

The US Constitution

The preamble states the purpose and guiding principles of the US Constitution.

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.*

The Constitution starts with "we the people." These three words connect to the idea of popular sovereignty that Americans were fighting for during the war. What does "popular sovereignty" mean?

● **tranquility** (noun): peace and order

● **posterity** (noun): future generations

● **ordain** (verb): formally establish



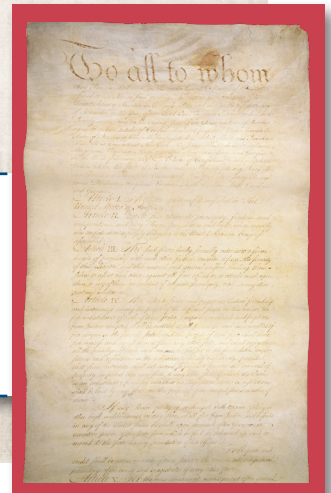
Write who is making this document, why they are making the document, and what the document is.



Primary Source Connection: The Articles of Confederation (1781)

"The Articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a congress of the united states, and be afterwards con-firmed by the legislatures of every state."

The Articles of Confederation was the United States' first constitution, but it did not create a government or country that supported everyone. People wanted a "more perfect union." What other reasons does the preamble give for creating a new constitution?



Article I of the Constitution outlines the powers given to the legislative branch of the government.

Read each section of Article I. Highlight in the text any power, rule, or check the section gives the legislative branch. After reading each section, summarize the power, rule, or check.



Article. I.

Section. I.

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.

What groups are a part of the legislative branch?

● **vested** (verb): formally given or assigned by law

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.

How often are members of the House of Representatives chosen?

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.

What are the requirements for a person who wants to be a representative for a state?

● **apportioned** (verb): divided

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.

This section created the United States Census that happens every 10 years. Why do you think a census is important for a country to have?

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

● **impeachment** (noun): to accuse a government official of misconduct

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

What power/check does this section give?



Primary Source Connection: The Three-Fifths Compromise (1787)

To agree to the Constitution, representatives from Southern states at the constitutional convention asked to count enslaved people in their population count. The amount of representatives a state would get would be proportional to their population, so states with a large amount of enslaved people would receive more representation in Congress. Northern states did not want to count enslaved people because they would not receive as many representatives. The Three-Fifths Compromise agreed to count enslaved people as three-fifths of a person in the population count.

How might this compromise have affected enslaved people living in the United States?

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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.

How many senators does each state get? How long is a senator's term?

● **vacated** (verb): ended or left

● **recess** (noun): a temporary break

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

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.

What are the requirements for a person who wants to be a senator for a state?

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.

● **pro tempore** (adv.): temporary

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.

● **preside** (verb): lead or be in charge of

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.

● **indictment** (noun): a formal charge of a crime

What power/ check does this section give? The vice president is the senate tie breaker; this is an executive check.

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.



After reading each section of Article I, summarize what the section is about.

How often does Congress meet?

• 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.

● **quorum**
(noun):
a minimum number of members

● **adjourn**
(verb):
end until a later time

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.

The House and Senate meet in the US Capitol Building. The Senate is in the north wing. The House Chamber is in the south wing.

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.

What power/ check does this section give?

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.

