

THE CONSTITUTION

The words we live by



...use three, Massachusetts eight, Rhode Island
...one, Maryland six, Virginia ten, North
...vacancies happen in the Representatives of
...House of Representatives shall choose their
...Senate of the United States shall be a
...one vote.
...after they shall be assembled in the
...shall be vacated at the
...the sixth Year, so that one third
...State, the Executive Power
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...United States shall be

THE MIRACLE OF THE CONSTITUTION.

Warren E. Burger
Chairman of the Commission on the Bicentennial
of the United States Constitution
Chief Justice of the United States, 1969-1986

It is all too easy to take our Constitution for granted—indeed, most of us have done just that for too long. We tend to assume that when we won our war for independence, the creation of the Constitution was somehow inevitable. In reality, however, the drafting and ratification of the Constitution were the culmination of a chain of events that began years before that hot Philadelphia summer of 1787, when the delegates to the Constitutional Convention (as we call it now) wrote our national charter.

Although it is difficult to pinpoint the exact beginning of this remarkable story, one could start with the Mayflower Compact. Before setting foot on American soil in November 1620, the adult male passengers of the *Mayflower* drew up and signed a covenant binding themselves together as “a Civil Body Politick” and pledging to abide by any laws established in the new settlement. For the first time on our shores people joined together to form a civil government and to elect officers to administer civil affairs.

In 1633, some settlers from Massachusetts headed south, founding three small towns on the banks of the Connecticut River. The towns combined to frame a body of laws that would govern them as a separate colony. This document, the Fundamental Orders of Connecticut, was the

first formal organic law or constitution in America.

After the Fundamental Orders of Connecticut, the colonies drafted other charters to govern themselves, subject, of course, to royal authority. These laws were aimed at asserting the colonists’ rights and privileges as Englishmen. But war broke out in April 1775, chiefly because England did not respect those rights.

STATES FORM LOOSE ALLIANCE

During the war, the former colonies entered into a loose alliance or “firm league of friendship,” as they called it, not unlike the North Atlantic Treaty Organization (NATO). Although the states sent delegates to the Continental Congress, that body lacked the power to enforce its will. The states expressly reserved their independence and sovereignty. This loose alliance was eventually formalized in the Articles of Confederation, which were finally ratified by all the states in 1781.

The weaknesses of the Confederation, as the alliance was called, became painfully obvious to many during the war but were not seen by all. The lack of authority to impose taxes and raise armies led directly to the terrible privations, the needless deaths from malnutrition and freezing that George Washington’s troops suffered

throughout the war and especially at Valley Forge—only a few miles from where the delegates later met. Washington and other leaders had to beg and cajole the states just to get money and supplies sufficient to carry on the war. Perhaps it was that experience that led Washington, just before the Philadelphia meeting, to remark:

Let us have [a government] by which our lives, liberties and properties will be secured; or let us know the worst at once.

Fortunately, Washington’s indomitable strength of character, as well as his abilities as a military leader and politician, helped make up for the weakness of the Confederation.

Soon after the American victory was assured by the surrender of British General Cornwallis at the Battle of Yorktown, the loose wartime alliance began to fall apart. One reason was that the Articles of Confederation left the states free to act as they pleased in matters of trade. Each of the thirteen states was free to set up trade barriers against each other, and they began to do so once the war was over. New Jersey had her own customs service and treated New York as a foreign trading partner. Connecticut’s shipping interests were at the mercy of New York and Massachusetts, and New Jersey’s and

Delaware's sea trade depended upon the good graces of Pennsylvania and New York. States also issued their own currency, which impeded the development of commerce by making trade more difficult. A healthy commerce could never develop in that setting.

Differences among the states on trade matters also led to political strife, as Virginia's James Madison and others recognized. Said Madison, "Most of our political evils may be traced to our commercial ones."

In short, the Articles of Confederation were what might be called today a "paper tiger." To continue that structure would not only hamper our development as a nation and encourage the local and regional conflicts that had almost led to disaster during and after the war; it would also tempt the great powers to exploit the lack of unity among the states.

But convincing the states of the need for a stronger central government was no easy task. In the eighteenth century and, indeed, well into the nineteenth, many people thought of themselves as Virginians or New Yorkers first and Americans second. They regarded themselves as mere allies of people in other states. During the Revolution, for example, when New Jersey troops reporting for duty at Valley Forge were asked to swear allegiance to the United States, the soldiers at first declined, saying, "New Jersey is our country."

The American people also had a genuine and understandable fear of central governments. That fear stemmed from the fact that they had fought a revolution to escape from a strong, insensitive and distant central government in London. Patrick Henry of Virginia was so opposed to the idea of a stronger central government that he refused even to be a delegate to Philadelphia, saying, "Me thinks I smell a rat."

From 1781 to 1783 James Madison, Robert Morris and Alexander Hamilton attempted to strengthen the Articles of Confederation by interpretation and amendment. Those efforts failed. But beginning around 1785, several events occurred that helped many thinking people to recognize the disadvantages of the loose-knit alliance represented by the Articles.

