

This version of the Constitution retains the original text, spellings, and capitalizations. Parts of the Constitution that have been changed through amendment have been crossed out.

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.

Article I.

Section 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2.

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of 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 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 [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.

These annotations will help you understand the Constitution.

Preamble

The Preamble establishes that the federal government gains its power from the people, not the states. It also lists the purposes of the government: to maintain peace at home, to protect the nation from enemies, to promote the well-being of the people, and to secure the people's rights and freedoms.

Article I: Legislative Branch

Section 1: Two-Part Congress

The power to make laws is granted to Congress, which consists of the Senate and the House of Representatives.

Section 2: House of Representatives

Clause 1: Election Members of the House of Representatives are elected by the people every two years. *Electors* refers to voters.

Clause 2: Qualifications A member of the House must be at least 25 years old, must have been an American citizen for seven years, and must live in the state he or she represents.

Clause 3: Apportionment The number of Representatives from each state is based on the state's population. An *enumeration*, or census, must be taken every 10 years to determine that population. The total number of Representatives in the House is now fixed at 435. This clause contains the infamous Three-fifths Compromise, which specified that slaves ("all other Persons") were to be counted as three-fifths of a citizen when determining population. This provision was rendered meaningless by the Thirteenth Amendment (1865), which ended slavery.

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

The House of Representatives shall chuse [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 chuse [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.

Clause 4: Vacancies If a representative resigns or dies in office, the governor of that state can issue a "Writ of Election," calling for a special election to fill the vacancy.

Clause 5: Officers and Impeachment Power The House elects a speaker, who normally comes from the majority party. Only the House has the power to impeach, or accuse, a federal official of wrongdoing.

Section 3: Senate

Clause 1: Election Each state is represented by two senators. Senators were elected by state legislatures until 1913, when the Seventeenth Amendment was ratified. It provides for the direct election of senators by the people. Senators serve six-year terms.

Clause 2: Terms and Classification

To ensure continuity in the Senate, one-third of the senators run for reelection every two years. To establish this system, the first senators, elected in 1788, were divided into three groups. One group served for two years, the second group for four years, and the third group for a full six years.

Clause 3: Qualifications A senator must be at least 30 years old, must have been an American citizen for nine years, and must live in the state he or she represents.

Clause 4: President of the Senate

The vice president presides over the Senate but votes only in event of a tie.

Clause 5: Other Officers The Senate selects its other leaders and may also select a temporary ("pro tempore") president to preside if the vice president is absent.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4.

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing [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.

Clause 6: Impeachment Trials Only the Senate has the power to put impeached federal officials on trial. When an impeached president is tried, the chief justice of the Supreme Court acts as the trial judge. A two-thirds vote of the senators present is required to convict. Congress has used its impeachment power sparingly. Only two presidents have ever been impeached by the House and tried in the Senate. In 1868, the Senate acquitted President Andrew Johnson of charges of violating federal laws. In 1999, President Bill Clinton was acquitted of perjury charges. Facing impeachment in 1974, President Richard Nixon resigned from office.

Clause 7: Penalty Upon Conviction

A federal official convicted by the Senate is removed from office. The Senate may bar him or her from future office but may not impose further punishment.

Section 4: Elections and Meetings

Clause 1: Elections States regulate their own congressional elections, but Congress may make laws changing the regulations.

Clause 2: Sessions Congress must meet at least once a year. The Twentieth Amendment (1933) moved the opening day of Congress to January 3.

Section 5: Congressional Proceedings

Clause 1: Attendance Each house judges whether its members are qualified and have been elected fairly. A majority of members of either house must be present for that house to conduct legislative business. This minimum required number is called a *quorum*.

Clause 2: Rules Each house makes its own rules of conduct for its members.

Clause 3: Records Both houses keep a journal of their proceedings. It is published as the *Congressional Record*.

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 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.

Clause 4: Adjournment During a session, neither house can close down or hold meetings elsewhere for a period of more than three days without the approval of the other house.

Section 6: Compensation, Immunity, and Restrictions

Clause 1: Salaries and Immunity Members of Congress set their own pay and are paid out of the U.S. Treasury. Legislators may not be sued or prosecuted for their speeches and actions on the floor of Congress. This privilege protects free expression and fosters open debate.

Clause 2: Employment Restrictions

To ensure separation of powers, members of Congress may not hold any other federal office during their terms as legislators.

Section 7: Making Laws

Clause 1: Revenue Bills Only the House can propose a law raising taxes, though the Senate can offer changes. This provision ensures that people are not taxed without their consent.

Clause 2: Submitting Bills to the President

A *bill* is a proposed law. A bill passed by a majority of both houses becomes law when the president signs it. If the president *veto*es, or rejects, a bill, Congress can overrule the veto by a two-thirds vote of both houses.

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;

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;

Clause 3: Submitting Other

Measures Other measures approved by Congress also require the president's approval or may also be passed over the president's veto.

Section 8: Powers of Congress

Congress has the specific powers listed in this section.

