

# The United States Constitution

Who has the sole power to make laws for the Nation?

**Congress**

Our Congress is often called *bicameral*, which means it has two legislative chambers.

How long is the term of a Representative?

**2 years**

Write the name of your current Representative. If you don't know, look on <https://www.house.gov/representatives/find-your-representative>. **Answers will vary.**

In the clause to the right, underline the three requirements of a Representative.

*apportioned*: divided among a group proportionally

What two things are "apportioned among the several States"?

1. **Representatives**

2. **Direct Taxes**

\*This is known as the Three-fifths Compromise. It was abolished by the Thirteenth and Fourteenth Amendments.

Originally, there was one Representative for about every 30,000 people in a state. Even though the number of Representatives has increased from 65 in 1790 to 435 today, the proportion of Representatives has not kept pace with the population of the United States. Look up the current population of the US and divide it by 435 to find out about how many people each member of the House represents today.

**Answers will vary.**

If the Constitution had stated that every 30,000 people must have a single Representative, how many Representatives would be in the House today? (Hint: Divide the US population by 30,000.) **Answers will vary.**

Discuss whether you think the House is still as "representative" of the people as it was in the early days of our republic.

## 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, <sup>1</sup>*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.*



<sup>1</sup> All light gray, italicized text has become obsolete or has been amended or nullified by later amendments.



## Article I, Section 2 continued

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

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



### Section 3

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



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 is the name of the "executive authority" of each state? (Hint: Who is the leader of a state?)

**Governor**

Who is the current Speaker of the House?

**Answers will vary.**

Who has the sole power of impeachment?

**The House of Representatives**

We will discuss impeachment in more detail in later lessons. For now, just remember that the House is the only Government body that can bring charges of impeachment against a Federal official.

How many Senators does each state have?

**2**

The House of Representatives represents the people; the Senate represents the **states**.

Senators were chosen by the Legislature originally. With the passage of the 17th Amendment, this was changed, and now Senators are elected by the people of their state. This will be discussed further in the lesson on the 17th Amendment.

Senators are divided into three "classes" for purposes of elections, so that 1/3 of Senators are elected every two years. Discuss why this is important.

Who are the two Senators that represent your state? If you don't know, look them up here: <https://www.senate.gov/senators/index.htm>.

1. **Answers will vary.**

2.



## Article I, Section 3 continued

Who is the current President of the Senate?

Answers will vary.

When does the Vice President get to vote in the Senate?

When the vote is equally divided

In everyday activities, the leader of the Senate is called the Senate majority leader, and is the head of the majority party (the party with the most members in the Senate). Who is the current Senate majority leader?

Answers will vary.

*pro tempore*: for the time being

The House of Representatives has the sole power to bring charges of impeachment; the Senate has the sole power to try all impeachments.

Underline the proportion of the Senate that must vote to convict in order to remove a Federal official.

In the clause to the right, underline two punishments that can happen to someone who is convicted in an impeachment trial.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.



The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.



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



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



House of Representatives		Senate
435	Number of Members	100
2 years	Length of Term	6 years
25 years old	Minimum Age Allowed	30 years old
people	Who It Represents	states
Speaker of the House	Official Leader	Vice President
bring charges	Impeachment Duties	try impeachments



## Article I

### Section 4

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

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



### 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.



In 1845 Congress set the date for general elections to be the Tuesday after the first Monday in November of even-numbered years. When will the next general election be?

Answers will vary.

*quorum*: the number (such as a majority) of officers or members of a body that when duly assembled is legally competent to transact business

How many members of the Senate must be present to conduct business? (Hint: A majority (50%+1) of 100) **51**

How many in the House? (Hint: A majority of 435) **218**

In the history of Congress, 20 members have been expelled.

Fifteen Senators have been expelled, all for either treason or support for Confederate rebellion.

Since March 4, 1873, Congressional proceedings have been published in a journal called the Congressional Record. Prior records were kept in various journals such as the Annals of Congress, which includes information from sessions from 1789 through 1824.





Discuss: Why do the House and the Senate need to be in session at the same time?

Because both houses have to approve, debate, and vote on bills

*immunity*: exemption from criminal prosecution or legal liability or punishment on certain conditions

Senators and Representatives have *congressional immunity*, which is a special kind of immunity granted only to congressional members. This immunity specifically protects them in two ways. One is protection from being arrested during a session of Congress, but with three exceptions. What are those exceptions?