DISPUTES WEAKEN THE CONFEDERATION

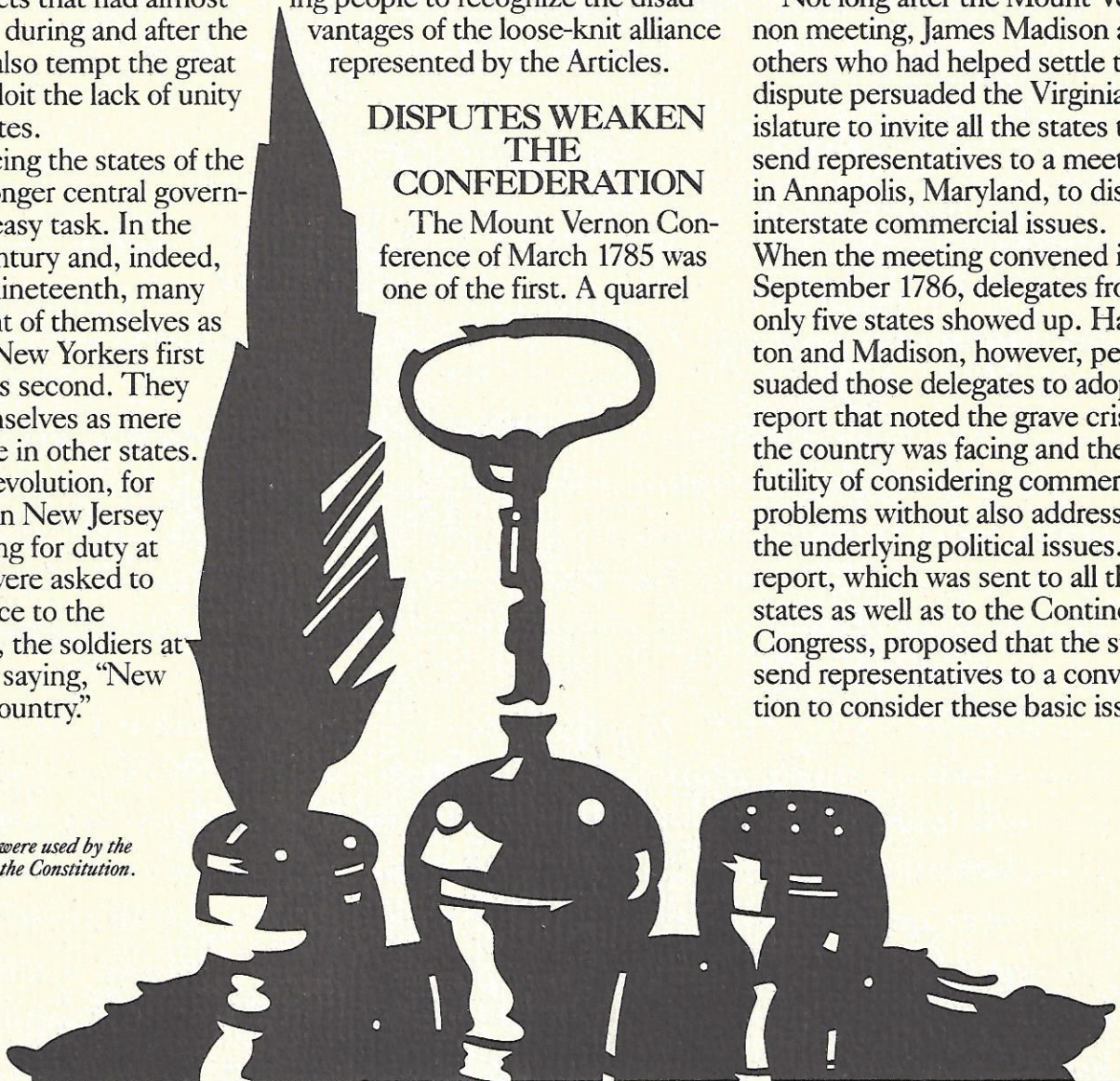
The Mount Vernon Conference of March 1785 was one of the first. A quarrel

had arisen between Virginia and Maryland over the use of the Potomac River and the Chesapeake Bay. It was a serious dispute, the kind of conflict that had led to wars in Europe and other parts of the world. In an effort to resolve this difficulty, both states appointed commissioners, who at first met in Alexandria, Virginia. When they failed to reach agreement, George Washington invited them to Mount Vernon. Under the influence of his great prestige they were able—no doubt with some gentle nudging—to resolve their differences. Despite the happy result, the episode dramatized the need for a comprehensive solution to the commercial and other rivalries that plagued the states.

Not long after the Mount Vernon meeting, James Madison and others who had helped settle that dispute persuaded the Virginia legislature to invite all the states to send representatives to a meeting in Annapolis, Maryland, to discuss interstate commercial issues.

When the meeting convened in September 1786, delegates from only five states showed up. Hamilton and Madison, however, persuaded those delegates to adopt a report that noted the grave crisis the country was facing and the futility of considering commercial problems without also addressing the underlying political issues. The report, which was sent to all the states as well as to the Continental Congress, proposed that the states send representatives to a convention to consider these basic issues.

An ink well and pen were used by the delegates who signed the Constitution.



Go all to whom

these Presents shall come, we the under signed Delegates of the States affixed to our Names send greeting. Whereas the Delegates of the United States of America in Congress assembled did on the fifteenth day of November in the Year of our Lord One Thousand Seven Hundred and Seventy seven, and in the Second Year of the Independence of America agree to certain articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts-bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia in the Words following, viz. Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts-bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

Article I. The Name of this confederacy shall be "The United States of America."

Article II. Each state retains its sovereignty, freedom and independence, and every Power, jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.

Article III. The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their Liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatsoever.

Article IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds and fugitives from Justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and egress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided

That convention was scheduled for May 1787.

About the time of the Annapolis Convention, an uprising now known as Shays' Rebellion broke out in western Massachusetts. It began with protests by indebted farmers who wanted paper money and more favorable foreclosure and bankruptcy laws. Daniel Shays' armed band defeated the state militia and forced some state courts to adjourn. In early 1787, Shays attempted to seize a federal arsenal, but his men were routed by General Benjamin Lincoln. This was not merely protest; blood was shed.

Needless to say, Shays' Rebellion made a tremendous impression at a time when many of the states were still deciding whether to send delegates to Philadelphia and the Continental Congress still had not decided whether to endorse that meeting. George Washington expressed disgust that the country, having just won a difficult war, could not keep order in peacetime. Said Washington:

I am mortified beyond expression when I view the clouds that have spread over the brightest morn that ever dawned upon any Country.

Finally, on February 21, 1787, the Continental Congress invited the thirteen states to send delegates to Philadelphia "for the sole and express purpose of revising the Articles of Confederation." There was no hint of drafting a new Constitution.

