



The Constitution of the United States

See Primary Source Explorer



“In 1787, I was not included in that ‘We the people.’ . . . But through the process of amendment, interpretation, and court decision, I have finally been included in ‘We the people.’”

—BARBARA JORDAN, 1974
The first African-American congresswoman from the South (Texas)

Preamble. Purpose of the 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 defense, 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.

A CLOSER LOOK Goals of the Preamble

PREAMBLE	EXPLANATION	EXAMPLES
“Form a more perfect Union”	Create a nation in which states work together	<ul style="list-style-type: none"> • U.S. Postal system • U.S. coins, paper money
“Establish justice”	Make laws and set up courts that are fair	<ul style="list-style-type: none"> • Court system • Jury system
“Insure domestic tranquility”	Keep peace within the country	<ul style="list-style-type: none"> • National Guard • Federal marshals
“Provide for the common defense”	Safeguard the country against attack	<ul style="list-style-type: none"> • Army • Navy
“Promote the general welfare”	Contribute to the happiness and well-being of all the people	<ul style="list-style-type: none"> • Birth certificate • Marriage license
“Secure the blessings of liberty to ourselves and our posterity”	Make sure future citizens remain free	<ul style="list-style-type: none"> • Commission on Civil Rights • National Council on Disability

SKILLBUILDER Interpreting Charts

1. Which goal of the Preamble do you think is most important? Why?
2. How does the Preamble reflect the principle of popular sovereignty?

Article 1. The Legislature

MAIN IDEA The main role of Congress, the legislative branch, is to make laws. Congress is made up of two houses—the Senate and the House of Representatives. Candidates for each house must meet certain requirements. Congress performs specific duties, also called delegated powers.

WHY IT MATTERS NOW Representatives in Congress still voice the views and concerns of the people.

Section 1. Congress 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

1. Elections 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.

2. Qualifications 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.

3. Number of Representatives 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 choose 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.

4. Vacancies When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

5. Officers and Impeachment The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of **impeachment**.

VOCABULARY

electors voters

enumeration an official count, such as a census

impeachment the process of accusing a public official of wrongdoing

A CLOSER LOOK

ELECTIONS

Representatives are elected every two years. There are no limits on the number of terms a person can serve.

1. What do you think are the advantages of holding frequent elections of representatives?

A CLOSER LOOK

REPRESENTATION

Some delegates, such as Gouverneur Morris, thought that representation should be based on wealth as well as population. Others, such as James Wilson, thought representation should be based on population only. Ultimately, the delegates voted against including wealth as a basis for apportioning representatives.

2. How do you think the United States would be different today if representation were based on wealth?

VOCABULARY

pro tempore for the time being

indictment a written statement issued by a grand jury charging a person with a crime

quorum the minimum number of members that must be present for official business to take place

Section 3. The Senate

1. Numbers 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.

2. Classifying Terms 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.

3. Qualifications 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.

A CLOSER LOOK Federal Office Terms and Requirements

POSITION	TERM	MINIMUM AGE	RESIDENCY	CITIZENSHIP
Representative	2 years	25	state in which elected	7 years
Senator	6 years	30	state in which elected	9 years
President	4 years	35	14 years in the U.S.	natural-born
Supreme Court Justice	unlimited	none	none	none

SKILLBUILDER Interpreting Charts

Why do you think the term and qualifications for a senator are more demanding than for a representative?

A CLOSER LOOK

IMPEACHMENT

The House brings charges against the president. The Senate acts as the jury. The Chief Justice of the Supreme Court presides over the hearings.

3. How many presidents have been impeached?

4. Role of Vice-President The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. Officers 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.

6. Impeachment Trials 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.

7. Punishment for Impeachment 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. Congressional Elections

1. Regulations 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.

2. Sessions 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. Rules and Procedures

1. Quorum 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.

2. Rules and Conduct Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Congressional Records 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.