1. **Treason**
2. **Felony**
3. **Breach of the peace**

Senators and Representatives also enjoy immunity from being arrested or interrogated for any speech or debate entered into in their respective houses. Discuss why this would be important. It allows members of Congress to feel free to say whatever they believe to be for the good of the country and for free and open exchange and debate of ideas.

James Wilson, delegate from Pennsylvania, emphasized: "In order to enable and encourage a representative of the publick to discharge his publick trust with firmness and success, it is indispensably necessary, that he should enjoy the fullest liberty of speech, and that he should be protected from the resentment of every one, however powerful, to whom the exercise of that liberty may occasion offence."

*emoluments*: profit, salary, or fees from office or employment

Discuss: Why do you think it is unconstitutional for a member of Congress to be appointed during his or her term to a Federal position in which the salary was increased during that same term? So that members cannot give a pay raise to a position that they then benefit from. It is an attempt to prevent corruption.

## Article I, Section 5 continued

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.



## Article I 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 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.







## Article I

### 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.



Which congressional house is responsible for proposing legislation that raises revenue?

**House of Representatives**

Discuss: Why would it be important for all bills raising revenue to originate in the people's house?

All money that would be raised is the people's money. The House of Representatives is more accountable to the people because each member represents a much smaller number of people than a Senator, and they are up for reelection every two years versus every six for the Senate.

If a bill passes both houses of Congress by a majority vote, to whom is the bill presented for approval?

**The President of the United States**

If the President of the United States approves the bill and signs it, the bill becomes a law. If not, the bill is returned, with the President's objections, to the house of Congress where the bill originated. This is called a *direct veto*. If the house where the bill originated reconsiders the bill and still agrees to pass it with a 2/3 vote, where does the bill go next? **To the other house**

Circle the correct answer: If the other house also passes the bill with a 2/3 vote, the bill

1. becomes a law.
2. goes back to the President for approval.

Discuss: In what way does the Constitution show implicit respect for the Lord's Day?

**The Constitution exempts Sunday as a working day.**

Turn to the next page, which shows a flowchart titled "Article I Section 7: How a Bill Becomes a Law." Color all the YES arrows green and all the NO arrows red.

You will refer to the chart for activities in this lesson and the next lesson.





## Article I Section 7: How a Bill Becomes a Law

START HERE

A bill is introduced in the House.  
Does it pass with a majority vote?

OR START HERE

A bill is introduced in the Senate.  
Does it pass with a majority vote?

The bill dies.

The bill is sent to the House. Does it pass with a majority vote?

The bill is sent to the Senate. Does it pass with a majority vote?

Does each chamber agree on a compromise?

The bill dies.

The bill goes to the President.  
Does the President sign the bill within ten days?

Have ten days passed without the President signing OR vetoing the bill, and is Congress still in session?

The bill becomes a law.

Does the President veto the bill?

The bill goes back to Congress.  
Does it pass with a 2/3 majority vote in both houses?

## Article I

### 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;



Duties and imposts are taxes levied on goods *imported into* the United States.

Excises are taxes levied on goods *manufactured in* the United States.

Go to the website [usdebtclock.org](http://usdebtclock.org). Estimate the national debt to the nearest million. **Answers will vary.**

The current US population is about 330,000,000. How much would each person in the US owe if we had to pay off our debt immediately? (Hint: Divide the current national debt by the current population.) **Answers will vary.**

Congress can regulate commerce (buying and selling of goods on a large scale) in three ways:

1. Between the US and **foreign nations**
2. Among the **states**
3. Between the US and **Indian tribes**

Read aloud (as a group, if possible) the following Oath of Allegiance to the United States of America, which is read by those who are becoming US citizens at their naturalization ceremony:

"I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the Armed Forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely, without any mental reservation or purpose of evasion; so help me God."





## Article I, Section 8 continued

Discuss: Until 1862 coins in America were issued by Congress only in gold, silver, and other metals. The value of the metals kept the value of the currency stable. In 1862 the United States found itself in need of money but with an empty treasury. Do you know what was happening in 1862 that would cause the US to need more money immediately? The Civil War! War always requires a great deal of money. So, in 1862 and 1863, Congress passed the Legal Tender Act that made paper money legal to be used as currency. This allowed Congress to print more money to pay for supplies. Immediately, paper money began flooding the market, which lowered the value of all the paper currency. People then wanted to pay their debts in paper money, while all those who were owed money wanted the debts paid in gold and silver coins. This caused the Supreme Court to have to decide, in a series of cases that came to be known as the Legal Tender Cases, whether it was constitutional for paper money to be issued.