THE MIRACLE AT PHILADELPHIA

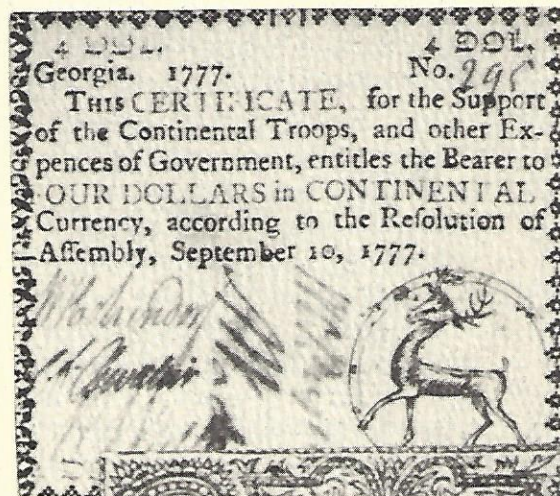
It is difficult to recreate the atmosphere that must have existed in Philadelphia during that summer of 1787. Most of the people of

our thirteen states were distant from each other. This was a nation of small farms and small communities stretching along the Atlantic coast from New England to Spanish Florida. To the North were British military forces; the Spanish had troops in the South and West. Perhaps these concerns of potential foreign dominance moved Benjamin Franklin to propose that a chaplain be invited to open

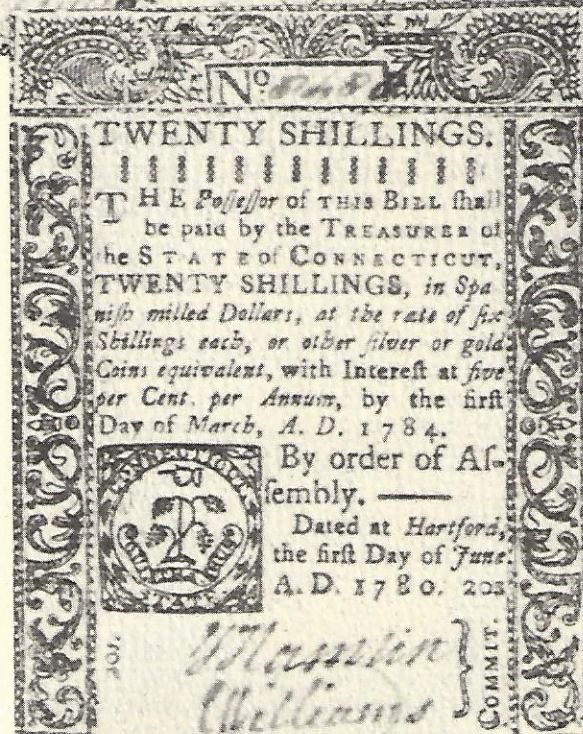
the sessions of the Convention with a prayer. This had regularly been done in the Continental Congress.

Philadelphia was then the largest city in the United States, boasting a population of 40,000. It was cosmopolitan, bustling with commerce, and had many houses of worship, a public library, a university, theaters and ten newspapers.

Fifty-five of the most remarkable men this—or any—nation has



Below: Because gold and silver coins were scarce after the War of Independence, many states continued to print their own paper money. Photo courtesy of National Numismatic Collections, Smithsonian Institution.



Far left: The Articles of Confederation were ratified in 1781. It provided for a loose alliance among the states. Photo courtesy of The National Archives.

ever produced gathered in Philadelphia that summer. Some had studied ideas about government that came from Greece and Rome; from 17th and 18th century England, Scotland and France; and all were experienced in the art of politics. Among them were General George Washington; the thoughtful, scholarly James Madison; the brilliant lawyer Alexander Hamilton; and 81-year-old Benjamin Franklin, internationally known as a diplomat, writer, scientist and humanitarian.

By and large, the delegates were young men. Only four had reached their 60th birthday, and five were under 30. The average age was 43. Eight of the delegates had signed the Declaration of Independence and six signed the Articles of Confederation. Thirty had served in the Continental Army. At least thirty-three had studied law. Eleven would later be elected state governors. Five would serve on the United States Supreme Court, two as Chief Justice. Two would be elected President of the United States, and one a Vice President.

When the convention opened, the immediate concern of Washington and other advocates of a strong central government was to convince the delegates that the states needed to surrender some authority and sovereignty to a new, unknown and as yet undefined

national government. Governor Edmund Randolph of Virginia seized the initiative at the beginning of the convention by proposing the so-called Virginia Plan. Under that plan, the government would consist of legislative, executive and judicial branches. The national legislature would be given broad powers both to pass laws and to invalidate state laws found to be in conflict with the national constitution. The lower house of the legislature would elect the upper house; together, the two houses would then elect the executive and members of the judiciary.

Many delegates—especially those from the smaller states—strongly objected to the idea of surrendering so much power to a central government. Responding to this view, James Wilson, one of the ablest thinkers at the Convention and Pennsylvania's first Justice on the United States Supreme Court, said:

If no state will part with any of its sovereignty, it is in vain to talk of a national government.... I do not see the danger of the states being devoured by the national government. On the contrary, I wish to keep [the states] from devouring the national government.

