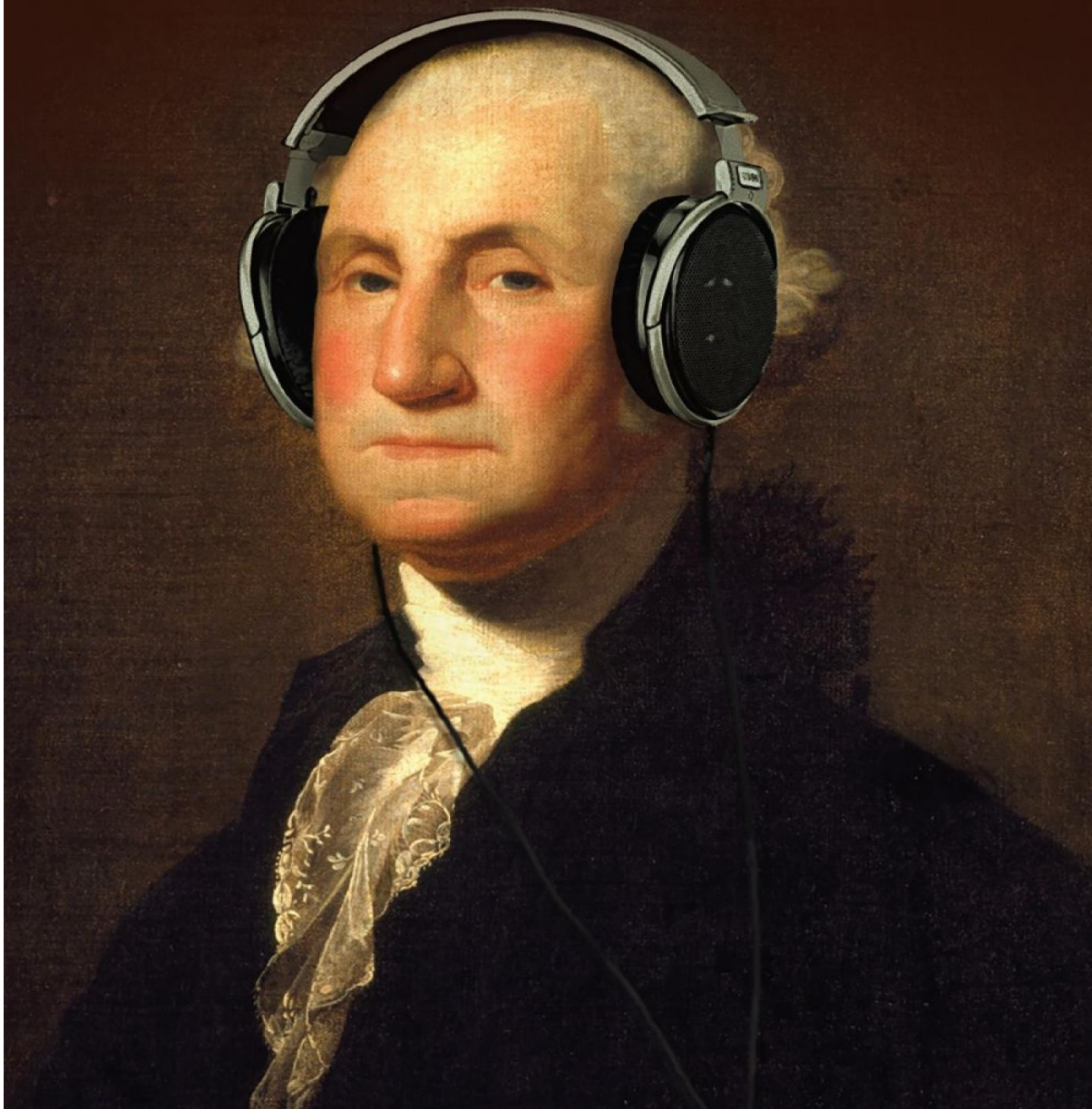


DAVID J. SHESTOKAS
CONSTITUTIONAL
SOUND BITES
VOLUME ONE



Constitutional Sound Bites, Volume One

DEDICATED TO ALL WHO HAVE MADE SACRIFICES THAT AMERICA MIGHT BE FREE, AND MY GRANDMOTHER, BARBARA SHESTOKAS, WHO CAME FROM LITHUANIA IN SEARCH OF FREEDOM AND SHARED HER LOVE OF AMERICA WITH EVERYONE SHE TOUCHED..

Copyright 2018 David J. Shestokas
Published by Constitutionally Speaking

Follow David Shestokas on Twitter: [@Shestokas](https://twitter.com/Shestokas)

Books by David Shestokas:

[*Constitutional Sound Bites*](#) (collected edition)

[*Creating the Declaration of Independence*](#)

[*Cápsulas Informativas Constitucionales*](#)

Question? Email: david@shestokas.com

TABLE OF CONTENTS

[INTRODUCTION](#)

[CONSTITUTIONAL CONSIDERTATIONS](#)

[THOUGHTS ON THE DECLARATION OF INDEPENDENCE](#)

[THE CONSTITUTION'S PREAMBLE](#)

[ARTICLE I: THE CONGRESS](#)

[ARTICLE II: THE PRESIDENT](#)

[ARTICLE III: THE SUPREME COURT](#)

[ARTICLE IV: GOVERNMENT RELATIONS](#)

[ABOUT DAVID J. SHESTOKAS](#)

[A NOTE FROM THE AUTHOR](#)

[THE DECLARATION OF INDEPENENCE](#)

[THE CONSTITUTION OF THE UNITED STATES](#)

[AMENDMENTS TO THE CONSTITUTION](#)

Introduction

In the 21st Century, we've become used to getting information in small doses of media *sound bites*, short blog posts and 140 character Tweets. Modern leaders, understanding mass media, beginning with Franklin Roosevelt, ("A date which will live in infamy..."), through Donald Trump ("Make America Great Again") have turned this into an art form. They understand the communications of the day.

