

## The Preamble

Has no force in law; instead, it establishes the "Why" of the Constitution. Why is this document in existence? It reflects the desires of the Framers to improve on the government they currently had (to be "more perfect" than the Articles of Confederation), to ensure that that government would be just, and would protect its citizens from internal strife and from attack from the outside. It would be of benefit to the people, rather than to its detriment. And, perhaps as importantly, it intended to do the same for the future generations of Americans.

## Article 1 The Legislative Branch

**Section 1** establishes the name of the Legislature to be The Congress, a bicameral, or two-part, body.

**Section 2** defines the House of Representatives, known as the lower house of Congress. It establishes a few minimum requirements, like a 25-year-old age limit, and establishes that the people themselves will elect the members for two years each. The members of the House are divided among the states proportionally, or according to size, giving more populous states more representatives in the House. The leader of the House is the Speaker of the House, chosen by the members.

**Section 3** defines the upper house of Congress, the Senate. Again, it establishes some minimum requirements, such as a 30-year-old age limit. Senators were originally appointed by the legislatures of the individual states, though this later changed. They serve for six years each. Each state has equal suffrage in the Senate, meaning that each state has the exact same number of Senators, two each, regardless of the population. This Section introduces the Vice-President, who is the leader of the Senate (called the President of the Senate); the Vice-President does not vote unless there is a tie.

**Section 4** says that each state may establish its own methods for electing members of the Congress, and mandates, or requires, that Congress must meet at least once per year.

**Section 5** says that Congress must have a minimum number of members present in order to meet, and that it may set fines for members who do not show up. It says that members may be expelled, that each house must keep a journal to record proceedings and votes, and that neither house can adjourn without the permission of the other.

**Section 6** establishes that members of Congress will be paid, that they cannot be detained while traveling to and from Congress, that they cannot hold any other office in the government while in the Congress.

**Section 7** details how bills become law. First, any bill for raising money (such as by taxes or fees) must start out in the House. All bills must pass both houses of Congress in the exact same form. Bills that pass both houses are sent to the President. He can either

sign the bill, in which case it becomes law, or he can veto it. In the case of a veto, the bill is sent back to Congress, and if both houses pass it by a two-thirds majority, the bill becomes law over the President's veto. This is known as overriding a veto.

There are a couple more options for the President. First, if he neither vetoes a bill nor signs it, it becomes a law without his signature after 10 days. The second option is called a pocket veto. It occurs if Congress sends the bill to the President and they then adjourn. If the President does not sign the bill within 10 days, it does not become law.

**Section 8** lists specific powers of Congress, including the power to establish and maintain an army and navy, to establish post offices, to create courts, to regulate commerce between the states, to declare war, and to raise money. It also includes a clause known as the Elastic Clause which allows it to pass any law necessary for the carrying out of the previously listed powers.

**Section 9** places certain limits on Congress. Certain legal items, such as suspension of habeas corpus, bills of attainder, and ex post facto laws are prohibited. No law can give preference to one state over another; no money can be taken from the treasury except by duly passed law, and no title of nobility, such as Prince or Marquis, will ever be established by the government.

**Section 10** prohibits the states from several things. They cannot make their own money, or declare war, or do most of the other things prohibited Congress in Section 9. They cannot tax goods from other states, nor can they have navies.

## Article 2 The Executive Branch

**Section 1** establishes the office of the President and the Vice-President, and sets their terms to be four years. Presidents are elected by the Electoral College, whereby each state has one vote for each member of Congress. Originally, the President was the person with the most votes and the Vice-President was the person with the second most, though this is later changed. Certain minimum requirements are established again, such as a 35-year minimum age. Presidents must also be a natural-born citizen of the United States. The President is to be paid a salary, which cannot change, up or down, as long as he is in office.

**Section 2** gives the President some important powers. He is commander-in-chief of the armed forces and of the militia (National Guard) of all the states; he has a Cabinet to aid him, and can pardon criminals. He makes treaties with other nations, and picks many of the judges and other members of the government (all with the approval of the Senate).