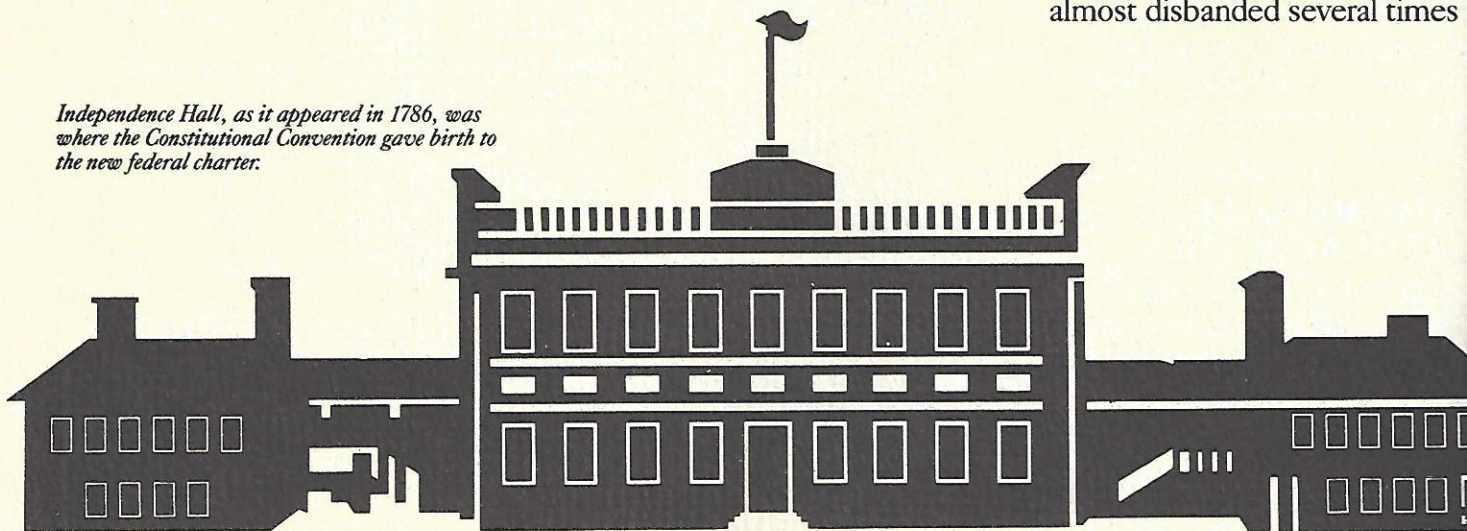
Delaware delegate John Dickinson at one point almost in despair, said

If the general Government should be left dependent on the state legislatures, it would be happy for us if we had never met in this Room.

The delegates eventually reached consensus along the broad outline of Randolph's Virginia Plan after they had heard the small states' plan, proposed by New Jersey's William Paterson, and the plans of Alexander Hamilton and of Charles Pinckney of South Carolina. Once the delegates reached this consensus, it became clear to everyone that the convention would not merely "revise" the Articles of Confederation, but instead produce a new Constitution. So did not like that; two of the three New York delegates walked out leaving Alexander Hamilton alone to speak for New York.

The next major challenge was to find a method of electing the national legislature that would be acceptable to both the small and the large states. The large states—Virginia, Pennsylvania and Massachusetts—wanted representation based on population. The small states, understandably fearful that such an arrangement would limit their voices in the new government, wanted each state to have equal representation. The meeting almost disbanded several times

Independence Hall, as it appeared in 1786, was where the Constitutional Convention gave birth to the new federal charter.



over this issue. Feelings were tense, voices sometimes harsh.

Finally, a committee proposed what we know as The Great Compromise: proportional representation of the people in one house of Congress, equal representation of the states in the other. This plan had been proposed earlier by Roger Sherman of Connecticut. With the issue of representation solved, the convention proceeded to hammer out a series of resolutions that were eventually organized into the Constitution.

On the last day of the Convention, before any of the delegates had signed the document, Franklin explained his support, saying:

Mr. President, I confess that there are several parts of this Constitution which I do not at present approve, but I am not sure I shall never approve them: For having lived long, I have experienced many instances of being obliged by better information or fuller consideration, to change opinions, even on important subjects, which I once thought right, but found to be otherwise. It is, therefore, that the older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others.

I cannot help expressing a wish that every member of the Convention who may still have objections to it, would with me, on this occasion doubt a little of his own infallibility—and to make manifest our unanimity, put his name to this instrument.

In these sentiments, Sir, I agree to this Constitution with all its faults....

Franklin's pleas no doubt persuaded many of the hesitating delegates. All but three of the forty-two delegates remaining in Philadelphia then signed the Constitution. One who did not, Edmund Randolph, later supported Virginia's ratification of the Constitution.

RATIFICATION BY THE STATES

The day after the Convention—on September 18, 1787—a delegate from New Hampshire penned the following statement about the Constitution to a member of his family:

[I]t was done by bargain and Compromise, yet notwithstanding its imperfections, on the adoption of it depends... whether we shall become a respectable nation, or a people torn to pieces by intestine commotions, and rendered contemptible for ages.

Later, James Madison summed up his view of the Convention:

It is impossible for the man of pious reflection not to perceive in [the creation of this Constitution], a finger of that Almighty Hand, which has been so frequently... extended to our relief in the critical stages of the revolution.

After all the drama of the Philadelphia Convention, the Constitution still had to run the gauntlet of ratification by the states. The reaction in the Continental Congress was an indicator of trouble yet to come. Some members were so opposed that they offered a resolution criticizing the delegates for drafting a Constitution when they were sent "for the sole purpose" of revising the existing Articles of Confederation. And in the state ratifying conventions, the proposed Constitution encountered such stiff oppo-

sition that it was initially rejected by two states—North Carolina and Rhode Island. The vote was uncomfortably close in several other important states.

That was true, for example, in Massachusetts, where one of the delegates to the ratifying convention had this to say:

Mr. President, ...some gentlemen [have] called on them that were on the stage in the beginning of our troubles, in the year 1775. I was one of them ... And I say that, if anybody had proposed such a constitution as this in that day, it would have been thrown away at once. It would not have been looked at....

Another delegate, who had experienced the trauma of Shays' rebellion, answered:

Mr. President, I am a plain man, and get my living by the plough. I am not used to speak[ing] in public, but I beg your leave to say a few words to my brother ploughjoggers in this house. I have lived in a part of the country where I have known the worth of good government by the want of it.

Massachusetts ratified by a vote of 187 to 168.