The leaders of Revolutionary America understood the media of their day. After the proposed Constitution was completed on September 17, 1787 the battle for ratification began. Much of it took place in the mass media of the 18th Century: newspapers. Long essays for and against ratification appeared around the country.

The most famous of these essays was a series that became known as *The Federalist Papers*. These 85 articles by John Jay, Alexander Hamilton and James Madison when collected into a book, are over 400 pages. While *The Federalist Papers* (and the newspaper essays written by the Anti-Federalists, opponents of the Constitution) remain good reading, it's not the way Americans get information in the 21st century.

If Jay, Hamilton and Madison had been trying to reach modern Americans, they would have changed their technique. They would have presented shortened messages to accommodate the modern audience, perhaps into one minute ideas, to attract attention and invite further inquiry. *Constitutional Sound Bites* contains one minute ideas or about America's Founding Documents, The Declaration of Independence, The United States Constitution and the Bill of Rights

The Constitution can be an intimidating and complex subject, but like most complex matters, it becomes clear when presented in pieces. For three years I was host of a weekly radio show [Constitutionally Speaking](#) on America's Talk Radio Network (ATRN). During the show, my guests and I discussed the Constitution and its relevance to 21st Century life. In addition to the weekly program, I did a daily one minute radio presentation entitled "*A Minute of Constitutionally Speaking*".

The "minutes" consisted of stories of the people involved in America's founding, the philosophy behind the founding documents, and the institutions created by the Constitution. Those minutes were collected and supplemented. *Constitutional Sound Bites, Volume One* was the first of a series of three eBooks. These three volumes were collected in [Constitutional Sound Bites](#) which is available as both an eBook and hard copy. The books contain "sound bites" for the 21st

Century about documents that are neither Republican nor Democrat, neither liberal nor conservative, but uniquely American.

The Founding of a Nation on Ideas

America was founded on revolutionary ideas. For the first time in world history a country would be guided by a philosophy not based upon force or tribal relations, but upon a shared view of government's purpose. In 1776 the Declaration of Independence defined government's purpose to secure inalienable natural rights. In 1787 the Constitution was adopted to secure the blessings of liberty in the exercise of those rights. In 1791 the Bill of Rights was added as the final act of the three act play of the Founding.

It was not smooth at the time. In 1787 the American experiment in self-government was in danger. The country had been founded just 11 years earlier based on ideas that had never before served as principles to guide a nation. In 1776 The [Declaration of Independence](#) had articulated these ideas. The principles were the "self-evident" truths of the inalienable rights of the individual, the equality of all men before the law and the consent of the governed as necessary for a government to be legitimate. By 1787, the first effort to put those principles into practice, the Articles of Confederation, was not working well.

The failings of the Articles of Confederation endangered the experiment in self-government and moved America's leaders to revise the organization of the United States. The result was the Constitution, drafted in 1787 and ratified in 1789. The Preamble set forth the Constitution's goal: "*to secure the blessings of liberty for ourselves and our posterity*".

America's Founders constructed the Constitution so many years ago with the fervent desire to secure not only their own hard-won liberty, but the liberty of future Americans as well. More than 230 years later, that goal is scrutinized, challenged, and under fire daily. The responsibility to protect that liberty now rests with us, the inheritors of that heritage. An understanding and appreciation of the Constitution's relevance to our lives is crucial in protecting our liberty and the Americans that follow us.

Throughout *Constitutional Sound Bites* you will find links to additional information about many of the "sound bites". The Declaration of Independence and Constitution at the end of the book also contain links to longer essays.

Thomas Jefferson was once asked about the point of the Declaration of Independence. His short answer was that he was trying to explain the "common sense of the subject". That's what *Constitutional Sound Bites* attempts to do.

Constitutional Considerations



What events during the Christmas of 1776 saved United States independence and set the stage for the Constitution?

In the fall of 1776 the British drove General George Washington and the Continental Army out of New York. Only 3,000 of the original 20,000 American troops escaped by retreating across New Jersey and into Pennsylvania. By late December the soldiers were cold, starving, and many were ill with cholera, small pox or dysentery.

With Washington's Army in retreat, Congress fled Philadelphia for Baltimore, Maryland. The American cause appeared to be lost.

On [Christmas Day](#), snow swirled as a winter storm brewed. In the dark of night the soldiers were ordered to board boats that had been commandeered up and down the Delaware River. They were setting out to cross the river, made treacherous by high winds and large ice floes. They were heading back east into New Jersey. As the soldiers prepared, General Washington ordered Thomas Paine's words of inspiration from *The American Crisis* read to his troops. Paine's essay began: "***These are the times that try men's souls.***"

After the harrowing river crossing and a ten hour march through the frigid night, the Continental Army attacked the enemy in Trenton, NJ. The Americans were victorious. Without that bold winter attack that ended with a desperately needed victory, there likely would never have been a United States Constitution.