Clause 1: Taxation Congress has the power to levy taxes. This power was challenged early in the Republic's history by the Whiskey Rebellion. In 1797, Pennsylvania farmers attacked federal officials collecting an unpopular tax on whiskey. The government sent in the militia to arrest the rebels. This show of force demonstrated beyond a doubt the federal government's power to tax.

Clause 2: Borrowing Congress borrows money by issuing bonds, which create a debt that must be repaid.

Clause 3: Trade Regulation Congress regulates foreign trade and interstate commerce.

Clause 4: Naturalization and Bankruptcy Congress makes naturalization and bankruptcy laws. *Naturalization* is the process by which an immigrant becomes a U.S. citizen. *Bankruptcy* applies to individuals or companies that are unable to pay their debts.

Clause 5: Currency Congress establishes the national *currency*, or system of money.

Clause 6: Punishment for Counterfeiting Congress punishes counterfeiting, or the making of imitation money.

Clause 7: Postal Service Congress sets up the mail system.

Clause 8: Copyrights and Patents Congress passes copyright and patent laws to encourage creativity and invention. *Copyrights* protect authors and *patents* protect inventors so their work cannot be stolen.

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;

Clause 9: Court System Congress has the power to create a federal court system. *Inferior* means lower.

Clause 10: Crimes at Sea Congress punishes crimes at sea. Piracy was a key concern when the Constitution was written.

Clause 11: Declaring War Congress declares war. World War II was the last time Congress formally declared war. Since then Congress has usually passed resolutions giving the president the authority to use military force where necessary. Such resolutions empowered presidents to send troops to fight the Vietnam War, the Persian Gulf War, and wars in Afghanistan and Iraq. Letters of Marque and Reprisal authorize *privateers*, or private ships, to attack and seize enemy vessels during times of war. The United States ceased issuing such letters during the Civil War.

Clause 12: Raising an Army Congress *appropriates*, or sets aside, funds for the military, usually on a yearly basis but never for more than two years. It also regulates the armed forces.

Clause 13: Maintaining a Navy

Clause 14: Regulating Armed Forces

Clause 15: Calling Up the Militia Congress has the power to call up *militias*, or armies of citizen soldiers, in times of emergency. Each state has its own militia, known today as the National Guard. Over the years, the National Guard has been called to respond to a variety of crises and natural disasters. In 2003, President Bush sent National Guard troops into combat in Iraq.

Clause 16: Regulating the Militia Congress regulates militias but leaves training to the states, under federal guidelines.

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.

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.

Clause 17: Control of Federal Property Congress controls the District of Columbia and all other federal land. Congress governed Washington, D.C., until 1973, when an elected municipal government was established.

Clause 18: Elastic Clause This “necessary and proper” clause is known as the “elastic clause” because it gives Congress the flexibility to pass laws to carry out its functions and deal with new problems as they arise.

Section 9: Limits on the Power of Congress

Clause 1: Slave Trade This clause became obsolete after 1808, when the Constitution permitted Congress to outlaw the slave trade.

Clause 2: Writ of Habeas Corpus

A writ of *habeas corpus* gives prisoners the right to challenge their imprisonment in court. Congress may not suspend this right except in extreme emergencies. Habeas corpus has been suspended only rarely in the nation’s history. Since September 11, 2001, a debate has raged over whether this right applies to people detained on suspicion of terrorism. In 2004, the Supreme Court ruled that the writ must be extended to U.S. citizens imprisoned at Guantánamo, Cuba.

Clause 3: Unfair Laws This clause protects individuals from unfair laws. Congress cannot pass a law declaring a person or group guilty of a crime (*bill of attainder*), nor can it pass a law making an act illegal after it has been committed (*ex post facto law*).

Clause 4: Individual Taxes This clause prohibiting direct taxes on individuals was voided by the Sixteenth Amendment (1913), which permits Congress to tax individual income.

Clause 5: Taxes on Exports

This clause prohibits the taxation of exported goods.

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

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

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

Section 10.

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and 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.

Article II.

Section 1.

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Clause 6: Trade Preferences Congress may not favor one port over another and must ensure free trade between the states.

Clause 7: Spending The government cannot spend public money unless Congress has passed a law appropriating it. Congressional “power of the purse” acts as a check on the executive branch by controlling how much it can spend.

Clause 8: Titles of Nobility Congress may not establish titles of nobility, nor may federal officials accept such titles, or any gifts, from a foreign nation without congressional approval.

Section 10: Limits on the Power of the States

Clause 1: Forbidden Actions

The states cannot exercise certain powers granted to Congress or the president. These include negotiating treaties with foreign nations and creating their own money. They also may not tax imports or maintain armies without the approval of Congress.

Clause 2: Prohibition on Taxing Trade

Clause 3: Prohibition on Foreign Relations

Article II: Executive Branch

Section 1: President and Vice President

Clause 1: Term of Office The power to execute, or carry out, the laws passed by Congress rests with the president. A president and vice president are elected every four years. The Twenty-second Amendment (1951) limits the president to two terms in office.