term of members	A25	3	
staggered terms provided for	A25	4	
tie-breaking vote in	I	3	1
vacancies in	I	3	2
vacancies in	I	3	4
Senators	I	3	2
arrest, privileged from	I	6	1
election by the people	A17		
may not serve as presidential electors	II	1	2
must support Constitution	VI		3
prohibitions on	I	6	2
qualifications for office	I	3	3
salaries	I	6	1
term of office	I	3	1
Separation of powers feature			
executive power	II	1	1
judicial power	III	1	
legislative power	I	1	
Slavery abolished	A13		
Slaves, former			
guaranteed citizenship	A14	1	
voting rights of	A15	1	
Soldiers, quartering of	A3		
Speaker of House of Representatives	I	2	5
Speech, freedom of	A25	3	
State officials must support Constitution	A25	4	
State of Union message	A1		
States	VI		3
admission to Union	II		3
agreements with foreign nations	IV	3	1
agreements with other states	I	10	3
apportionment of representatives of	I	10	3
as parties in court	I	2	3
census of population	III	2	1
equal status of all states' citizens	A11		
	I	2	3
	IV	2	1

	Art.	Sect.	Para.		Art.	Sect.	Para.
equal vote in Senate guaranteed	V						
extradition of fugitives between	IV	2	2	term of office	III	1	
formation of, conditions for	IV	3	1	Supreme law of the land (Constitution)	VI		2
judges of bound by Constitution	VI		2				
mutual recognition of official acts	IV	1					
powers of concerning				T			
admission of new states	IV	3	1	Tax power	I	7	1
congressional elections	I	4	1	Terms of office	I	8	1
intoxicating liquors	A21	2		judges	III	1	
militia	I	8	16	President	II	1	1
	A2			representatives	A20	1	
ratifying amendments	V			I	A22	1	
selection of presidential electors	II	1	2	I	A20	1	1
vacancies in House of Representatives	I	2	4	I	A20	1	1
vacancies in Senate	A17			I	I	3	1
powers needing consent of Congress	I	10	2	Vice-President	A20	1	
powers reserved to	I	10	3	Territory, U.S., control of	A20	1	
prohibitions on concerning	A10			Tonnage duties	IV	3	2
civil rights and liberties	A1-A9			Traitor's family may not be punished	I	10	3
equal protection of the laws	A14	1		Treason	III	3	2
miscellaneous subjects	I	10		definition	III	3	1
poll taxes	A24			punishment of	III	3	2
voting rights, age	A26			requirements for conviction of	III	3	1
voting rights, all races	A15			Treasury, controls on	I	9	7
voting rights, both sexes	A19			making and approving	II	2	2
voting rights, former slaves	A15			states may not make	I	10	1
protected against invasion, violence	IV	4		Trial by jury, guarantees	III	2	3
relations between	IV				A5		
representation in House of Representatives	I	2	3	Trials, criminal, guarantees in	A6		
reduced due to denying civil rights	A14	2		Troops, states may not keep in peacetime	A7		
representation in Senate	I	3	1		A14	1	
guaranteed equal among all states	V				III	2	3
republican form of government preserved	IV	4		Union debts valid	I	10	3
right of consent to be sued	A11			U.S. government as party in court	A14	4	
Supreme Court					III	2	1
appointment of justices	II	2	2				
judicial review power	(See Note A)						
jurisdictions	III	2	2				
size of	(See Note C)						

U.S. officers subject to impeachment	Art. II	Sect. 4	Para. 2
U.S. property, control of	Art. IV	Sect. 3	2
V			
Vacancies	I	2	4
House of Representatives	II	2	2
Judges	II	1	6
Presidency	A20	3	
	A20	4	
	A25	1	
	A25	3	
	A25	4	
Senate	I	3	2
	A17	2	
temporary appointments to fill	II	2	3
Veto procedure	A25	2	
Vice-President	I	7	2
order of succession to	A20	4	
succession to	A25	2	
Vice-President	II	1	6
conditions for assuming Presidency	A20	3	
	A25	1	
	A25	3	
	A25	4	
	II	4	
removal from office	A25	4	
role in declaring President disabled	I	3	4
role in Senate	A20	1	
term of office	A20	3	
Vice-President-elect succeeds to Presidency	A15	1	
Voting rights	A26		
all races	A15	1	
citizens 18 years and older	A14	2	
former slaves	A24	1	
penalty to states for denying	A19		
poll tax prohibited			
women			

War	Art. I	Sect. 8	Para. 11
declaration of	I	10	3
states' power limited	A4		
Warrants to search and seize	I	10	3
Warships in peacetime	I	8	5
Weights and measures, standards of	A6		
Witnesses in criminal trials	A19		
Women's right to vote			

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## NOTES

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### Note A

#### The Supreme Court's Power of Judicial Review

Courts often are called upon to review cases in which there is a dispute as to whether a law or a government official's action is permitted under the Constitution. The Supreme Court has the final word in such cases. For this reason, the Court is a major factor in the balance of power among the three branches of government established by the Constitution. Under the power of judicial review, for example, the Court may rule on the legality of a town's zoning law, a lower court's conduct of a trial, a school board regulation, or an action by a policeman or the President of the United States.