How long after the Declaration of Independence did the Constitution go into effect?

The government established by the Constitution began operating March 4, 1789, nearly thirteen years after Independence had been declared.

The United States declared independence on July 4, 1776. Beginning in 1777 the country was organized under the Articles of Confederation. The central government under the Articles was weak with little authority to raise revenue. Amendments to the Articles required the unanimous consent of the thirteen States and such unity was rarely achieved. This combination handicapped the new country with a lack of revenue and a government often unable to act.

In May of 1787, the Confederation Congress authorized a convention to propose amendments to the Articles of Confederation. On September 17, 1787, instead of amendments, the delegates presented an entirely new Constitution. September 17 is now observed in the United States as [Constitution Day](#). The proposed Constitution was presented to the Confederation Congress and sent to the States for ratification later that year.

Why does the United States have three branches of government?

Through history if a single person made the law, enforced the law and judged the law, there was no law, only the opinion of that person. The Framers believed that separating making law (legislative) from enforcing law (executive) and interpreting the law (judicial) would best protect the freedom of all. This is why there are three branches of government.

The American Constitution was the first effort in world history to separate government functions between legislative, executive and judicial branches. The Framers viewed this division of power as fundamental to protecting freedom and liberty while establishing a country.

The thoughts leading to the American government's structure can be traced over [1800 years](#) to ancient Rome, but it was the eighteenth century French philosopher Montesquieu who clearly defined three government functions and argued that separating those functions would best protect freedom and liberty. The Constitution's Framers agreed with Montesquieu.

How long did it take to develop the ideas found in the US Constitution?

The ideas found in the US Constitution evolved over a period of nearly two thousand years and led to the creation of a representative republic.

Many of these ideas can be traced to the historian [Polybius](#), who lived between 200-118 B.C. Polybius recognized the three principle forms of government that existed in his time: monarchy (rule by one), aristocracy (rule by few) and democracy (majority rule). He noted that all of these governments had problems.

Monarchs became tyrants. Aristocrats did little but secure their privileges. Monarchs and aristocrats would become the idle rich. In a democracy, majority rule turned into mob rule, trampling on the rights of minorities. The result would be a “tyranny of the majority.”

The Constitution’s Framers read Polybius’ writings. Trying to avoid the problems he described they created the American Republic nearly two thousand years later.

Who is most responsible for “separation of powers” in the American Constitution?

The French philosopher Montesquieu developed the separation of powers ideas, James Madison worked to put them into the Constitution.

[Montesquieu](#) built upon the work of the historian Polybius in writing his 1748 thesis *Spirit of the Laws*. Montesquieu identified government functions as legislative, executive and judicial. The Constitution’s Framers, in writing the Constitution, relied greatly on Montesquieu.

In [Federalist No. 47](#), James Madison cites Montesquieu as the author of separating the powers of government:

“The oracle who is always consulted and cited on this subject is the celebrated Montesquieu. If he be not the author of this invaluable precept in the science of politics, he has the merit at least of displaying and recommending it most effectually to the attention of mankind.”

Why do the members of Congress, the President and the Supreme Court serve different terms of office?

The Founders’ felt that officials with different interests would be less likely to join together and threaten the people’s liberty.

James Madison, the Father of the American Constitution, came to the 1787 Convention hoping to build a government with the power to govern yet with limits on that power to protect liberty.

Separating government functions would be one limit. Another limit would be that government officials performing these functions would be selected in different ways for different terms of service.

Madison explained the Constitution's design to protect liberty and the checks and balances built into the proposed constitution in [*Federalist No. 51*](#):

"... In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which ... is ... essential to the preservation of liberty... each department should have a will of its own..."

Was separating power within the federal government enough protection for American liberty?

To protect liberty and freedom the Constitution's Framers established institutions to separate powers within the central government. For the revolutionary generation this not enough.

In addition to separating powers inside the federal government limits on power from the outside were added as well. The states provided this limit by retaining every government power not granted to the federal government by the Constitution. Dividing power between different governments in the same territory was the unique creation: [American Federalism](#).

The Tenth Amendment explains this best: *The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.*

Separating power inside the federal government and dividing power between the federal government and the states provided two layers of protection for American liberty.

What is a constitution and what was the first written Constitution in the world?

A Constitution is a set of fundamental principles or established precedents according to which a state or other organization is governed.

The American Constitution was established through a [ratification process](#) involving the people. Seeking the consent of the people to be governed was consistent with the Declaration of Independence and unique to the United States.

The idea of the written constitution for a government started in America with the [Fundamental Orders of Connecticut](#), which established the organization of that colony around 1638. The

Fundamental Orders of Connecticut is considered to be the first *written* Constitution in world history. That is why Connecticut's nickname is the Constitution State.

Over the next 140 years, all the colonies came to rely upon written documents to organize their governments. These colonial experiences resulted in the 1787 Philadelphia Miracle: the United States Constitution.

Thoughts on the Declaration of Independence



Why study the Declaration of Independence to understand the Constitution?

Study of the Declaration of Independence is crucial to understanding the Constitution. The Declaration told England's King George and the world why the colonies were separating from England. Importantly it also explained to the American people the philosophy of the new nation. Without an explanation to the people the new government would be without support.