*counterfeiting*: to make a fake copy

The head of the post office is called the Postmaster General. Benjamin Franklin was the first Postmaster General!

Discuss: Today, we call these protections *copyrights* and *patents*. How do you think copyrights and patents promote the "progress of science and useful arts"?

A possible option is that it encourages creativity because creators know they can invent and reap the benefits of their work, while inspiring other creators.

This clause creates the Supreme Court and the lower courts, but you will learn more about the powers and responsibilities of the judicial branch in Article III.

Match the words with the definitions:

Piracy	High crime punishable by death or imprisonment
Felony	International law
Law of Nations	Robbery on the high seas

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;

## Article I, Section 8 continued

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.

Clauses 11–16 give Congress the ability to declare war; to raise an army and navy; to make all the rules concerning the armed forces; and to call up, organize, and train the state “militias,” known today as the National Guard. To “grant Letters of Marque and Reprisal” means to allow private citizens the ability to use force against enemy nations.

Name three reasons that Congress may call the organized militia into Federal service:

1. To execute the laws of the Union
2. To suppress insurrections
3. To repel invasions

What is the name of the city that has become the “Seat of the Government of the United States”? (Hint: What is the capital of the United States?)

Washington, DC

Congress has two types of powers—*enumerated* and *implied*. The first 17 clauses you have read about are Congress’ 17 enumerated powers, which are powers that are expressly given to them. The second type of power is implied, which means that the powers are understood to belong to them but are not put into writing. The implied powers are given in clause 18 to the left.



## Article I

### Section 9

This clause is now obsolete due to the passage of the Act Prohibiting Importation of Slaves.

*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.*



*Habeas corpus* [HAY-bee-us COR-pus] is a Latin phrase meaning "to have the body." A writ of *habeas corpus* is a court order preventing unlawful imprisonment. On what two occasions can Congress suspend the writ of *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.



1. **Rebellion**
2. **Invasion**

*bill of attainder*: Legislation punishing person(s) without trial

No Bill of Attainder or ex post facto Law shall be passed.

*ex post facto law*: Criminal law applied to acts committed before the law was passed



Discuss why each of these restrictions is important to a free society:

1. *Bill of Attainder*: Should all people have the right to a trial? Is everyone who is charged with a crime always guilty?
2. *Ex post facto Law*: Can fairness and justice be applied if one is charged with a crime before it is put into the law as a crime? Would every act have been committed if the act was considered illegal at the time?

A *capitation* is a tax levied on a person; a *direct tax* is a tax paid directly to the government. This clause was modified by the Sixteenth Amendment, which allowed Congress to implement a tax on income without regard to state apportionment.

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.



## Article I, Section 9 continued

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



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



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

### Section 10

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



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

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.



May Congress favor the ports of one state over another?  
**No**

May trade that occurs between states at ports be taxed?  
**No**

We learned in an earlier lesson that all bills that produce revenue must originate in the House of Representatives. This clause also gives the power solely to the legislative branch to withdraw money from the Treasury. This restriction put on the executive branch's ability to use Federal monies is a form of checks and balances.

What is the only title that we give to the American President? **Mr. (or Madam) President**

Discuss: Why would the Founders make it unconstitutional for an officeholder to accept a gift or title from a foreign official? **Answers may vary, but discuss how the President should not have divided loyalties through bribery.**

Section 10 lists the powers that are denied to the states.

To lay a Duty of Tonnage is to put a tax on a ship according to the size of the cargo it can hold. Complete the blanks below, one letter to each blank.

The states cannot lay a duty on ships according to their cargos; keep troops or war ships in times of peace; enter into a compact with another state or foreign nation; or engage in war unless there is imminent danger





## Article II

### Section 1

In whom is the power of the executive branch vested?

**The President of the United States**

How many years is a Presidential and Vice Presidential term? **4 years**

Who is responsible for deciding the manner of selecting electors? **Each state**

How many electors does your state have? (Hint: If you don't know, think about how many Senators and Representatives you have. See Article I, Sections 1 and 2 in your student journal for more help.) **Answers will vary.**

This clause was replaced in 1804 by the Twelfth Amendment after the 1800 election between Thomas Jefferson and Aaron Burr ended up in a tie. We will learn more about it in a future lesson.