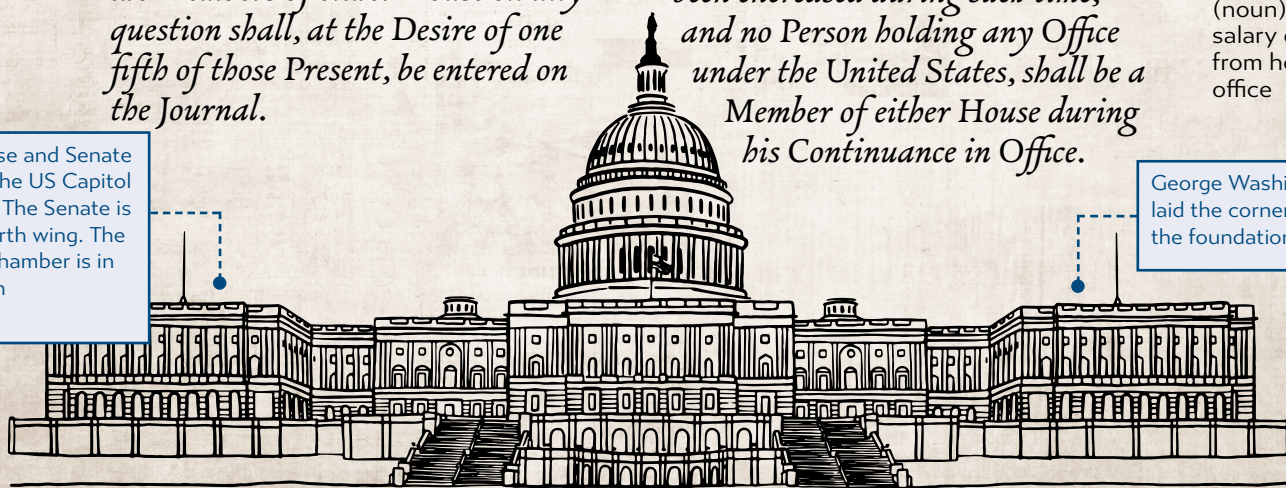
● **ascertained**
(verb):
determined

These are the only reasons a senator or representative can be arrested. Do you agree with these exceptions? Are there other exceptions that you think they should be able to be arrested for?

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.

● **emoluments**
(noun):
salary or benefits from holding office

George Washington laid the cornerstone of the foundation in 1793.



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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.

What power/ check does this section give?

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;

Do you remember these phrases from the preamble? This section explains how Congress will fulfill these phrases. What are the powers that you think provide for the common defense and promote the general welfare of the United States?



Section 8 outlines the specific powers given to the legislative branch. Choose one power and write why you think that power is important.

● **counterfeiting**
(noun):
making fake
money

*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 repel 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**, Arsenal, 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.

● **magazines**
(noun):
stores of
weapons
and military
equipment

Letters of Marque and Reprisal were government licenses that were given to citizens so they could capture the boats of enemies. This power has not been used since the 1860s.



The Necessary and Proper Clause (The Elastic Clause)

If the constitution listed every thing that the government could or could not do, it would be very long. Section 8 of the Constitution allows the government to adapt to changing circumstances and make laws that they deem necessary and proper even if it is not listed as something they can do in the Constitution. One of the things that Congress created with this clause was the national bank.

Why is the Necessary and Proper Clause important? Why do you think Elastic Clause is the nickname?

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Section 9 lists the things that the legislative branch cannot do. Pick one item from the list and explain why you think it was included in the Constitution.

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

The writ of habeas corpus means that a person who is under arrest is required to be brought before a judge to secure the person's release.



Section 10 lists the things that the states cannot do. Pick one item from the list and explain why you think it was included in the Constitution.

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. I.

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

● **imminent**
(adj.):
about to
happen

What groups
are a part of
the executive
branch?

How long is
a presidential
term?

Article II of the Constitution outlines the powers given to the executive branch of the government.

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Congress has set Election Day as the Tuesday after the first Monday in November. This typically makes the date fall somewhere between November 2 and November 8. Many states consider Election Day a civic holiday.

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.

What are the requirements to become president of 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.

What happens if the president dies or is removed from office? This clause was added to in 1967 with the 25th Amendment.

*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.*

● **resignation** (noun): formally giving up a position

Eight presidents have died while serving as president. Only one president, Richard Nixon, has resigned from office.

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.

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

Why do you think the delegates might have included this statement when creating the Constitution? Why is it important that any compensation to the president not increase or decrease?

What does it mean to preserve, protect, and defend the Constitution?

Section 2 outlines the specific powers given to the president. Choose one power and explain why you think the power is important.



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 language in many documents from this time refers to important figures like the president as "he." What does this language say about the people who wrote this document?

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

Over time, it has become custom for the president to give a "State of the Union" address every year, usually in January or February.