For the first time in world history a country would be guided by a philosophy not based upon force, but upon a shared view of government's purpose. The Declaration defined government's purpose to secure our inalienable rights. The Constitution's purpose is to secure the blessings of liberty. To understand the Declaration of Independence is to understand the Constitution.

How are the Declaration of Independence and the Constitution connected?

The “self-evident” truths in the Declaration of Independence grow out of “the Law of Nature and of Nature’s God...” The Natural Law referred to is recognized by the Constitution. This recognition was critical to balance the need for an organized society and every individual’s natural desire for freedom.

The United States was founded on a philosophy. That philosophy contained the truths that human beings are equal in their possession of natural rights, such as the rights to life, liberty and property. The Constitution is a set of rules to give life to the Declaration’s central philosophy.

What is the “Law of Nature and Nature’s God”?

There exist in the world things that no government has the power to change. No government can repeal the Law of Gravity. No government can extinguish the desire of human beings to be free. These are natural laws.

The Law of Nature is observable in a scientific sense. The Law of Nature’s God is revealed to men in a spiritual sense. Whether scientific or spiritual, natural law comes to the same conclusion, that all men have inalienable rights. The Declaration of Independence relies upon this “self-evident” truth for the [establishment of the United States](#).

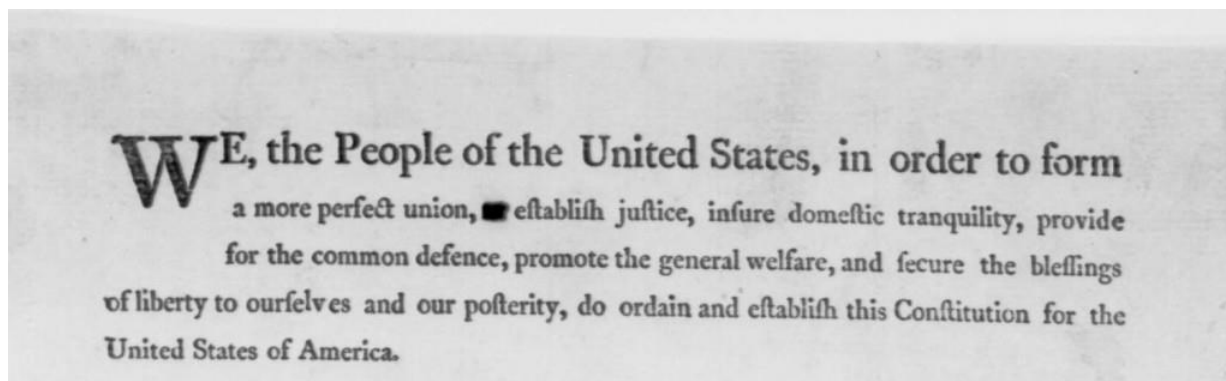
Does the Constitution grant inalienable rights to Americans?

The Constitution does not grant inalienable rights. Such rights exist independent of the Constitution. An “unalienable” right belongs to every person simply by being born. These rights are not granted by government and cannot be given away.

The Constitution recognizes that inalienable rights exist and mentions some, for example: religion, speech and press. The [Ninth Amendment](#) points out that it is impossible to list every such right: “*The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.*”

The Declaration of Independence recognizes every person’s “unalienable rights” of “*Life, Liberty and the pursuit of Happiness*” and that the purpose of government is to secure those rights. The Constitution was “ordained and established” to create a government suited for that purpose.

The Constitution's Preamble



Who is responsible for the phrase “We the People of the United States”?

The Constitution's [Preamble](#) begins with the most famous phrase in United States history: “*We the people of the United States*”. The author of the phrase, Gouverneur Morris, was not among the Convention's most famous delegates.

On September 8, 1787 the constitution's elements had been agreed upon and a Committee on Style was tasked with turning those elements into a document. The initial draft started: “*We the people of the States of New Hampshire, Massachusetts....*”

Gouverneur Morris was assigned to draft and organize the Constitution. He changed the opening phrase to: “*We the People of the United States...*”

The change was important. Morris transformed the makers of the Constitution from the state governments to the PEOPLE of the UNITED STATES. This formed a single nation, the United States of America instead of an alliance of state governments.

By the way: Gouverneur was his first name, not his title.

Who created the United States?

The Constitution's Preamble has given Americans and people around the world the hope of a free and just society. The Preamble reads:

"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."

The Preamble states goals and also points out the obligations of the United States government to the American people. The Preamble defines the [People as the creators of the United States](#). The United States as that creation owes loyalty to the People and a duty to follow their instructions.

Who wrote the final draft of the Constitution?

James Madison gave Gouverneur Morris credit for the final Constitution:

"The finish given to the style and arrangement of the Constitution fairly belongs to the pen of Mr. Morris."

George Washington called the Constitutional Convention to order on May 25, 1787.

By September 8th, the Convention's work had resulted in a document of 23 unorganized articles with many amendments attempting to balance the needs of the states and the philosophy of the Declaration of Independence.

On September 8th a committee was formed to organize the Convention's work. The members were:

- Alexander Hamilton
- William Johnson
- Rufus King
- James Madison
- Gouverneur Morris

The committee turned the 23 articles into the Constitution's seven articles consisting of:

- [Article I](#), The Legislative Branch
- [Article II](#), The Executive Branch
- [Article III](#), The Judiciary
- [Article IV](#), The States
- [Article V](#), The Amendment Process
- [Article VI](#), The Legal Status of the Constitution
- [Article VII](#), Ratification

Article I: The Congress



Why are the powers of Congress listed in the Constitution's Article I?