**Section 3** establishes the duties of the President: to give a state of the union address, to make suggestions to Congress, to act as head of state by receiving ambassadors and other heads of state, and to be sure the laws of the United States are carried out.

**Section 4** briefly discusses the removal of the President, called impeachment.

## Article 3 The Judiciary Branch

**Section 1** establishes the Supreme Court, the highest court in the United States. It also sets the terms of judges, of both the Supreme Court and lower courts: that they serve as long as they are on "good behavior," which usually means for life (no Justice and only a few judges have ever been impeached). It also requires that judges shall be paid.

**Section 2** sets the kinds of cases that may be heard by the federal judiciary, which cases the Supreme Court may hear first (called original jurisdiction), and that all other cases heard by the Supreme Court are by appeal. It also guarantees trial by jury in criminal court.

**Section 3** defines, without any question, what the crime of treason is.

## Article 4 Relations Among the States

**Section 1** mandates that all states will honor the laws of all other states; this ensures, for example, that a couple married in Florida is also considered married by Arizona, or that someone convicted of a crime in Virginia is considered guilty by Wyoming.

**Section 2** guarantees that citizens of one state be treated equally and fairly like all citizens of another. It also says that if a person accused of a crime in one state flees to another, they will be returned to the state they fled from. This section also has a clause dealing with fugitive slaves that no longer applies.

**Section 3** concerns the admittance of new states and the control of federal lands.

**Section 4** ensures a republican form of government (which, in this case, is synonymous with "democratic," and both of which are opposed to a monarchical or aristocratic scheme - the state derives its power from the people, not from a king or gentry) and guarantees that the federal government will protect the states against invasion and insurrection.

## Article 5 Amending the Constitution

There are essentially two ways spelled out in the Constitution for how to propose an amendment. The first method is for a bill to pass both houses of the legislature, by a two-thirds majority in each. Once the bill has passed both houses, it goes on to the states for ratification by three-fourths. This is the route taken by all current amendments. The second method prescribed is for a Constitutional Convention to be called by two-thirds of the legislatures of the States, and for that Convention to propose one or more amendments. These amendments are then sent to the states to be approved by three-fourths of the legislatures or conventions.

## Article 6 Debts, Supremacy & Oaths

First, it guarantees that the United States under the Constitution would assume all debts and contracts entered into by the United States under the Articles of Confederation. It sets the Constitution and all laws and treaties of the United States to be the supreme law of the country. Finally, it requires all officers of the United States and of the states to swear an oath of allegiance to the United States and the Constitution when taking office.

## Article 7 Ratification

Of the original 13 states in the United States, nine had to accept the Constitution before it would officially go into effect. Ratification went to state conventions and not to the state legislatures.

## The Bill of Rights

**1st Amendment** protects the people's right to practice religion, to speak freely, to assemble (meet), to address the government and of the press to publish.

**2nd Amendment** protects the right to own guns. There is debate whether this is a right that protects the state, or a right that protects individuals.

**3rd Amendment** guarantees that the army cannot force homeowners to give them room and board.

**4th Amendment** protects the people from the government improperly taking property, papers, or people, without a valid warrant based on probable cause (good reason).

**5th Amendment** protects people from being held for committing a crime unless they are properly indicted, that they may not be tried twice for the same crime, that you need not be forced to testify against yourself, and from property being taken without just compensation. It also contains due process guarantees.

**6th Amendment** guarantees a speedy trial, an impartial jury, that the accused can confront witnesses against them, and that the accused must be allowed to have a lawyer.

**7th Amendment** guarantees a jury trial in federal civil court cases. This type of case is normally no longer heard in federal court.

**8th Amendment** guarantees that punishments will be fair, and not cruel, and that extraordinarily large fines will not be set.

**9th Amendment** is simply a statement that other rights aside from those listed may exist, and just because they are not listed doesn't mean they can be violated.

**10th Amendment** is the subject of some debate, but essentially it states that any power not granted to the federal government belongs to the states or to the people. See the Federalism Topic Page for more information.

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**Source:** US Constitution Online <<http://www.usconstitution.net/constquick.html>>