Congress has since determined that the electors should vote on the Monday following the second Wednesday of December after the election.

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



Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.



*The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.*



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.







## Article II, Section 1 continued

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.



*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.*



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



Underline the three requirements to be the President of the United States.

If the President dies, is removed, or cannot fulfill his or her duties, who takes over those duties?

**The Vice President**

This clause allowed for Congress to appoint another person as President, but by practice this never occurred, and this ability was changed with the 25th Amendment, adopted in 1967, which says that the Vice President will become President in the above instances.

The President receives a salary, the amount of which is determined by Congress. What is the current salary of the President? Look it up!

**\$400,000 at the time of publication**

Underline the two actions the President has to promise to do.

Discuss: What do you think "preserve, protect, and defend the Constitution" means? In what ways do you think a President can do these things?

**Answers may vary. One possible answer is that a President should not sign into law any bill that violates the Constitution. Another possible answer is that the President should always ensure his or her actions fall within the duties given to the executive branch in the Constitution.**





## Article II

### Section 2

The President also has the title of Commander in Chief, which means he is the head of the military.

Today, the "principal Officer in each of the executive Departments" has the title of "Secretary," with the exception of the Attorney General.

*reprieve*: to delay one's punishment

*pardon*: to release one from legal punishment

When the President makes treaties, what two roles does the Senate have in the process?

1. They give advice and consent.
2. Two-thirds of the Senate must concur.

Why would it be important for the Senate to be required to approve the President's decisions in these situations?

To limit the President's power; to verify the President has made wise choices

What very important guiding principle does this division of power demonstrate?

Checks and balances

When does the President have the power to fill vacant posts? When the Senate is in recess

Are these appointments supposed to be permanent?

No. They are to expire at the end of the Senate's next session.

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 Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.



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





## Article II

### Section 3

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



## Article II

### Section 4

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



Article II, Section 3 lists seven Presidential duties, four of which are considered legislative duties and three that are executive duties.

#### LEGISLATIVE:

- give Congress information on the state of the union
- recommend legislation and a course of action to Congress
- call special sessions of Congress when needed
- adjourn (dismiss) Congress when they cannot agree upon a date to adjourn themselves

#### EXECUTIVE:

- receive ambassadors and other officials of foreign nations
- enforce the laws
- commission all officers of the United States

The President, Vice President, and other officials of the United States can be removed from office after being convicted of what three crimes?

1. **Treason**
2. **Bribery**
3. **High crimes and misdemeanors**

Discuss the meaning of those crimes with your class.

*Treason* is betraying one's country.

*Bribery* is accepting or giving money or gifts in exchange for power and/or influence.

*High Crimes and Misdemeanors* refers to other criminal behavior or abuse of one's office.





## Article III

### Section 1

The **Supreme Court** is the highest court in the United States. Congress can establish lower courts.

Judges that sit on the Supreme Court are called Justices. Justices may serve for life as long as they are on "good behavior" (no Justice has ever been impeached).

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

Section 2 outlines the kinds of cases that the Supreme Court may hear.

*Original jurisdiction* is the right of a court to be the first to hear a case.

*Appellate jurisdiction* is the right of a court to hear cases that are appealed from lower courts.

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 which cases does the Supreme Court have original jurisdiction? (Underline the answer in the text to the right.)

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.

All crimes in Federal court are trial by **jury**, except in cases of impeachment.

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



### Section 3

Section 3 defines the crime of treason, "the highest of all crimes," which is intentionally betraying the country by levying war against the Government or giving aid to its enemies.

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.

Who has the power to declare the punishment if convicted of treason?

**Congress**

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 1

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.



### Section 2

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

*No person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.*



### Section 3

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.



### Section 4

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.



This clause, referred to as the Full Faith and Credit Clause, means that all states must honor the laws of all other states. Circle the correct answers below.

Is someone convicted of a crime in Nevada considered guilty of the crime in Virginia? **YES** NO

If a couple is married in Minnesota, are they considered married in Alaska? **YES** NO

Can a state discriminate against citizens of other states? YES **NO**

If a person commits a crime in one state then flees to another state, in which state will the person, once caught, be tried for the crime?

- a. The state to which they fled
- b. The state in which the crime was committed**

This clause was a compromise between Northern State and Southern State delegates to force the return of enslaved people who had escaped to another state. This clause became obsolete with the abolishment of slavery in the Thirteenth Amendment, about which you will soon learn.