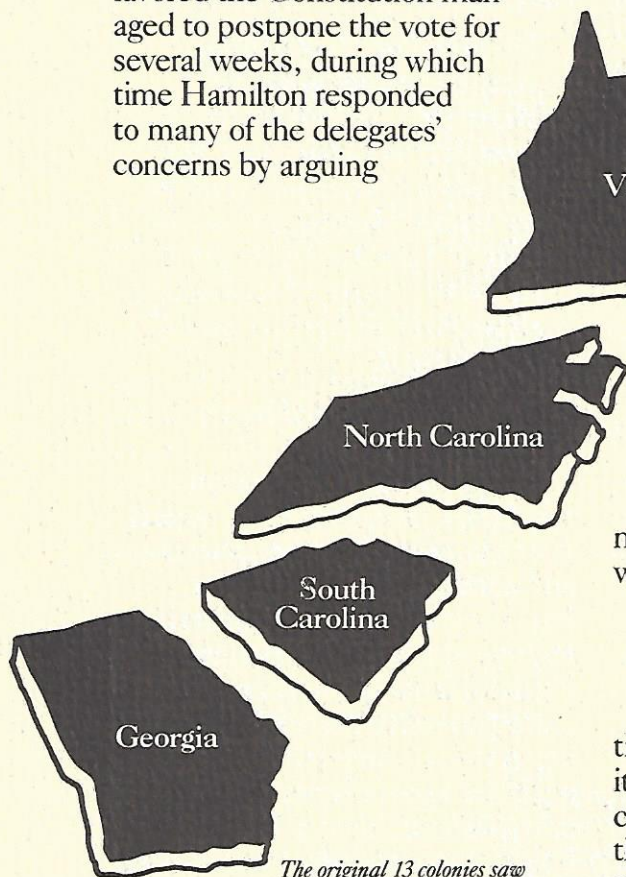
The Virginia ratification convention lasted more than three weeks. It was perhaps the most dramatic and certainly one of the most important of the state conventions. Popular and articulate heroes like Patrick Henry strongly opposed ratification. But Patrick Henry's oratory was countered by the calm, analytical logic of James Madison and John Marshall, then a 33-year-old lawyer, buttressed by Washington's prestige. The final vote to ratify was 89 to 79.

New York's ratifying convention

was equally dramatic. Hamilton, along with Madison and John Jay—who would become the first Chief Justice of the United States—had been working furiously ever since the Philadelphia Convention to convince the people of New York of the advantages of the Constitution. Together they had written a series of extraordinary political essays, now known as the *Federalist Papers* and widely regarded as the clearest explanation of the Constitution ever written.

When the New York ratification convention convened, two-thirds of the elected delegates, including popular Governor George Clinton, opposed the Constitution. Any vote taken at that time would surely have gone against ratification. But Hamilton and others who favored the Constitution managed to postpone the vote for several weeks, during which time Hamilton responded to many of the delegates' concerns by arguing

that the states had no reason to fear being destroyed by the new national government. During the debate, word arrived that New Hampshire (the ninth state) and Virginia had approved the Constitution. This took most of the wind out of the Clinton faction's sails. The Constitution was then approved by a vote of 30 to 27. Although the necessary nine states had already ratified before Virginia and New York did so, as a practical matter the proposed Constitution could probably

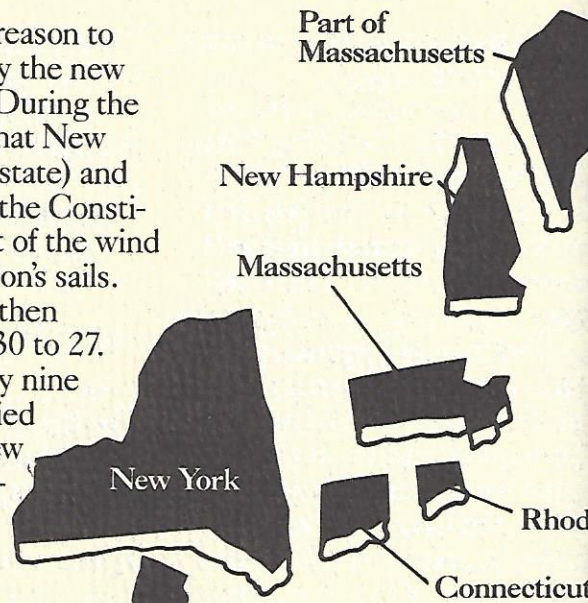


The original 13 colonies saw themselves as independent sovereignties before the signing of the Constitution. Maine remained a part of Massachusetts until achieving statehood in 1820.

never have been implemented without their participation.

A NEW GOVERNMENT IS BORN

The great story of the Constitution does not, of course, end with its ratification. The government it created took form in 1789 when the First Federal Congress convened and George Washington took the oath of office in New York as our first President. Since many of the states had ratified the



Constitution on the understanding that a bill of rights would be added, the first Congress drafted a series of proposed amendments. These amendments defined important freedoms never before guaranteed by a national government: freedom of religion, freedom of speech and of the press, freedom from arbitrary arrests and searches by the police, the right to a fair trial by a jury, and freedom from cruel and unusual punishments. Ten amendments, the Bill of Rights, were ratified on December 15, 1791. The First Congress also enacted the Judiciary Act of 1789 creating the Federal Judiciary which then consisted of thirteen trial judges and six Supreme Court Justices.

Our Constitution is unique in many respects. First, it represents not a grant of power or rights from rulers to the people ruled, as with King John's grant of power to English nobles under Magna Carta in 1215, but a grant of power by the people to a government which they had created. That is why the first words of the Constitution are "WE THE PEOPLE." No other national government before 1789 was based upon such a concept.

For centuries, monarchs ruled by divine right and their subjects had only those privileges and rights the rulers saw fit to bestow upon them.

Second, the government created by the Constitution was based upon a system of "checks and balances" and separation of powers that had never been tried in a national government. The framers of the Constitution recognized that officials elected by the people or appointed by the people's representatives might abuse their power. All of the framers depended largely on horses for transportation, so they knew that the value of a horse depended on having it in harness. Accordingly, the Constitution provided for a series of checks and balances among the three coequal, coordinate branches of a national government—Legislative, Executive and Judicial. In addition, state and local governments provided a balance or counterweight to the national government. This system, although not perfect, has proven to be the best means yet conceived by humans to define and protect individual liberty and the opportunities flowing from freedom.