4. Adjournment 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. Payment and Privileges

1. Salary 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.

2. Restrictions 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.

A CLOSER LOOK

SENATE RULES

Senate rules allow for debate on the floor. Using a tactic called filibustering, senators give long speeches to block the passage of a bill. Senator Strom Thurmond holds the filibustering record—24 hours, 18 minutes.

4. Why might a senator choose filibustering as a tactic to block a bill?

A CLOSER LOOK

SALARIES

Senators and representatives are paid \$136,700 a year. The Speaker of the House is paid \$175,400—the same as the vice-president.

5. How do the salaries of members of Congress compare to those of adults you know?

VOCABULARY

revenue income a government collects to cover expenses

naturalization a way to give full citizenship to a person of foreign birth

tribunals courts

felonies serious crimes

appropriation public funds set aside for a specific purpose

Section 7. How a Bill Becomes a Law

1. Tax Bills 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.

2. Lawmaking Process 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 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.

3. Role of the President 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.

A CLOSER LOOK How a Bill Becomes a Law

Introduction

The House introduces a bill and refers it to a committee.



The Senate introduces a bill and refers it to a committee.

Committee Action

The House committee may approve, rewrite, or kill the bill.



The Senate committee may approve, rewrite, or kill the bill.

Floor Action

The House debates and votes on its version of the bill.



The Senate debates and votes on its version of the bill.

House and Senate committee members work out the differences between the two versions.



Section 8. Powers Granted to Congress

1. **Taxation** The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;
2. **Credit** To borrow money on the credit of the United States;
3. **Commerce** To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;
4. **Naturalization, Bankruptcy** To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;
5. **Money** To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;
6. **Counterfeiting** To provide for the punishment of counterfeiting the securities and current coin of the United States;
7. **Post Office** To establish post offices and post roads;
8. **Patents, Copyrights** 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;
9. **Federal Courts** To constitute tribunals inferior to the Supreme Court;
10. **International Law** To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;
11. **War** To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;
12. **Army** To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;
13. **Navy** To provide and maintain a navy;

A CLOSER LOOK

REGULATING COMMERCE

Commerce can also apply to travelers crossing state lines. Congress's power to regulate the movement of people from state to state paved the way for the Civil Rights Act of 1964.

This act included fair treatment of interstate travelers. People of all races can use public places, such as hotels and bus stations.

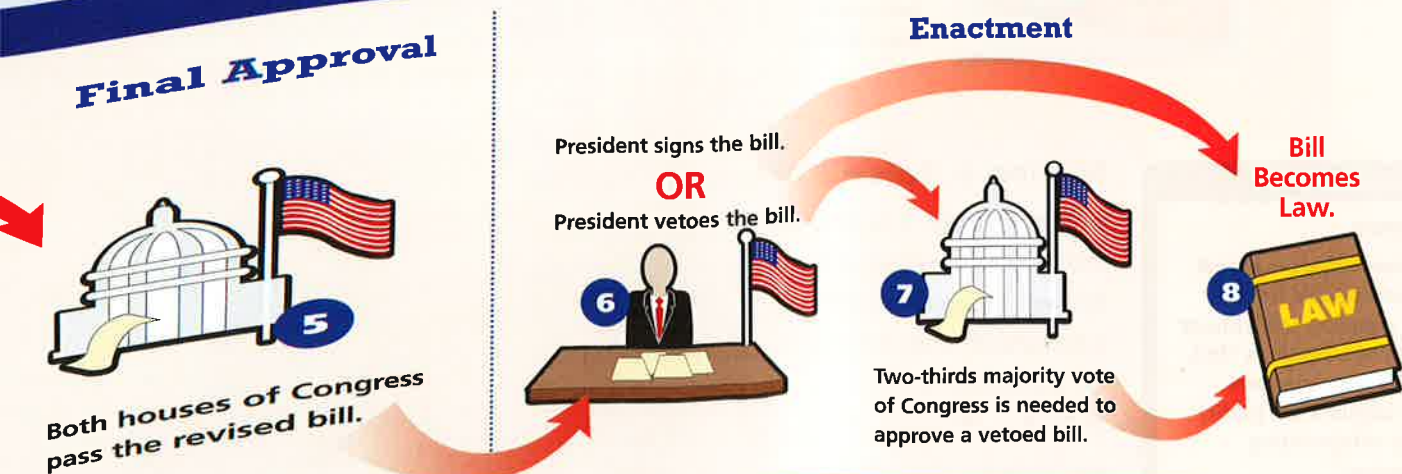
6. To what other areas might the commerce clause apply?