This power is not provided for directly in the Constitution. The Court itself defined it in 1803 in the case *Marbury versus Madison*. Chief Justice John Marshall wrote the opinion. It declared that judicial review is the outgrowth of English and American legal traditions along with certain provisions of the Constitution itself. The reasoning was that courts first must decide what laws mean in order to rule on cases arising under them; that the Supreme Court must decide the meaning of the Constitution in order to defend it as the "supreme law of the land"; and, finally, it must decide whether a law or action is in agreement with the Constitution, because it may recognize only laws which are made in pursuance of that basic law, according to Article VI, Paragraph 2. If the Court finds that a law or action is not in agreement with the Constitution, it can declare it unconstitutional and unenforceable.

### Note B

#### The Power of Congress to Investigate

In order to carry out its functions, Congress must gather information. Such functions include passing laws on a vast variety of subjects, approving treaties, evaluating individuals nominated by the President,

and appropriating money for carrying out the programs of government. Closely associated with this is the authority to require individuals to appear and provide necessary information—the subpoena power.

Although the investigating power is not specifically provided for in the Constitution, it has been considered part of our law-making tradition from the earlier state legislatures and the English Parliament. It is a significant power in the check and balance system. There are limits to it, however. The Supreme Court has said that the Congress may not investigate to restrict the First Amendment rights of individuals or to attempt to exercise powers assigned to the executive and judicial departments.

### Note C

#### **The Power of Congress to Change the Size of the Supreme Court**

The Constitution says nothing about the size of the Supreme Court or whether it can be changed from time to time. Under Article III, Section 1, Congress established the judicial system in the Judiciary Act of 1789. It established a six-member court. At various times since, the size has been changed to seven, ten, and the present nine members. The Court has made no ruling on the subject.

Background for the notes has been obtained from Edward S. Corwin, and Jack W. Peltason, *Understanding the Constitution* (New York: Holt, Rinehart, & Winston, 1964).

## A GLOSSARY OF TERMS IN THE CONSTITUTION OF THE UNITED STATES

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Abridge	To reduce, deprive, or cut off.
To adjourn	To halt a meeting temporarily.
Admiralty	Admiralty laws apply to shipping and disputes and offenses committed on the high seas; also to matters on public waters within the country, such as the Great Lakes.
Affirmation	A solemn declaration that serves for those whose beliefs will not permit the swearing of an oath.
Alliance	An agreement between two or more nations to come to the defense of any partner that is attacked.
To apportion	To divide up or distribute in proportion to something. In this case, the larger the population of a state, the more representatives it has and the more taxes come from it.
Appropriations	Money set aside by government for specific uses, such as military forces or highway construction.
Ascertain	To obtain information.
Attainder	Guilt. A bill of attainder is a law declaring someone guilty of an offense without a trial.
Bankruptcy	Unable to pay one's debts. Bankruptcy laws provide a fair and orderly way to divide up the bankrupt person's remaining property among those to whom money is owed.
Bill of credit	A kind of paper money issued by the states before the Constitution was adopted. The Constitution prohibited states from issuing them so that only Congress would have the power to coin money and regulate its value.
Capital crime	An offense punishable by death.



- Capitation tax** A tax put directly upon each person. It takes the same amount from everyone, rich and poor.
- Cession** Giving up land to another government.
- Commerce** Buying, selling, and transporting goods and services between places, such as states.
- Common law** The body of laws that comes from court decisions of the past rather than from written laws. Common law was built up over centuries and represents our legal tradition. It extends back into British history.
- Compulsory process** A court's power to order a person to appear in court to testify. In the Sixth Amendment, this power may be used to guarantee that witnesses will testify in behalf of an accused person. The order is called a subpoena (suh-pee-nah).
- Concurrence** Agreement.
- Confederation** A group of independent states or nations united for mutual advantages but without giving up power to act independently.
- To constitute** To establish or bring into being.
- Constitution** The fundamental law of an organized group. It establishes its government system and the basic principles guiding its operation.
- Construed** Interpreted or understood to have a particular meaning.
- To convene** To bring together a group for the purpose of conducting a meeting.
- Corruption of blood** "Blood" here means members of a guilty person's family. Corruption of blood means making those family members share in the guilt.
- Crime** An offense against society in violation of public law and punishable mainly by death, imprisonment, or fine.
- To devolve** To pass authority to someone else. The authority to vote for President is passed to the House of Representatives.