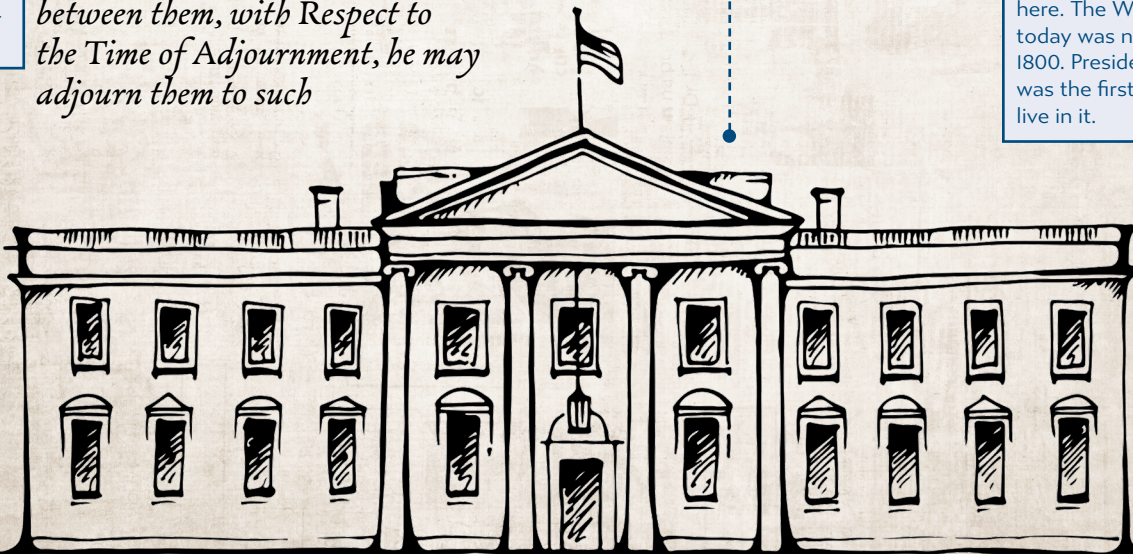
Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

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.

Do you think there are other reasons that a president or vice president should be impeached or removed from office?

The White House is the home of the president of the United States. Other offices for members of the executive branch can also be found here. The White House of today was not complete until 1800. President John Adams was the first to president to live in it.



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Article III of the Constitution outlines the powers given to the judicial branch of the government.

Article. III.

Section. I.

What groups are a part of the judicial branch?

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.

What does the judicial branch do as outlined in 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 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.

● **controversy**
(noun):
public
disagreement

The Supreme Court building was first used in 1934. Before that, the Supreme Court met in the US Capitol. The design of the building used Roman architecture as inspiration. On the fifth floor of the building is a basketball court called "The Highest Court in the Land."



What is considered treasonous in the United States?

● **levying**
(verb):
waging or
carrying out

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. I.

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.

Which of the three branches of the government is allowed to create new states and make decisions about government territory and property?

Article IV of the Constitution explains the relationships that states have with each other as well as the relationship they have with the federal government.

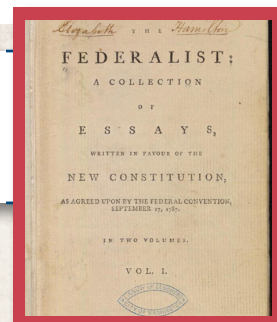
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Primary Source Connection: Federalist Papers No. 39

"[W]e may define a republic to be ... a government which derives all its powers directly or indirectly from the great body of the people."

In the Constitution, a Republican government does not mean a government run by the Republican political party. It means a government that is run by the people, for the people.



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

What are the requirements for amending the Constitution?

How many states need to ratify a proposed amendment for it to become part of the Constitution?

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

Article V explains the amendment process. Article VI of the Constitution states that the Constitution and US laws are the supreme law of the land and override any state law or constitution.



Explain why you think it is important to be able to amend the Constitution.



The Articles of Confederation

The Constitution was written in response to the failures that were created by the Articles of Confederation. If it was ratified, that would mean the Articles of Confederation would go away. Article VI was written to ensure that debts and engagements that were part of the old government and the Articles of Confederation would be carried over into the new government.

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.

of America the Twelfth In witness whereof We have hereunto subscribed our Names,

G^o. Washington
President and deputy from Virginia

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.

● **ratification**
(noun):
formally
approve

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.

Attest William Jackson Secretary

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 Independance of the United States



George Washington was the first president of the United States. He was from Virginia.

Many words in the Declaration of Independence and Constitution are spelled differently today. At the time, there was no standard for written English.

Article VII is the ratification. This article explains that the Constitution has been ratified, who ratified it, and when.

The Bill of Rights

At this time the leaders of the states were divided into two groups: Federalists and Anti-Federalists. Federalists wanted a strong central government or federal power. They did not think a bill of rights was necessary. Anti-Federalists did not want a government with too much power; they wanted a bill of rights to protect them. Do you think you would align more with the Federalists or the Anti-Federalists?

Why might the states be afraid of abuse of power from the government created by the Constitution?

Transcription of the 1789 Joint Resolution of Congress Proposing 12 Amendments to the U.S. Constitution:

Congress of the United States begun and held at the City of New-York, on Wednesday the fourth of March, one thousand seven hundred and eighty nine.

THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to

- *prevent misconstruction or abuse of its*
- *powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution.*

RESOLVED *by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as **amendments** to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.*

● **amendment** (noun): a change to a document



Primary Source Connection: The Declaration of Independence

The Bill of Rights was created to protect what James Madison believed to be the "unalienable" rights mentioned in the Declaration of Independence. These rights are Freedom of Religion, Freedom of Speech, Press, Petition, and Assembly, Privacy, Due Process of Law, and Equality Before the Law.

What connections can you find from the articles and amendments and these rights?



James Madison wrote the Bill of Rights. He was inspired by his friend Thomas Jefferson who said, "[A] bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse."

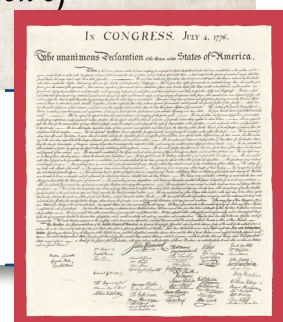
● **pursuant** (adj.): following

● **enumeration** (noun): a list

ARTICLES *in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, **pursuant** to the fifth Article of the original Constitution.*

Article the first... *After the first **enumeration** required by the first article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred; after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.*

Article the second... *No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.*



Article the third... 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.

Article the fourth... 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.

Article the fifth... No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Article the sixth... 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.

Article the seventh... No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or **indictment** of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice

put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Article the eighth... In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Article the ninth... In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

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

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

Where else have you seen this phrasing before? Where does it come from?

● **seizures**
(noun):
taking a person
or property by
the law

● **indictment**
(adj.):
a written
statement
that charges a
person with a
crime

The Bill of Rights

The 12th article gives all powers that are not mentioned in the Constitution to the states. This gives states freedom over the central government. Can you think of something that your state government controls instead of the national government?

• **Article the twelfth...** *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.*

ATTEST,

*Frederick Augustus Muhlenberg,
Speaker of the House of
Representatives*

*John Adams, Vice-President of the
United States, and President of the
Senate*

*John Beckley, Clerk of the House
of Representatives. Sam. A Otis
Secretary of the Senate*

AMENDMENT I

*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.*



AMENDMENT II

*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.*



AMENDMENT III

*No Soldier shall, in time of peace be
quartered in any house,
without the consent of
the Owner, nor in
time of war, but in a
manner to be prescribed
by law.*



AMENDMENT IV

*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.*



AMENDMENT V

*No person shall be held to answer for a
capital, or otherwise infamous crime,
unless on a presentment or indictment
of a Grand Jury, except in cases arising
in the land or naval forces, or in the
Militia, when in actual service in time
of War or public danger; nor shall any
person be subject for the same offence
to be twice put in jeopardy of life or
limb; nor shall be compelled in any
criminal case to be a witness against
himself, nor be deprived of
life, liberty, or property,
without due process of
law; nor shall private
property be taken for
public use, without just
compensation.*

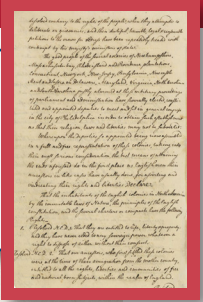




Primary Source Connection: The Declaration of Resolves (1774)

At the first Continental Congress, delegates responded to British violations of the colonists' rights in the Declaration of Resolves. Their grievances included the vice admiralty courts and the lack of trial by jury. Vice admiralty courts were set up by the British to enforce trade and navigation laws. They allowed cases to be tried without juries and gave judges full authority over decisions. The inclusion of the 6th Amendment in the Bill of Rights was directly influenced by this.

Can you think of anything else that might have influenced some of these amendments?



AMENDMENT VI

*In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have **compulsory** process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.*



AMENDMENT VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.



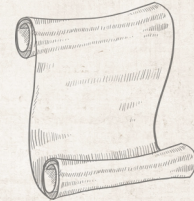
AMENDMENT VIII

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



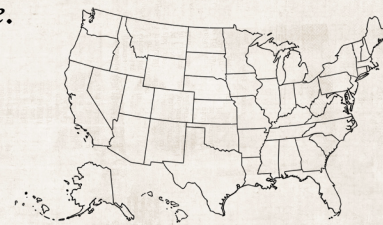
AMENDMENT IX

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



AMENDMENT X

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.



● **compulsory**
(noun):
required or
mandatory

The first draft of the Bill of Rights contained 20 amendments. Congress approved a final version with 12 proposed amendments to send to the states for ratification. Ten of the 12 proposed amendments were ratified by three-fourths of the state legislatures on December 15, 1791.