Article I Section 8 contains a list of specific congressional power. The intent was to limit Congress to this list of “enumerated” powers.

Thirty-five constitutional convention delegates were lawyers. When a legal document lists powers, powers are limited to the list. The Constitution is a legal document. Listing congressional power was meant to limit government power in order to “secure the blessings of liberty”.

When Congress acts outside the enumerated powers granted that act is unlawful or illegal. This is the essence of “limited government”.

Article I is the Constitution's most detailed article. The Founders saw the legislature as the true source of government authority and in greatest need of limitations. The Congress is defined in Article I because as James Madison said, the Congress was “[the first branch of government.](#)”

What does it mean to say an act of Congress is “unconstitutional”?

When Congress passes a law outside the power granted in the Constitution it acts illegally and the law is unconstitutional. The Constitution’s Article I section 8 lists the subjects Congress may regulate by passing laws. The subjects include: interstate commerce, post offices, naturalization and more.

The last clause of Section 8 is known as the Necessary and Proper Clause. It reads:

“To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers “

Section 8’s final clause indicates that every law must be “necessary and proper” to the listed powers. An unnecessary or improper law is unconstitutional.

The Constitution exists to secure the blessings of liberty for the people and their posterity. Such liberty is secure only when government operates within constitutional limits.

Did the Constitution ever limit federal office holders by gender, race or ethnic background?

The Constitution never contained gender, ethnic or property requirements for national office.

The Constitution’s Article I Defines the House of Representatives. The House of Representatives is made up of members from each state according to a state’s population determined every ten years in the census. These qualifications are required to serve in the House:

- 25 years of age
- 7 years a citizen of the United States
- An inhabitant of the state from which elected

The qualifications are straightforward, and forward-looking. In 1787, when the Constitution was written, voting by women and non-whites was nearly non-existent. In most states only property owners could hold office.

The Constitution’s Framers, sometimes discredited as a bunch of rich old white guys, looked forward to a time when women and citizens of every race would be full participants in the national government.

Did the Constitution place specific limits on Congress?

The unamended Constitution specifically prohibits Congress from doing the following:

- Suspending the writ of *habeas corpus*
- Taxing the ports of one state more than the ports of another
- Passing bills of attainder or *ex post facto* laws
- Spending funds without passing a law allowing it to do so
- Granting titles of nobility

Habeas Corpus requires the government to explain to a judge why it is restricting someone's freedom, or else set that person free. Prohibitions on Bills of Attainder and *ex post facto* laws prevent Congress from singling out a particular person for punishment, or making conduct illegal after it takes place.

The prohibition on titles of nobility recognizes the American belief, stated in the Declaration of Independence that "all men are created" equal.

Further limits would be added by the [Bill of Rights](#), which begins: "*Congress shall make no law...*"

Can Congress pass a law just because it is favored by a majority of the people?

For Congress to legally pass a law, it must have authority granted by the Constitution. If the power has not been granted, it does not matter if a majority are in favor of the law.

Often there are calls for Congress to "do something" about a problem. Such calls for Congress to act fail to consider that we may not have given it the power.

Article I's list of powers are the primary source of constitutional authority granted by the people.

The term "granted" is critical. The Congress only has the power that "we the people" have given it in the Constitution. If it's not on the list, Congress cannot legally do "it", even if a majority of the people want "it" done. This is to prevent a "tyranny of the majority" that would trample on minority rights, an intricate protection for the "unalienable rights" of the Declaration of Independence.

Article II: The President



Why does the office of the president have such great power?

The unspoken expectation of the Constitution's writers in creating this powerful office was that a person they could trust, George Washington, would be the first president. The people who had fought a war to rid themselves of a king created a president with great authority. The power of the president is a result of the faith placed in Washington.

The United States President is called the most powerful individual in the world. The source of this power is the Constitution's Article II.

Article II uses about 1000 words to define the term of office, the selection, qualifications, oath, responsibilities and impeachment provisions. It starts simply:

"The executive power shall be vested in a President of the United States of America."

Do the American people directly vote for their president?

The short answer is “no”.

The Constitution’s Article II created the Electoral College for electing the president. Each state has electors equal to its number of Senators and Representatives. The Constitution lets states determine how Electors are chosen. Once chosen, a college member may constitutionally vote for anyone for president.

Electors are now chosen by popular vote by state with citizens actually voting for electors pledged to a presidential candidate. This system may result in a presidential candidate winning the people’s vote yet losing in the Electoral College. This happened in 1876, 1888 and 2000 and is the source of efforts to reform the presidential election process. Opponents of reform believe that if presidents were elected by a simple popular majority, a candidate could win with concentration on only major population centers and ignore other parts of the country with varying interests.

What are the qualifications to be president?

There were only three original Constitutional qualifications to be president. An individual must be:

- A natural born citizen of the United States
- Thirty-five years of age
- Fourteen years a resident of the United States

The [Twenty-Second Amendment](#), in setting presidential term limits, added another qualification. Anyone who has previously served more than six years as president may not be elected to that office again.

The presidential oath is the only oath of office specifically defined by the Constitution. No one may become president without taking this oath:

"I do solemnly swear 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."