Who must consent to the admittance of a new state?  
**Congress**

Which one of the following does the United States Government NOT guarantee to each state?

- a. Protection against invasion
- b. Protection against natural disasters**
- c. A republican, or representative, form of government
- d. Protection against domestic violence (violence from within the US)



Amendments may be proposed either by Congress or a national constitutional convention.

What proportion of Congress must vote to propose an amendment? **Two-thirds of both houses**

What proportion of the state legislatures must request a national constitutional convention? **Two-thirds**

Amendments must be ratified by the states. Underline the two ways that ratification of amendments can occur:

These debts were paid off long ago; therefore, this clause is now obsolete.

What three things are the "supreme law of the land"?

US Constitution

Laws made that are in line with the Constitution

Treaties

Can a judge make a decision in conflict with the Constitution? YES **NO**

Can a state constitution conflict with the US Constitution? YES **NO**

Here is the Oath that Congress recites upon being sworn in:

"I do solemnly swear [or affirm] that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

How many states were required to ratify the Constitution of the United States? **9**

New Hampshire was the ninth state to ratify the Constitution, legally making the Constitution the supreme law of the land.

## Article V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; *Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article*; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.



## Article VI

*All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.*

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.



The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of 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.



## 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.



# SEPARATION OF POWERS

AND

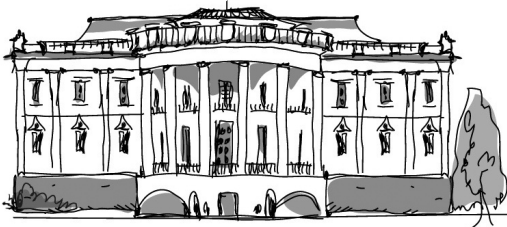
## Checks & Balances

Can impeach and remove a President  
Can override a Presidential veto  
Can refuse to approve of Presidential appointments  
Can propose bills and call special sessions of Congress  
Can veto bills



### LEGISLATIVE POWERS

Make laws  
Declare war  
Approve Cabinet members  
Debate and pass bills  
Decide how to spend Federal money



### EXECUTIVE POWERS

Choose Cabinet members  
Appoint ambassadors  
Act as Commander in Chief  
Enforce laws that have been passed  
Veto bills  
Sign bills

Can declare laws to be unconstitutional  
Can impeach and remove Federal judges  
Can propose amendments to overrule judicial decisions



### JUDICIAL POWERS

Interpret laws  
Rule a law unconstitutional  
Write a majority or dissenting opinion

Can grant pardons  
Appoint all Federal judges  
Can declare Executive actions unconstitutional



# HISTORY CASE FILE

★ 1 True or False? The Constitution calls for a "separation of church and state."

True / False

★ 2 Where does the phrase "separation of church and state" come from?

It comes from a letter penned by Thomas Jefferson in 1802.

Based on the First Amendment, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof," what do you believe the Founders' purpose was? According to the Founders, the answer would be "b." If your child chooses a different answer, discuss.

a. to keep all religion out of the public square (schools, currency, etc.)

b. to prevent the Government from establishing one religion (like the Church of England) and from stopping religious freedom

c. something else \_\_\_\_\_

★ 3 DISCUSS: What is the meaning of George Washington's quote? Do you agree or disagree?

★ 4 The "wall of separation" that Jefferson referred to between church and state in his letter was

a. a wall to keep the National Government on one side in order to protect the states and religious institutions on the other side.

b. a wall to protect governmental institutions from anything religious or faithful, such as public prayers or mention of God.

★ 5 DISCUSS: What are your thoughts on Justice Rutledge's statement that the purpose of the First Amendment was "to uproot" all religious establishments and "to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion"?

★ 6 DISCUSS: Did you know these things have been ruled unconstitutional? What do you think about that?

★ 7 Write your verdict in the box: Did the Founding Fathers want no religion in the public square? Is religious freedom a violation of the First Amendment, or should it be protected by the First Amendment?

Answers will vary.

TOP

The original four posts in George Washington's Cabinet—Attorney General, Secretary of State, Secretary of Treasury, and Secretary of War (now Secretary of Defense)—are still considered the most important Cabinet members today. Collectively, these four Cabinet members are sometimes called what?

T H E I N N E R C A B I N E T  
 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15

MIDDLE