Third, the authors of the Constitution struck a balance between a strong government and one that leaves people free to do as they please. As colonists, the delegates had experienced the tyranny of a strong but distant and unresponsive government. During and after the war for independence, they had experienced other extremes as well: the Confederation government did not interfere with individual liberty, but it was barely adequate to carry on the war and was unable to govern a diverse and growing nation in peacetime. The structure of ordered liberty created by the Constitution gave us the strength of the British system, but

with greater individual freedom.

Fourth, the new Constitution gave Americans an important "civil right," not often thought of in those terms, deriving largely from the Commerce Clause. The Constitution created a strong central authority that ensured free trade among the states and with other nations, thereby creating a "common market" a century and a half before that concept came into our vocabulary. The Constitution also provided a common currency, a central revenue system, and allowed for a central banking system. All of these were needed in order for the previously sovereign, independent states to develop into a true nation and a powerful economic force.

Finally, the authors of our Constitution knew that the nation's needs would change, so they provided that a vote of three-fourths of the states could amend the Constitution. In all, the Constitution has been amended 26 times.

THE BICENTENNIAL OF THE U.S. CONSTITUTION

These and other features of the Constitution have given it durability and vitality. During the relatively short period of two hundred years, this nation has grown from a small contingent of fewer than four million people, scattered along the eastern seaboard with an unexplored wilderness to the West, and has become a great world power of more than 240 million people. Other nations had great natural resources: industrious, talented and ambitious citizens as well as centuries of history and tradition. But the unique system created by the Constitution allowed every person to develop his or her God-given talents and abilities without being burdened by the heavy hand

of arbitrary government or ancient traditions of class or station. The Constitution was indeed a watershed in the history of governments and, more important, in humanity's struggle for freedom and fulfillment.

The Bicentennial of the Constitution provides us with an opportunity to understand our Constitution, how we got it, and what it means to us and those who will follow. At the Constitution's centennial celebration one hundred years ago, President Grover Cleveland said:

"If the American people are true to their sacred trust, another centennial day will come, and millions yet unborn will inquire concerning our stewardship and the safety of their Constitution. God grant they may find it unimpaired."

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 hereby ordain and establish this Constitution for the United States of America.

Article 1

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 thirty five Years, and seven Years a Citizen of the United States, and who shall not, when elected, be seven Years a Citizen 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 including 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 direct. The Number of Representatives shall not exceed one for every thirty thousand; but each State shall have at least one Representative, and each Member shall, when elected, have the Qualifications of Electors in that State. The Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

When vacancies happen in the Representation from any State, the Electors in that State shall fill the Vacancies.

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 Clases. 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 Term of any Senator, the Electors in that State may fill such Vacancies 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 seven 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 he be equally qualified. The Senate shall choose their other Officers, and also a President pro tempore in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

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

The Congress shall assemble at least once in every Year, and such Meeting shall be in the first Monday of 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, and 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 that House, 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 next Session shall be held.

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 Session, be appointed to any civil Office under the Authority of the United States which shall have been created, or the Emoluments whereof shall have been increased during such Session, 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 to the Matter of Increase or Decrease of Taxation, and that all Bills for raising Revenue shall, before they become a Law, be presented to the President of the

TEXT OF THE CONSTITUTION OF THE UNITED STATES.

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

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* Changed by section 2 of the Fourteenth Amendment.

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.

* Changed by section 1 of the Seventeenth Amendment.

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

"I think it very material to separate in the hands of Congress the Executive and Legislative powers, as the Judiciary already are in some degrees."

John Adams

Far left: The original Constitution of the United States was signed in Philadelphia on Sept. 17, 1787. Photo courtesy of The Library of Congress.

Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; [and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.]*

** Changed by section 2 of the Seventeenth Amendment.*

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.

** Changed by section 2 of the Twentieth Amendment.*

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

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

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

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

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

“The Legislative department may be divided into two branches: One of them to be chosen every ___ years by the Legislatures or the people at large; the other to consist of a more select number, holding their appointments for a longer term and going out in rotation.”

James Madison

Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

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 becomes a Law, be presented to the President of the United States; If he approves 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.