Did the original Constitution provide that the vice-president became president if the president died?

The Constitution did not say that if a president died the vice-president would become president, only that the powers of the president would “devolve upon the Vice-President”.

On April 4, 1841 William Henry Harrison became the first president to die in office. The Constitution did not address questions regarding the status of Vice-President John Tyler. When Harrison died Tyler’s constitutional status was unclear. Was Tyler president or Vice-President acting as president? Was there a difference?

Tyler acted to resolve one constitutional question, apparently for personal, not constitutional reasons. Tyler decided he was president and took the presidential oath. The difference: a president was paid \$25,000 and the vice-president was paid only \$5,000. Tyler’s pay increased by 5 times. All vice-presidents followed the precedent until the [Twenty-Fifth Amendment](#) finally addressed the subject.

What limits the president’s powers granted by the Constitution?

Though the Constitution grants great presidential power, such power remains limited. He can do no more than the Constitution allows and only the Congress can provide the money for the president to exercise any of his powers.

The Constitution’s Article II, defines the president’s authority and appoints him the military’s Commander in Chief. As commander of the world’s most powerful military he is known as the world’s most powerful leader.

The President’s control over the executive branch comes from his power, with the consent of the Senate, to appoint: “officers of the United States”. These officers generally serve at the President’s pleasure (except judges, who have lifetime appointments).

The President represents the United States to other nations due to the constitutional power to negotiate treaties, with Senate approval.

The President’s pardon power allows him to call off an execution or free someone from prison.

How were leaders of countries removed from office before the Constitution's provision for presidential impeachment?

Benjamin Franklin noted that in world history there had been but one way to remove a government leader: assassinate him. (Think Shakespeare's Julius Caesar). Franklin pointed out to the Constitutional Convention that presidents might "*render [themselves] obnoxious*". The convention saw Franklin's point and included the impeachment provisions.

Article II contains the Constitution's Impeachment Clause:

"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."

Defining a high crime or misdemeanor has proved difficult. Practically, those offenses amount to conduct agreed upon by a majority of the House and two-thirds of the Senate.

The idea that a country's leader could be removed without being killed was novel to the world.

Article III: The Supreme Court



Are members of the Supreme Court required to be lawyers?

Article III, created the Supreme Court but set no qualifications for United States judges. Judges are not even required to be lawyers.

While Articles I and II define the election of the president and members of Congress, Article III does not mention the selection of judges, nor even the office of Chief Justice. The president's power to appoint judges with the advice and consent of the Senate is found in Article II, section 2 under presidential powers. The Constitution does not address the organization of the courts, provide for the number of Supreme Court justices and does not establish trial or appellate courts. These matters are left to the Congress. Article III, in establishing the third branch of government is interesting for what it does not say, as well as for what it says.

Did the Constitution define the organization of the federal courts?

The Constitution provides almost no detail on the federal courts, and leaves most of that work to Congress.

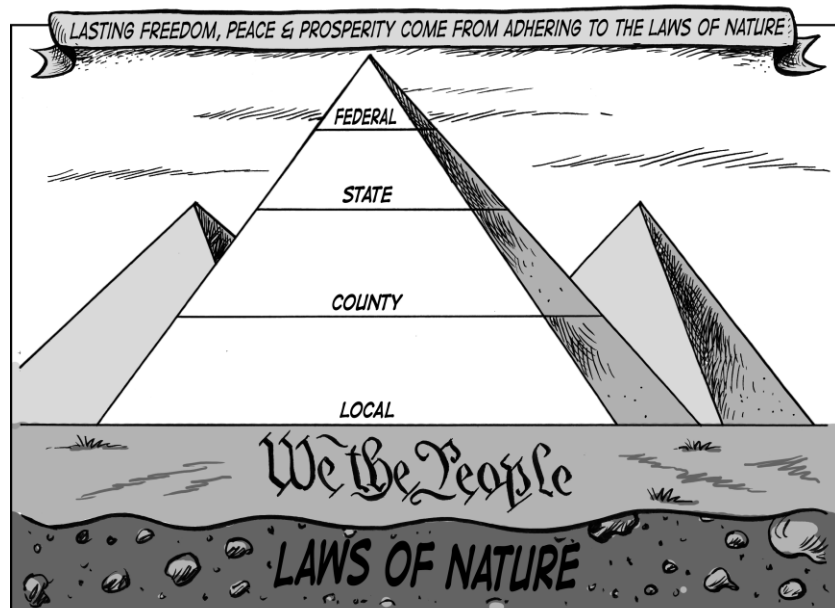
The Constitution's Article III creates the Supreme Court, provides for lifetime appointment of federal judges and prohibits Congress from decreasing judicial pay.

“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 Behavior, and shall, at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office.”

The Constitution allows Congress to set the Supreme Court's size, schedule, and organization. The Constitution assumes there will be a Chief Justice, but did not create the office, only mentioning it as the official presiding at presidential impeachments.

The Framers thought the judicial branch was least likely to danger the people's freedom, and gave it the least attention.

Article IV: Government Relations



Why can a driver's license issued by one state can be used in another?

Because the Constitution requires each state to recognize the official acts of all the other states.

Article IV begins with this sentence: *“Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State.”*

When a citizen resolves an issue within one of the States that resolution must be recognized by all other States. The Full Faith and Credit Clause guarantees this. Without that clause a state might not recognize a marriage, divorce, driver's license, birth record or other actions resolved in another state. The states also can enter into agreements governing issues like drivers' licenses thanks to the “Compact Clause” in Article I Sec. 10 with the consent of Congress.

