

# Constitution of the United State

## Article I

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### 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.

The Constitution divides the federal government into three branches, giving legislative powers to a bicameral (two chamber) Congress.

### 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.

The House of Representatives was intended to be "the people's house." Its members were elected directly by the voters in the states, and the entire House would have to stand for election every two years.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives need to be 25 years old (compared to 30 for senators), and 7 years a citizen (compared to 9 years for senators). They must be residents within their states at the time of their election, but do not necessarily have to live within their districts.

*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

Membership in the House is apportioned according to the population of the states. Every state must have at least one House seat. Larger states will have many more representatives. Every ten years, after the census has been taken, House districts are reapportioned to reflect their changing population. For many years the House increased its size as the nation's population grew, but in 1911 the

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.

number of representatives was fixed at 435 (together with non-voting delegates representing several territories and the District of Columbia). *Words in italics indicate provisions that were later dropped from the Constitution.* The 13th amendment abolished slavery and the 14th amendment provided that representation would be determined according to the whole number of persons in each state, not by the "three-fifths" of the slaves. Since American Indians are now taxed, they are counted for purposes of apportionment.

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

Vacant House seats must be filled by election. For the Senate, state governors may fill vacancies.

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

### Section 3

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

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

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 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.

Representatives choose their presiding officer, the Speaker, from among the membership of the majority party. Other elected officers, such as the chaplain, clerk of the House, sergeant at arms, and doorkeeper, are not members of the House. Impeachment is the power to remove federal officers. The House initiates the process by voting to impeach, which then refers the matter to the Senate for a trial.

Each state has two senators, regardless of the size of its population. Originally, senators were chosen by state legislatures. In 1913 the 17th amendment provided that senators would be directly elected by the people.

From the beginning, senators were divided into three groups for staggered elections, so that one-third of the seats are filled every two years. The italicized parts, regarding the filling of vacancies, were altered by the 17th amendment.

As with representatives, the Constitution fixes the qualifications a person must meet to be eligible to be a senator.

As the presiding officer of the Senate, the vice president may vote only to break a tie.

Except for the Vice President, the Senate elects its own officers. The President pro tempore is usually the longest-serving member of the majority party. Other elected officers include a chaplain, secretary of the Senate, and sergeant at arms, who are not senators.

Once the House votes to impeach, the Senate conducts a trial to determine whether to convict or acquit. A two-thirds vote is necessary to remove the individual from office. The chief justice of the United States presides over the impeachment trial of a president.

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 choosing Senators.

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

#### Section 5

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

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

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

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

#### Section 6

The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof

Convicted persons can be barred from holding future office, and may be subject to criminal trial in the courts.

Federal elections are conducted by the individual states, although Congress has gradually enacted laws that regulate those elections. The 17th amendment made the treatment of the election of senators and representatives the same.

The 20th amendment changed this provision for the convening of Congress from the first Monday in December to the 3rd of January.

The House and Senate decide whether their members are qualified to serve and have been properly elected, and determine any disputed elections. One-half plus one of each house is necessary to make a quorum to conduct business.

The Senate and House each sets its own rules, disciplines its own members, and by a two-thirds vote can expel a member. Censure and lesser punishments require only a majority vote.

The Senate and House each publish journals listing bills passed, amendments offered, motions made, and votes taken. In addition to these journals, Congress publishes an essentially verbatim account of its debates, called the *Congressional Record*. Videotapes of floor proceedings are deposited at the National Archives.

This section was included to prevent either chamber from blocking legislation through its refusal to meet. Each chamber takes very seriously its independence of the other body. To avoid having to ask the other chamber for permission to adjourn, the Senate and House simply conduct pro forma (as a matter of form) sessions to meet the three-day constitutional requirement. No business is conducted at these sessions, which generally last for less than one minute.

The "speech or debate" clause is a basic protection of members of Congress in a government of separated powers. Inherited from the British parliament, the right prevents executive oppression of the legislature, and here protects members from criminal or civil liability in the performance of their legislative responsibilities.

To preserve the separation of powers, no member may be appointed to an executive or judicial office that was created or accept a salary that was increased during the term to which that senator or

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

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

### Section 8

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

To borrow Money on the credit of the United States;

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

representative was elected, nor may anyone serving in Congress simultaneously hold office in any other branch of government.

The House, directly elected by the people, received authority to originate all tax bills. The Senate, however, can amend a tax bill, and the support of both houses is necessary for the bill to become law.

The “presentment clause” describes the only way that a bill can become law: it must be passed in identical form by both Houses and it must be signed by the president or passed by a two-thirds vote of Congress over the president’s veto. If, while Congress is in session, the president does not sign a bill, it automatically becomes law. If Congress has adjourned or is in recess, the president can “pocket veto” the bill – in a sense, simply putting it in his pocket, unsigned. Congress cannot override bills that have been pocket vetoed.

This clause prevents Congress from circumventing the previous clause by calling a bill something else. All it means is that any “order, resolution, or vote” that has the force of law must be passed in the manner of a bill.

Section 8 begins the enumerated powers of the federal government delegated to Congress. The first is the power to tax and to spend the money raised by taxes, to provide for the nation’s defense and general welfare. This section was supplemented by the 16th amendment, which permitted Congress to levy an income tax.

