

Section 5

- Each house determines if its members are legally qualified to serve and have been fairly elected.
- A majority of the members of each house is necessary for a vote to be taken.
- Each house makes its own rules.
- Each house can punish its members and expel a member by a 2/3 vote.
- Each house shall keep a journal of its proceedings and of votes taken.
- When Congress is in session, neither house can adjourn for more than 3 days or meet in another place.

Section 6

- Members of Congress receive a salary.
- Members of Congress cannot be arrested in the House or Senate chambers.
- Members of Congress cannot be prosecuted for things said or written in connection with their duties.
- Members of Congress cannot hold a federal office during their term of office.
- Members of Congress cannot be appointed to a post created during their tenure.
- Members of Congress cannot be appointed to a post whose salary has been increased during their tenure.

Article 2 - The Executive Branch

Section 1

- The President holds all Federal Executive Power
- The President serves for a term of 4 years.
- The Vice President serves a 4 year term.
- Each state appoints electors equal in number to the state's senators and representatives.
- Electors from each state vote for President and Vice President. ("Electoral College")
- In the event of a tie vote or failure of one person to win a majority for President and Vice President, the election is decided by the House of Representatives.
- The Congress determines the time of choosing electors.
- Candidates for President must be natural-born citizens
- Candidates for President must be at least 35 years old
- Candidates for President must be 14-year residents of the U.S.
- If the President is removed from office, dies, resigns, or falls ill, the Vice President will take up his duties.
- The President receives a salary, which remains the same during his term of office.
- The newly elected President takes the Oath of Office.

Section 7

- All tax bills must originate in the House of Representatives.
- The Senate may propose amendments to tax bills.
- A majority of both houses must go to the President for approval.
- If the President signs a bill, it becomes law.
- If the President does not approve of a bill, he sends it back to Congress ("veto").
- If 2/3 of both houses approve the bill, it passes over the President's veto.
- If the President does not return the bill to Congress within 10 days (excluding Sundays), it automatically becomes law.
- If Congress adjourns before 10 days pass, an unsigned bill is effectively vetoed ("pocket veto").
- All orders, resolutions or votes requiring the agreement of both houses must be submitted for the President's approval.
- If the President does not approve of any order, resolution or vote requiring the agreement of both houses, a 2/3 vote of the Senate and the House is needed to override his disapproval.

Section 2

- The President is commander in chief of the Army, Navy, and the state militia when called into service by the federal government.
- The President has the power to grant reprieves and pardons.
- The President has the power to make treaties with the consent of 2/3 of the Senate.
- With the Senate's consent, the President appoints ambassadors, Supreme Court judges, and other federal officers.
- In the event of a tie vote or failure of one person to win a majority for President and Vice President, the election is decided by the House of Representatives.
- The Congress determines the time of choosing electors.
- Candidates for President must be natural-born citizens
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Section 3

- The President reports to Congress on the state of the Union.
- The President receives ambassadors.
- The President makes sure that the laws are carried out.

Section 4

- If the President, Vice President, or other federal officials are guilty of serious crimes, like bribery or treason or acts that show them unfit for office ("Misdemeanors"), they can be impeached and removed from office.

Section 8

- Congress can:
  - lay and collect taxes
  - borrow money
  - regulate national and international trade
  - establish rules for naturalization and bankruptcy laws
  - print money and make coins
  - set the standard for weights and measures
  - grant patents to inventors and copyrights to authors
  - set up federal courts
  - punish piracy and crimes committed at sea
  - declare war
  - raise and support military forces
  - create and maintain a navy
  - make rules for military forces
  - call on the militia (National Guard) to put down rebellion and invasion and to enforce the laws
  - help organize, arm, and discipline the militia
  - exercise control over the District of Columbia and over other federal property
  - make all laws "necessary and proper" for carrying out its Constitutional powers (sometimes called the "elastic clause")

Article 3 - The Judicial Branch

Section 1

- Judicial power rests with the Supreme Court and other federal courts that Congress can create.
- Supreme Court and Federal Court judges receive a salary.
- Supreme Court and Federal Court judges serve for life on good behavior.

Section 2

- The Judiciary decides cases arising under the Constitution and cases involving federal laws, treaties, etc.
- Cases involving ambassadors and states go directly to the Supreme Court.
- Cases can be appealed to the Supreme Court.
- Trials are held in the state where the crime was committed.