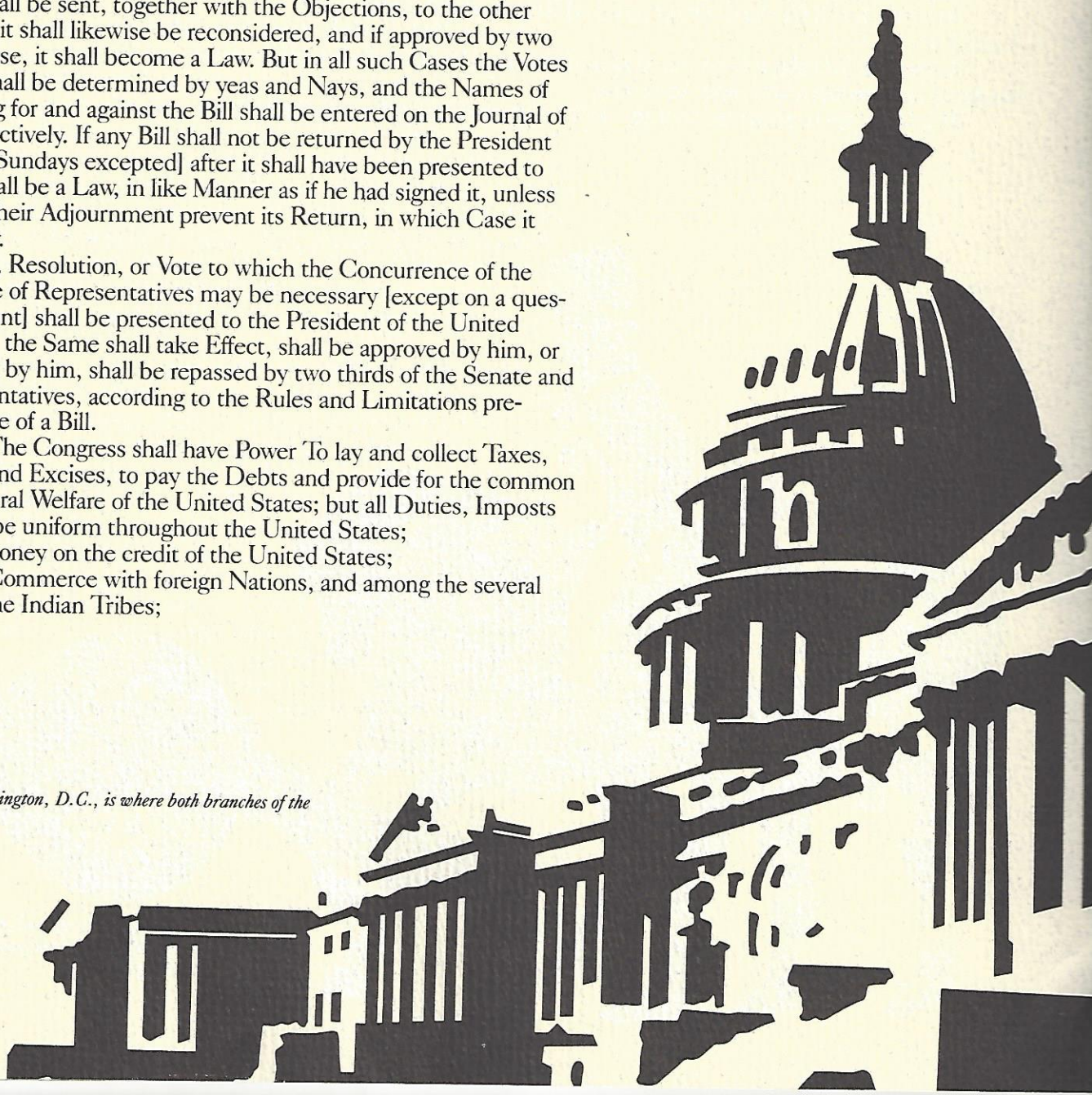
Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary [except on a question of Adjournment] shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be re-passed 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;

The U.S. Capitol in Washington, D.C., is where both branches of the Congress meet.



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 Offenses against the Law of Nations;

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

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

To provide and maintain a Navy;

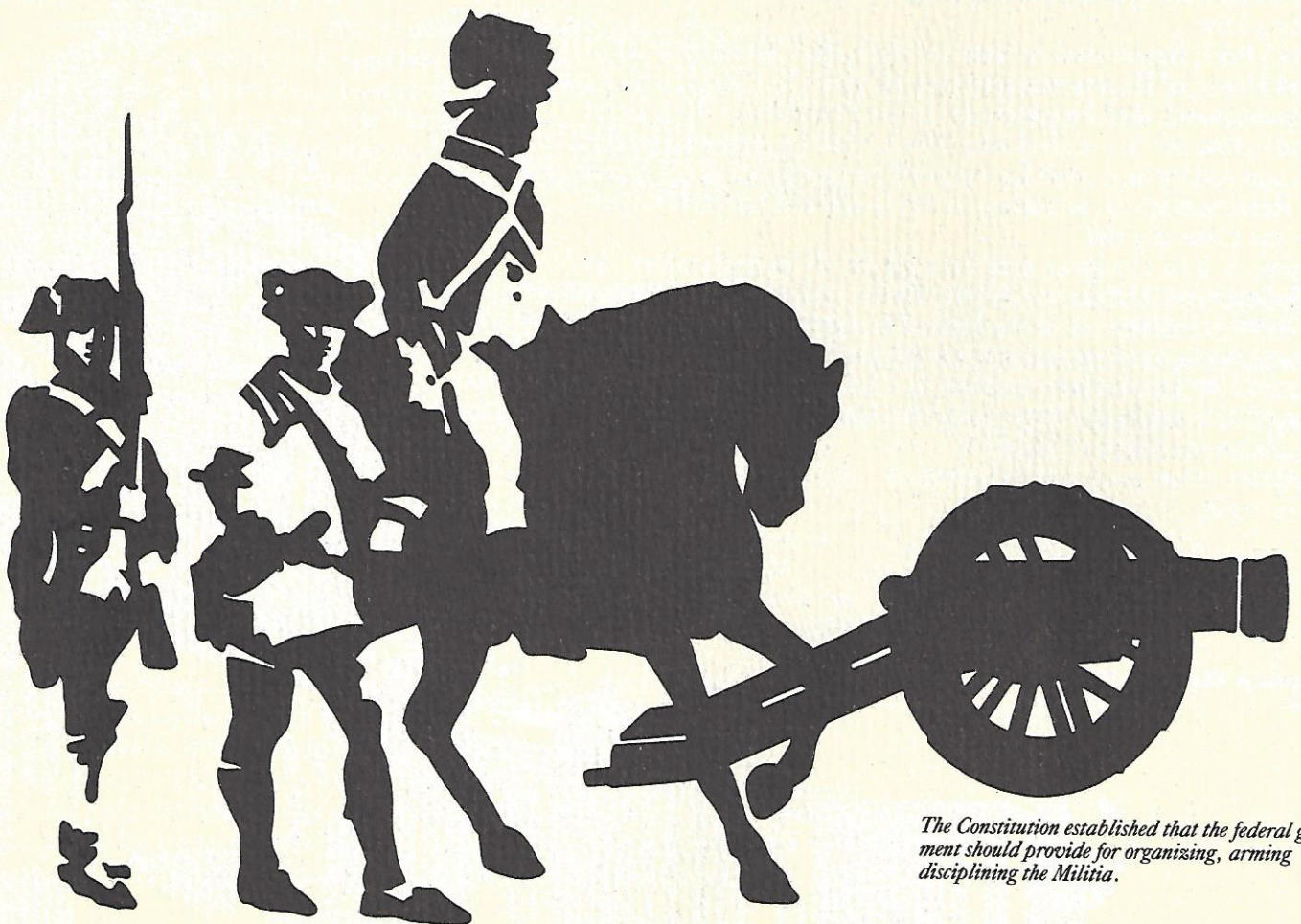
To make Rules for the Government and Regulation of the land and naval Forces;

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

To provide for organizing, arming, and disciplining, the Militia, and for

"We shall learn to prize the checks and balances of a free government."