- Due process of law** The precautions which the government must take to protect the lives, liberty, and property of individuals when the government is dealing with them.
- Duty** A tax on the value of goods shipped, most often, into a country.
- Electors** One who has authority to elect someone to an official position — either a citizen in public elections or one who is authorized in the electoral system to cast a vote for President.
- Emolument** A salary or fee.
- Enumeration** A list of rights or powers.
- Equity** Fairness. Settling a dispute which cannot be covered by written laws. Each party states its side, and the court makes a judgment based on what is most reasonable and just.
- Ex post facto law** A law that makes something illegal and also provides punishment for those who did it before it was made illegal.
- Excise** A tax upon certain products, such as leather goods or jewelry.
- Executive** In government, the authority which carries out, or executes, the laws.
- Felony** A serious crime that is punished by a longer term of imprisonment than a misdemeanor.
- Full faith and credit** The recognition by each state of every other state's official proceedings. For example, one state recognizes the driver's license of an individual from another state as evidence that the person is a qualified driver.
- Grand jury** A special jury that decides whether there is enough criminal evidence against a person to formally charge him or her in court.
- Grievance** A complaint about something unjust that was done.
- Habeas corpus, writ of** A court order requiring authorities to bring into court a person being held by them. The court will



Nobility	A class of people with titles of rank, such as duke or baron, who formerly had special rights that the majority of people did not have.
To ordain	To give authority.
Overt	Open to view.
To petition	To make a formal request.
To prejudice	To unfairly influence the way a person thinks or feels about something.
Presentment	A charge or accusation.
Probable cause	Sufficient reason for investigators to believe that something or someone is in the place to be searched.
Pursuance	"In pursuance thereof" means "in following the rules of" the Constitution.
Pro tempore	A Latin phrase meaning "for the time being."
Quorum	The smallest number of members who must be present for a group to make official decisions.
Ratification	Approval.
Rebellion	Open, organized, widespread efforts to overthrow the government. A more serious threat than an insurrection.
To redress	To correct something that is unjust.
Reprieve	A delay or postponement.
Requisite	Required.
Revenue	Funds collected by government so that it may carry out its functions.
Securities	Stocks, which show a share of ownership in a business, or bonds, which show the amount of debt owed by a business or government to the holder or owner of the bond.
Service	"Held to service" means slavery.
Succeed	Taking over a position of authority after it has been vacated.
Suffrage	The right to vote.
Taxes	Required payments to government.

Imminent	set a deadline after which the prisoner must either be charged with an offense and scheduled for court appearance, or be set free.
Immunities	Something that threatens to happen very soon.
Impeachment	Freedom from, or protection against, unjust government action. The First Amendment freedoms are immunities.
Impost	A formal accusation charging a government official with a crime or other serious wrongdoing.
Indictment	A tax, especially one paid on goods entering the country.
Infamous	A formal accusation of a serious crime which is voted by a grand jury.
Insurrection	Vicious, immoral, evil. A felony is an infamous crime.
Involuntary servitude	Armed uprising against authority, but not as organized and widespread as rebellion.
Jeopardy	Forced labor, usually of prison inmates.
Judicial	Danger or risk.
Jurisdiction	The function of judging cases that arise under the laws.
Legislative	Authority. The kinds of subjects and geographic area over which an official body has authority to make decisions and take action.
Maritime	The function of making laws.
Marque and reprisal	See "Admiralty."
Militia	Authorization to private shipowners to attack enemy vessels.
Misdemeanor	A body of private citizens organized, trained, and prepared to carry out military activities, but only when called into service by government authorities in emergencies.
Naturalization	A crime less serious than a felony that carries a shorter jail sentence, usually less than a year.
	The legal process by which an immigrant gets the same rights as a natural born citizen has.

*The Constitution*

- Tender  
The way of making payment along with the material itself (gold, silver, bills, etc.)
- Tonnage  
A tax on boats based upon the number of tons of cargo they carry.
- Treaty  
An official agreement between two or more nations.
- Tribunal  
A court or other body which makes judgments.
- Warrant  
An authorization issued by a judge.
- Writs of election  
Orders to hold an election.
- Yeas and nays  
Yes and no votes.