Section 3

- It is treason to make war on the United States or to give aid to its enemies.
- A person can be convicted of treason if he/she confesses in court or if there are two witnesses to the act of treason.
- Congress determines the punishment for treason.

Section 9

- Congress can't:
  - prohibit the "Migration or Importation of such persons as any of the states now existing shall think proper to admit" (the slave trade) before 1808
  - suspend the right of people to question their imprisonment ("habeas corpus") except during a rebellion or invasion
  - pass any bill of attainder, ex post facto law, or law impairing contractual obligations
  - grant titles of nobility
  - place duties on imports or exports except for small inspection fees without the approval of Congress
  - keep troops or ships of war in peacetime without the approval of Congress
  - make treaties without the approval of Congress, unless invaded

Article 4 - Interstate & Federal Relations

Section 1

- States must honor one another's laws, records, and court rulings.
- Citizens traveling from state to state are entitled to the same privileges as citizens of the state they are visiting.
- If a person charged with a crime flees to another state, the governor of the state where the crime was committed can demand the person's return.

Section 2

- Two-thirds of the state legislatures may ask Congress to call a convention
- Amendments must be approved by 3/4 of the state legislatures or by conventions in 3/4 of the states.

Section 3

- A new state cannot be formed by joining or dividing states without the consent of Congress and the state legislature(s).
- Congress can admit new states to the Union.
- Congress disposes of and regulates U.S. territory and property.

Section 4

- The U.S. guarantees every state a representative form of government.
- The U.S. will protect states from invasion and civil unrest.

Section 10

- The States Can't:
  - enter into any treaty or alliance
  - approve private military action ("Letters of Marque")
  - coin money
  - give out bills of credit
  - pass any bill of attainder, ex post facto law, or law impairing contractual obligations
  - grant titles of nobility
  - place duties on imports or exports except for small inspection fees without the approval of Congress
  - keep troops or ships of war in peacetime without the approval of Congress
  - make treaties without the approval of Congress, unless invaded
  - make war without the approval of Congress

Article 5 - Amending the Constitution

Section 1

- Amendments may be proposed by a two-thirds vote of both houses of Congress.
- Two-thirds of the state legislatures may ask Congress to call a convention
- Amendments must be approved by 3/4 of the state legislatures or by conventions in 3/4 of the states.

Article 6 - National Debts

Section 1

- All debts existing prior to the adoption of the Constitution are to be honored.
- The Constitution and federal laws are the highest laws of the land.
- Federal and state officials owe their first loyalty to the U.S. Constitution.
- There is no religious test for holding a federal office.

## Why was our Constitution Created?

The United States declared its independence from Great Britain on July 4<sup>th</sup>, 1776. The United States won the Revolutionary War and became its own independent nation in 1783. Our first National Charter, the Articles of Confederation, was weak and did not work very well. Many feared the new United States of America would break up.

In 1786, representatives from the states met to change the Articles of Confederation, and decided that what we really needed instead was a brand new Constitution. Over just four months, the Congress met in Philadelphia and wrote our Constitution. It was signed on September 17<sup>th</sup>, 1787. The Constitution was ratified by 3/4 of the states in 1789 and took effect in 1790. Over more than 200 years, our Constitution has only been changed 27 times.

Use this guide to learn the Constitution, and visit LawDocs on [www.lawforkids.org](http://www.lawforkids.org) to read the full text of the Constitution.

## The Preamble

**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.**

*The preamble tells us the main reasons why the Constitution was written.*

*Can you memorize the Preamble?*

## Article I - The Legislature

### Section 1

- Congress alone has the power to make laws.
- Congress is made up of the Senate and the House of Representatives.

### Section 2

- Members of the House of Representatives are elected to 2 year terms.
- House members must be at least 25.
- They must have been citizens for 7 years.
- They must live in the state they represent.
- The number of representatives for each state is based on population.
- Each state has at least one representative.
- Every 10 years a census must be taken to determine how many representatives each state should have.
- The state governor calls a special election to fill a vacant seat.
- The House chooses a speaker to preside.
- The House alone brings charges of impeachment.