John Ad



The Constitution established that the federal government should provide for organizing, arming and disciplining the Militia.

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 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 of 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 or Enumeration herein before directed to be taken.

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

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

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

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

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 its 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 Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.]*

** Superseded by the Twelfth Amendment.*

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 the 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 act accordingly, until the Disability be removed, or a President shall be elected.]*

** Modified by the Twenty-Fifth Amendment.*

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased 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.

"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."



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 Offenses against the United States, except in Cases of Impeachment.

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

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

Section. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article. III.

Section. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section. 2. 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

"...If it be possible...to construct a Federal Government capable of regulating the common concerns and preserving the general tranquility...it must carry its agency to the persons of the citizens. It must stand in need of no intermediate legislations; but must itself be empowered to employ the arm of the ordinary magistrate to execute its own resolutions. The majesty of the national authority must be manifested through the medium of the Courts of Justice...."

Alexander Hamilton

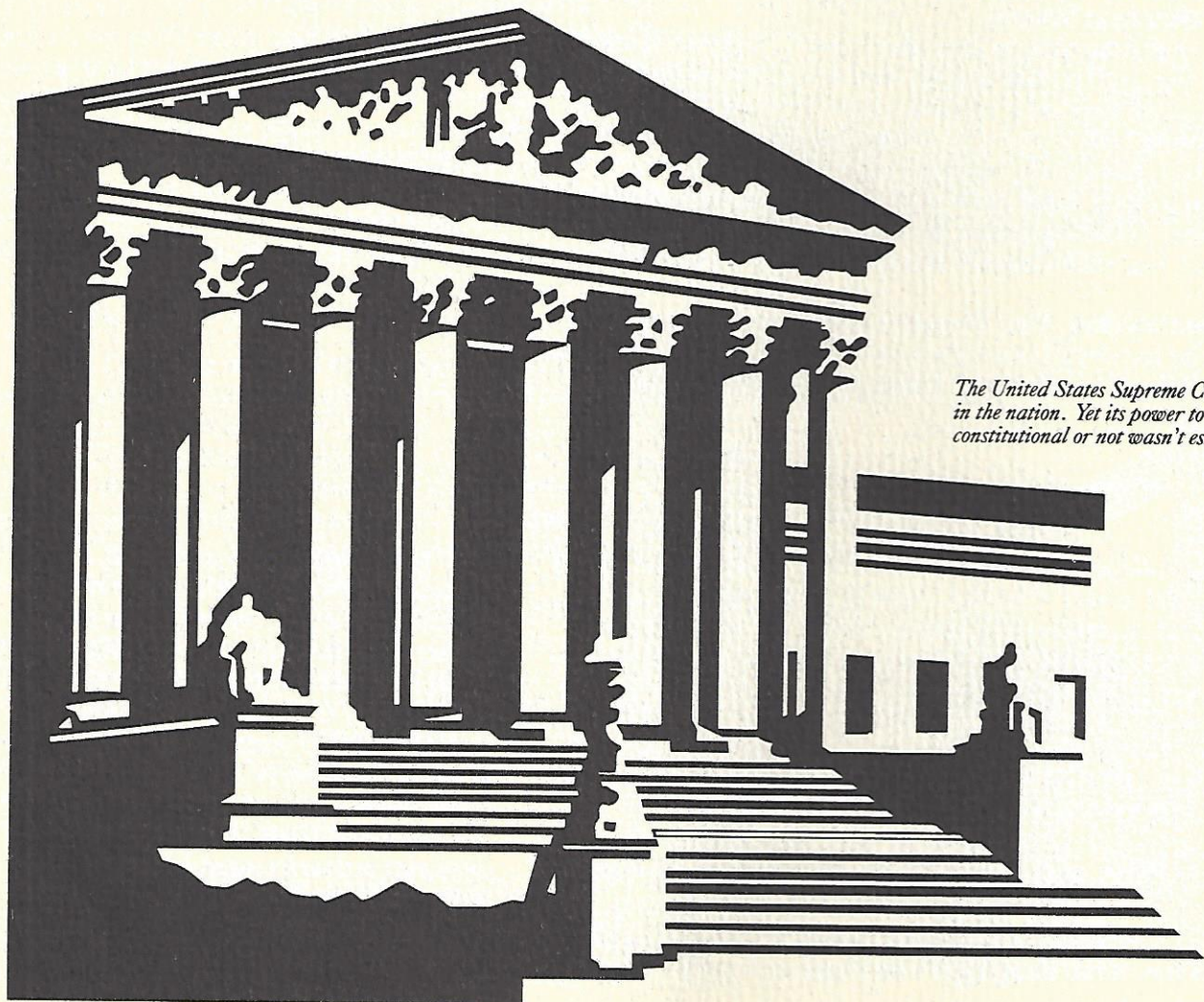
different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

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

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

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

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



The United States Supreme Court is the highest court in the nation. Yet its power to decide if a law is constitutional or not wasn't established until 1803.

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.]*

**Superseded by the Thirteenth Amendment.*

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 Mem-

“There is something noble and magnificent in the perspective of a great Federal Republic, closely linked in the pursuit of a common interest, tranquil and prosperous at home, respectable abroad; but there is something proportionably diminutive and contemptible in the prospect of a number of petty states, with the appearance only of union, jarring, jealous and perverse, without any determined direction, fluctuating and unhappy at home, weak and insignificant by their dissensions, in the eyes of other nations.”

Alexander Hamilton

“Happy for us, that when we find our constitutions defective and insufficient to secure the happiness of our people, we can assemble with all the coolness of philosophers and set it to rights, while every other nation on earth must have recourse to arms to amend or to restore their constitutions.”

Thomas Jefferson