The US Constitution's Article IV defines relationships among the governments regarding the following: recognition of each government's official acts, how a State treats the citizens of another state, extradition of criminal fugitives, return of slaves, admission of new States, and defense of the country from invasion and domestic violence. This Article provides legal definitions for parts of American [federalism](#).

Must a state treat citizens of other states the same as it treats its own citizens?

The Constitution's "Privileges and Immunities" Clause requires a State to treat citizens of other States as it treats its own citizens.

The Constitution's Article IV, Section 2 provides: "*The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.*" These "privileges and immunities" include:

- protection by the Government
- the enjoyment of life and liberty
- the right of a citizen of one State to pass through
- the benefits of the writ of *habeas corpus*
- pursuing lawsuits of any kind in the courts of the State
- owning and disposing of property, either real or personal

These constitutional requirements are benefits conferred on 21st Century Americans by the 18th Century drafters of the Constitution.

What is the power of Congress to admit new states to the union?

Article IV Section 3 gave Congress the power to admit new states, providing the basis for the growth to today's 50 states. While Section 3 gives Congress wide latitude in admitting new states to the Union, Article IV, Section 4 commands: "*The United States shall guarantee to every State in this Union a Republican Form of Government.*"

For a State to be admitted to the Union, it must establish a representative or republican government. This means a government that is made up of representatives, rather than the alternative of "direct democracy". Direct democracy is when all eligible citizens vote on every law.

The only other limitations were that there could be no new State formed within the borders of an existing State or by combining two States without legislative approval of the States involved. This provision came into play when West Virginia was formed from part of Virginia during the Civil War.

###

About David J. Shestokas



David Shestokas earned his Bachelor of Arts in Political Science from Bradley University and his Juris Doctor from The John Marshall Law School, cum laude, while serving on *The John Marshall Law Review*. Additionally, he studied comparative legal systems at Trinity College in Dublin, Ireland. He has been admitted to practice law in both state and federal courts in Illinois and Florida.

As a prosecutor and criminal defense attorney for more than thirty years, he has lived with the Constitution in the courtroom daily. As an Assistant State's Attorney for Cook County, IL he appeared in court on more than 10,000 criminal prosecutions. While on the Felony Review Unit, he participated in police investigations and made charging decisions in more than 400 felony cases.

In 1992, after the Republic of Lithuania regained its independence from the Soviet Union, Mr. Shestokas joined attorneys of Lithuanian heritage from around the world as a member of the First World Congress of Lithuanian Lawyers. The Lithuanian President, government officials, and the Lithuanian Bar worked with that Congress to restore the rule of law and a constitutional government after [four generations of Soviet occupation](#).

Mr. Shestokas is the author of [Constitutional Sound Bites](#), which grew from his weekly radio show, [Constitutionally Speaking](#), and his website, [Constitutional Legal Education and News](#). The website has more than 350,000 annual visitors. His readership is balanced across partisan, economic, ethnic and philosophical persuasions. He resonates with today's readers, be they scholars, teachers, young students, immigrants, history buffs, or the general public, as his style is

direct and easy to understand in 21st Century phrasing; while retaining the integrity of the American Founders.

Along with volunteering at the Salvation Army providing *pro bono* legal services for the homeless, David has also given his time at the [Quality Life Center](#) to educate at-risk youth about the values ingrained in America's Founding.

Mr. Shestokas has collaborated with [Dr. Berta Arias](#), past President, Illinois Latino Council on Higher Education to create [Cápsulas Informativas Constitucionales](#) which provides accurate Spanish language materials on the constitutional heritage of the United States. *Cápsulas Informativas Constitucionales*, is the first book in Spanish devoted to America's Founding Documents and Principles. It renews the tradition begun by the Founders in September, 1787, when one third of the copies of the proposed Constitution were printed in German. The Founders knew that people, even those who are multi-lingual, best understand crucial concepts in the language they are most familiar with.

Shestokas is also the author of [Creating the Declaration of Independence](#), which takes you into the minds of Richard Henry Lee, John Adams and Thomas Jefferson in the weeks before July 4, 1776. Experience Lee's trepidation as he knows when he proposes American Independence to the Second Continental Congress that he is literally risking beheading. Join Adams and Jefferson at City Tavern as they begin crafting the Declaration and follow the story of how Jefferson came to reluctantly draft the Declaration when few others, including Adams thought that Jefferson's assignment was important. You'll even learn a shortcut Jefferson used to craft a document of such immortality on such short notice.

Shestokas is a regular guest commentator on radio and television relating America's Founding Documents to current events. His current project is the development of online classes,

A Note from the Author

How These “Sound Bites” Came to Be

In 2009 I started writing for an online magazine about the US Constitution. The responses and comments to my articles led me to realize Americans had a strong thirst for a clear and thorough understanding of their rights under their Constitution. The guest writing turned into a [personal website](#), and the website into a radio show. The weekly show, *Constitutionally Speaking*, was now on America’s Talk Radio Network (ATRN). The weekly show resulted in the daily feature: “A Minute of Constitutionally Speaking”.