### Section 3

- Each state has 2 senators.
- Each senator serves a 6 year term.
- One-third of the Senate stands for election every 2 years.
- A senator must be at least 30.
- A senator must have been a citizen at least 9 years.
- A senator must live in the state he/she represents.
- The Vice President is president of the Senate and votes only to break a tie.
- The Senate elects a president pro tempore to preside in the Vice President's absence.
- The Senate tries all impeachment cases.
- Impeachment conviction requires a 2/3 vote of the Senate.
- When the President is on trial for impeachment, the Chief Justice presides.
- A person who is impeached and convicted is removed from office.
- A person who is impeached and convicted is forbidden to hold federal office.
- After a person who is impeached and convicted is removed from office, he or she can be prosecuted.

### Section 4

- State legislatures decide where, when, and how to hold Congressional elections.
- The Congress shall meet once a year.

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Selected Other Amendments

1. States generally can't be sued in federal courts (11<sup>th</sup> Amendment)
2. Slavery is abolished (1865 - end of the Civil War) (13<sup>th</sup> Amendment)
3. Formerly-enslaved persons are citizens of the state where they were born or naturalized (14<sup>th</sup> Amendment)
4. States can't deprive any person of life, liberty or property without due process of law - meaning that states can't limit most of the rights listed in the Bill of Rights (14<sup>th</sup> Amendment)
5. Citizens' right to vote cannot be limited due to their color or the fact that they were formerly enslaved (15<sup>th</sup> Amendment)
6. Incom tax created (16<sup>th</sup> Amendment)
7. Alcohol is banned (1919) ("Prohibition") (18<sup>th</sup> Amendment)
8. Women are guaranteed the right to vote (1920) (19<sup>th</sup> Amendment)
9. Prohibition is repealed (1933) (21<sup>st</sup> Amendment)
10. The President cannot serve more than two terms (1951) (22<sup>nd</sup> Amendment)
11. Citizens can't be made to pay for the privilege of voting for federal officeholders (24<sup>th</sup> Amendment)
12. Citizens 18 or older are guaranteed the right to vote (26<sup>th</sup> Amendment)

Bill of Rights (Continued)

1. If prosecuted for a crime, have a speedy and public trial, an impartial jury from the state and district where the crime was committed, notice of what the charges against you are, a chance to confront the witnesses who testify against you, a chance to compel witnesses to testify for you,
2. Have a jury in most civil cases (7<sup>th</sup> Amendment)
3. Not be subjected to excessive bail, or excessive fines, or "cruel and unusual punishments" by the government (8<sup>th</sup> Amendment)
4. The fact that certain rights are listed in the Constitution doesn't mean that you don't have other rights as well (9<sup>th</sup> Amendment)
5. The powers that the Constitution doesn't give to States or the people (10<sup>th</sup> Amendment)

Bill of Rights (the first 10 amendments)

1. You have the constitutional right to:
  - Speak your mind without government interference (1<sup>st</sup> Amendment)
  - In certain situations, "keep and bear Arms" without government interference
  - Refuse to let soldiers stay in your house (3<sup>rd</sup> Amendment)
  - Not be subjected to "unreasonable" government searches and seizures (4<sup>th</sup> Amendment)
  - Not be prosecuted for a serious crime unless you've been indicted by a Grand Jury first (5<sup>th</sup> Amendment)
  - Not be separately prosecuted for the same crime more than once ("double jeopardy") (5<sup>th</sup> Amendment)
  - Not be forced to incriminate yourself (5<sup>th</sup> Amendment)
  - Not have the government take away your life, liberty, or property without "due process" of law (5<sup>th</sup> Amendment)
  - Not have the government take your property for public use without compensating you (5<sup>th</sup> Amendment)

Article 7 - Ratifying the Constitution

The Constitution must be ratified by nine of the thirteen states.

States and dates of ratification:

1. Delaware 12/7/1787
2. Pennsylvania 12/12/1787
3. New Jersey 12/18/1787
4. Connecticut 1/9/1788
5. Georgia 2/2/1788
6. Massachusetts 2/6/1788
7. Maryland 4/28/1788
8. South Carolina 5/23/1788
9. New Hampshire 6/21/1788 \*
10. Virginia 6/25/1788
11. New York 7/26/1788
12. North Carolina 11/29/1789
13. Rhode Island 5/29/1790

\* Constitution ratified with 9 states