Congress can borrow money through the issuance of bonds and other means. When it borrows money, the United States creates a binding obligation to repay the debt and cannot repudiate it.

The “commerce clause” is one of the most far-reaching grants of power to Congress. Interstate commerce covers all movement of people and things across state lines, and every form of communication and transportation. The commerce clause has permitted a wide variety of federal laws, from the regulation of business to outlawing of racial segregation. The “Indian commerce clause” has become the main source of power for congressional legislation dealing with Native Americans.

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

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

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

To establish Post Offices and post Roads;

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

To constitute Tribunals inferior to the supreme Court;

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

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

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

To provide and maintain a Navy;

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

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and 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, Arsenals, dock-Yards, and other needful Buildings;—  
And

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

Acts of Congress define the requirements by which immigrants can become citizens. Only the federal government, not the states, can determine who becomes a citizen. Bankruptcy laws make provisions for individuals or corporations that fail to pay their debts.

These clauses permit Congress to coin money and to issue paper currency. By extension, under its ability to enact laws “necessary and proper” to carry out these powers (as stated at the end of Article 1, Section 8), Congress created the Federal Reserve System to regulate the nation’s monetary supply.

The postal powers embrace all measures necessary to establish the system and to insure the safe and speedy transit and prompt delivery of the mails. Congress may also punish those who use the mails for unlawful purposes.

Copyright and patent protection of authors and inventors are authorized by this clause, although it uses neither word.

The Constitution provides only for a Supreme Court, and left it to Congress to create lower (“inferior”) courts, and to set their jurisdictions and duties.

Every sovereign nation possesses these powers, and Congress has acted under this authority from the beginning.

The “war powers” are defined here and in Article 2, Section 2. Congress declares war, while the president wages war. However, presidents have committed U.S. forces leading to conflict without congressional declaration of war in Korea, Vietnam, and other places, provoking national argument over the meaning of these powers. Congress’ control of funding the military provides another check on the executive branch.

Under these provisions, the right of the states to maintain a militia, including what is now the National Guard, is always subordinate to the power of Congress. In 1795 Congress first gave the president authority to call out the militia to suppress insurrections. Presidents employed this power to enforce federal law during desegregation disputes during the 1950s, and later during the civil disturbances in various cities during the 1960s

This clause enables Congress to govern the District of Columbia. Congress has now delegated that power to a locally elected government, subject to federal oversight. Congress also governs forts, arsenals, and other places obtained from the states for the federal government’s purposes.

The “elastic clause” enlarges legislative power by enabling Congress to use any means it thinks reasonable to put these powers into action. This clause also authorizes Congress to enact legislation necessary to carry out the powers of the other branches, for example to organize and reorganize the executive branch.

## 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

This obsolete provision was designed to protect the slave trade from congressional restriction for a period of time.

*Habeas corpus* is a judicial device by which jailed people may require their jailer to justify their imprisonment to a court. It is a fundamental safeguard of individual liberty, and the Supreme Court has interpreted it to give federal courts review over state court convictions and to enforce federal constitutional guarantees. It is generally accepted that only Congress has the power to suspend *habeas corpus*. President Abraham Lincoln's suspension of the right during the Civil War met with strong opposition.

A bill of attainder is a legislative act declaring the guilt of an individual or a group of persons and punishing them. Only the courts may determine whether one has violated a criminal statute. An *ex post factolaw* declares an act illegal after it has been committed, or increases the punishment for an offense already committed.

Direct taxes are poll or "head" taxes and taxes on land. The Supreme Court once held that income taxes were unconstitutional direct taxes, a result overturned by the 16th amendment.

To prohibit discrimination against any states or regions, Congress cannot tax goods exported from a state to foreign countries or those that move between states.

Congress cannot favor one state against another while regulating trade.

The departments and agencies of the executive branch may not spend any money that Congress has not appropriated, or use federal money for any purpose that Congress has not specified.

This clause was designed to end the aristocratic tendencies that the American Revolution had been fought against. Federal officials must turn over to the government all but minimal gifts from foreign nations.

These provisions protect national powers from state incursions.

States may not interfere with the international trade of the United States.

the Revision and Control 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.

States cannot levy tonnage duties, which are taxes charged for the privilege of entering, trading in, or remaining in a port. States may come together to work on common problems, such as pollution of a river passing through several states, but the agreements or compacts they reach are subject to congressional consent.

This clause provided the title of the chief executive and defined the term of office. It says nothing about reelection. George Washington established a two-term tradition, which was not broken until Franklin D. Roosevelt won a third and fourth term. The 22nd amendment now limits presidents to two terms.

The Constitution established an electoral college as a compromise between direct popular election of the president and election by Congress. The method of selecting electors was left to the states. Electors are now chosen by popular vote.

This clause was superseded by the 12th amendment, after the election of 1800 in which Thomas Jefferson and his running mate, Aaron Burr, received identical votes and both claimed the office. After many votes, the House of Representatives chose Jefferson, and soon thereafter the amendment was speedily approved.

Congress has enacted legislation requiring that presidential elections (the selection of electors) occur on the Tuesday following the first Monday in November every four years. Electors gather to vote on the Monday after the second Wednesday in December. The two houses of Congress convene to count the electoral ballots on the following January 6.