Read the “Sound Bites” Aloud

Along with the Declaration of Independence and the Constitution, thirty of the daily one minute presentations are collected in Volume One. Ultimately there are Volumes [Two](#) and [Three](#). These three volumes were all eBooks. They were collected and published as [Constitutional Sound Bites](#), available both as an eBook and paperback. The books are sorted into topic areas, but each “sound bite” is meant to stand on its own. The “minutes” range from 115 to 140 words.

While each can be read silently in less than a minute, if they are read aloud, like on the radio, the reading takes about a minute. I hope you’ll try this. Hearing these ideas aloud is a different experience than reading them silently.

Before each “sound bite” is a question the “sound bite” answers. They might be considered constitutional FAQs, but really are there to give context to the information that follows. I didn’t use the question format when doing *A Minute of Constitutionally Speaking* on the radio, but the format seemed helpful to the book. *The Federalist Papers* were written to answer questions. It seemed appropriate that *Constitutional Sound Bites* would answer questions as well.

American Common Ground in the Constitution

The web site, the radio show, the daily feature and *Constitutional Sound Bites* all have the same goal: to bring the Constitution alive and explain the origins, purposes and philosophy of the document. While these days many Americans either yell at or talk past one another, since 86% of Americans agree the Constitution is relevant to their daily lives, we should have common ground in the Constitution!

It's my hope these "sound bites" contribute to our sharing that common ground.

I really appreciate you reading my book! Here are my social media coordinates:

Friend me on Facebook: [David Shestokas](#)

Like the Facebook Page for my radio show: [Constitutionally Speaking](#)

Join my Facebook Group: [Dave Shestokas on the Constitution](#)

Follow me on Twitter: [@Shestokas](#)

Subscribe to my RSS Feed: <http://www.shestokas.com/feed/>

Connect on LinkedIn: <https://www.linkedin.com/in/davidshestokas>

Visit my website: [Constitutional and Legal Education and News](#)

THE DECLARATION OF INDEPENDENCE

IN CONGRESS, July 4, 1776.

The unanimous Declaration of the thirteen united States of America,

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the [Laws of Nature and of Nature's God](#) entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.--Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, [Standing Armies](#) without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

[For Quartering large bodies of armed troops among us:](#)

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing [Taxes on us without our Consent](#):

For depriving us in many cases, of the benefits of [Trial by Jury](#):

For transporting us beyond Seas to be tried for [pretended offences](#)

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have [Petitioned for Redress](#) in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an [unwarrantable jurisdiction](#) over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

John Hancock

THE CONSTITUTION OF THE UNITED STATES OF AMERICA

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 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.

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.

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.

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.

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 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.

Section. 7.

[All Bills for raising Revenue](#) shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States: If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together

with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

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

Section. 8.

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

To borrow Money on the credit of the United States;

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

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

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

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

To establish Post Offices and post Roads;

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

To constitute Tribunals inferior to the supreme Court;

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

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

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

To provide and maintain a Navy;

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

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;--And

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

Section. 9.

The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

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

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

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

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

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

Section. 10.

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

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

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

Article. II.

Section. 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:

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.

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 increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:--
"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section. 2.

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other 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.

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.

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 III.

Section. 1.

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.

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public Ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction;--to Controversies to which the United States shall be a Party;--to Controversies between two or more States;-- between a State and Citizens of another State,--between Citizens of different States,--between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

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

Section. 3.

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Article. IV.

Section. 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.

[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.

Attest William Jackson Secretary

done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independance of the United States of America the Twelfth In witness whereof We have hereunto subscribed our Names,

G°. Washington, *Presidt and deputy from Virginia*

**AMENDMENTS TO THE
CONSTITUTION OF THE UNITED STATES
OF AMERICA**

**ARTICLES IN ADDITION TO, AND AMENDMENT OF,
THE CONSTITUTION OF THE UNITED STATES OF
AMERICA, PROPOSED BY CONGRESS, AND RATIFIED
BY THE SEVERAL STATES, PURSUANT TO THE
FIFTH ARTICLE OF THE ORIGINAL CONSTITUTION**

AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

AMENDMENT III

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

AMENDMENT IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V

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

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

AMENDMENT VI

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

AMENDMENT VII

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

AMENDMENT VIII

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

AMENDMENT IX

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

AMENDMENT X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

AMENDMENT XI

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one on the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

AMENDMENT XII

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as VicePresident, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as VicePresident, and of the number of votes for each, which lists 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 for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing 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. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

AMENDMENT XIII

SECTION. 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION. 2. Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XIV

SECTION. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty one years of age in such State.

SECTION. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the

United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SECTION. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

AMENDMENT XV

SECTION. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION. 2. The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XVI

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

AMENDMENT XVII

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures. When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct. This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

AMENDMENT XVIII

SECTION. 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

SECTION. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

SECTION. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

AMENDMENT XIX

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XX

SECTION. 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

SECTION. 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

SECTION. 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

SECTION. 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

SECTION. 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

SECTION. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

AMENDMENT XXI

SECTION. 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

SECTION. 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

SECTION. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

AMENDMENT XXII

SECTION. 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President, when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

SECTION. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

AMENDMENT XXIII

SECTION. 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct: A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

SECTION. 2. The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXIV

SECTION. 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

SECTION. 2. The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXV

SECTION. 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

SECTION. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

SECTION. 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

SECTION. 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

AMENDMENT XXVI

SECTION. 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

SECTION. 2. The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXVII

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