A CLOSER LOOK

DECLARING WAR

Only Congress can declare war. Yet in the following "undeclared" wars, Congress bowed to the president's power to take military action and send troops overseas: Korean War (1950–1953), Vietnam War (1957–1975), Persian Gulf War (1991), and Kosovo crisis (1999).

7. Why do you think the Constitution sets limits on the president's war-making powers?



SKILLBUILDER Interpreting Charts

1. How can a president block a bill?
2. What examples of checks and balances are shown in the chart?

VOCABULARY

militia an emergency military force, such as the National Guard, that is not part of the regular army

bill of attainder a law that condemns a person without a trial in court

ex post facto law a law that would make an act a criminal offense after it was committed

tender money

14. Regulation of Armed Forces To make rules for the government and regulation of the land and naval forces;

15. Militia To provide for calling forth the **militia** to execute the laws of the Union, suppress insurrections and repel invasions;

16. Regulations for Militia 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;

17. District of Columbia 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, dockyards, and other needful buildings;—and

18. Elastic Clause 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.

A CLOSER LOOK The Elastic Clause

ELASTIC CLAUSE

1787 The elastic clause allows future generations to expand the meaning of the Constitution. Congress can take action on issues not spelled out in the Constitution.

TODAY

13 states

- agricultural
- rural

about 4 million people

POP.

50 states

- industrial
- high-tech
- urban

about 250 million people

POP.

A CLOSER LOOK

HABEAS CORPUS

A writ of habeas corpus is a legal order. It protects people from being held in prison or jail without formal charges of a crime. In 1992, the Supreme Court recognized that "habeas corpus is the [basic] instrument for safeguarding individual freedom."

8. How does habeas corpus help ensure fairness and justice?

Section 9. Powers Denied Congress

1. Slave Trade 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.

2. Habeas Corpus 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.

3. Illegal Punishment No **bill of attainder** or **ex post facto law** shall be passed.

4. Direct Taxes No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

5. Export Taxes No tax or duty shall be laid on articles exported from any state.

6. No Favorites 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.

7. Public Money 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.

8. Titles of Nobility 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. Powers Denied the States

1. Restrictions No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything 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.

2. Import and Export Taxes 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 control of the Congress.

3. Peacetime and War Restraints 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.

A CLOSER LOOK

DIRECT TAX

In 1913, the 16th Amendment allowed Congress to collect an income tax—a direct tax on the amount of money a person earns. Americans today pay much more in taxes than their ancestors would have imagined.

9. Why do you think the issue of taxes is so important to people?

A CLOSER LOOK

TITLES OF NOBILITY

The Framers disapproved of titles of nobility. The list of grievances in the Declaration of Independence included numerous examples of King George III's abuses of power. Symbols of these abuses included English titles of nobility, such as "king," "queen," and "duke." The Framers said clearly that there would be no such titles in the new republic.

10. How do TV news reporters address members of Congress and the president?

Article 1 Assessment

1. Main Ideas

- What is the main job of the legislative branch?
- What role does the vice-president of the United States play in the Senate?
- Why are there more members in the House of Representatives than the Senate?
- What is one of the powers denied to Congress?

2. Critical Thinking

Drawing Conclusions How does Article 1 show that the Constitution is a clearly defined yet flexible document?

THINK ABOUT

- the powers of Congress
- the "elastic clause"