

The Constitution consists of the Preamble, seven original articles, and 27 amendments. This summary will aid you in gaining an overview of the Constitution or as an index to finding the particular portion of the Constitution that you wish to study. You will find a copy of the entire Constitution in the back of your history book or in the library. Free copies of the federal Constitution and your state constitution are available from the secretary of state in your state capital or on the Internet.

## Preamble

The *Preamble* to the United States Constitution comes at the beginning of the document and explains the goals of the Constitution.

### ARTICLE 1 – LEGISLATIVE BRANCH

This article outlines the legislative branch, lawmaking requirements for Congress, the elastic clause, and forbidden powers. It is the longest article in the Constitution.

### ARTICLE 2 – EXECUTIVE BRANCH

This article outlines presidential and vice presidential duties, terms of office, succession, impeachment, oath of office, and specific executive powers.

### ARTICLE 3 – JUDICIAL BRANCH

This article addresses the judicial powers of the United States, the Supreme Court and other courts, and judges are discussed in this article. It also defines treason.

### ARTICLE 4 – STATES AND THE UNION

This article outlines how the states fit in with the plan of the federal government. It sets requirements for new states and requirements of the federal government in respect to states.

### ARTICLE 5 – AMENDMENTS

This article outlines how to amend the Constitution.

### ARTICLE 6 – UNITED STATES CONSTITUTION SUPREME

This important part of the Constitution makes it clear that the federal Constitution is the supreme law of the land.

### ARTICLE 7 – RATIFYING PROCEDURE

This article explains how the Constitution was ratified.

## Amendments

The first 10 amendments were adopted in 1791 and are known as the *Bill of Rights*. A summary of each additional amendment is preceded by the year it was adopted.

- 1st – Freedom of religion, speech, press, assembly, and petition.
- 2nd – Right to bear arms; refers to state militias.
- 3rd – Housing of soldiers.

- 4th – No unreasonable search or arrest.
- 5th – No person tried without grand jury indictment or punished twice for same offense. Prohibits being a witness against yourself and guarantees due process of law.
- 6th – Rights of accused in criminal cases.
- 7th – Trial by jury.
- 8th – No excessive bail or cruel punishment.
- 9th – People retain rights not listed in the Constitution.
- 10th – Power not given to the federal government is given to the people or states (very important for state government).
- 11th – 1795 – Individual cannot sue a state in federal courts.
- 12th – 1804 – Repeals part of Article 2, Section 1, of the Constitution. Electoral College must cast separate ballots for president and vice president. In 1800, there was difficulty when Thomas Jefferson and Aaron Burr received the same amount of votes in the Electoral College, even though the electors meant Burr's votes to be for the position of vice president. The election had to go to the House of Representatives where Jefferson won, thanks to the support of Alexander Hamilton. This helps explain why Hamilton and Burr later dueled and Hamilton was killed.
- 13th – 1865 – Abolished slavery.
- 14th – 1868 – All persons born or naturalized in the United States enjoy full rights. This was done to protect the rights of freed slaves and minorities after the Civil War, but it applies equally to all Americans. This amendment also made certain rules concerning the southern states after the Civil War.
- 15th – 1870 – States cannot prevent a person from voting because of race, creed, or color.
- 16th – 1913 – Income tax amendment.
- 17th – 1913 – Provides for popular election of United States senators. Repeals part of Article 1, Section 3. In the past, senators were elected by state legislatures.
- 18th – 1919 – Prohibition. No alcoholic beverages to be bought or sold in the United States.
- 19th – 1920 – Woman suffrage. Some states had already given women the right to vote in some elections. This amendment gives all women, who are U.S. citizens, the right to vote in all elections.
- 20th – 1933 – Changed the date the president takes office from March 4th to January 20th (four-year term). Also changed the start of Congress to January 3rd and ended old second session (end of Lame Duck Congress).

**21st** – 1933 – Repealed prohibition and voided the 18th Amendment (the only amendment to repeal another amendment).

**22nd** – 1951 – No person shall be elected to the office of president more than twice.

**23rd** – 1961 – Gave residents of Washington, D.C., the right to vote in presidential elections.

**24th** – 1964 – Anti-poll tax amendment. Forbids taxing voters before they may vote in national elections.

**25th** – 1967 – Established the process by which an ailing president may pass the duties of office to the vice president and for the filling of the vice president's office, when vacant.

If the president notifies Congress of being unable to serve, the vice president becomes president until the president once again feels able to serve. If, in the judgment of the majority of the Cabinet and the vice president, the president is not able to serve, the vice president will become president until the president can serve. Prolonged disputes over this amendment are settled by Congress.

Any vacancy in the vice presidency is filled by an appointment made by the president, with approval by a majority of both houses of Congress.

In 1973, we saw the first use of the 25th Amendment. Vice President Spiro Agnew became the second vice president ever to resign. President Richard Nixon proposed Gerald Ford as vice president, and he was approved by both houses of Congress.

**26th** – 1971 – 18-year-olds are allowed to vote in federal and state elections.

**27th** – 1992 – Prohibits Congress from voting itself mid-term pay raises.

**SELECTION COMPARISONS**

How Chosen	CONGRESS		PRESIDENT	SUPREME COURT
	HOUSE	SENATE		
	Elected	Elected	Elected	Appt. by President
Term of Office	2 Years	6 Years	4 Years	Life or Retirement
Age Req.	Minimum 25	Minimum 30	Minimum 35	None

*\*As described in the next paragraph, this chart shows that the Constitution affects how elected officials are selected, the terms they serve, and the minimum age requirements.*

**Hidden Meanings in the Constitution**

The Constitution is filled with hidden techniques and ideas. An example is the chart of election prescribed by the Constitution. It uses different ways to choose some officers, different lengths of term, and different age requirements. While the president is elected like the members of the Senate and the House, the Electoral College, not the people, actually elect the president. And while the Senate and House are both elected by the people, senators are elected by vote of all people in the state. Representatives are elected by people from one area of the state. Federal judges are not to be elected by the people at all. These are just some examples.

**When is the next Constitutional Amendment?**

If you review the history of when the 27 amendments were adopted, you will see that they are spaced apart by 10-20 years. Our last amendment was in 1992. So, are we due for another amendment? Current topics in the news include giving Washington, D.C. a U.S. representative, banning flag burning, defining marriage, providing for a balanced budget, and expanding term limits of government officers. Can you think of other topics that may lead to an amendment?

**QUESTIONS**

**SHORT ANSWER**

- Which amendment repealed another amendment?  
\_\_\_\_\_
- Which part of the Constitution tells how to amend the Constitution?  
\_\_\_\_\_
- Which part of the Constitution would you find out about the:  
executive branch? \_\_\_\_\_  
legislative branch? \_\_\_\_\_  
judicial branch? \_\_\_\_\_
- Where would you look to find the goals of the Constitution?  
\_\_\_\_\_
- The Constitution has a Preamble, \_\_\_\_\_ original articles, and \_\_\_\_\_ amendments.
- The First Amendment was passed in \_\_\_\_\_, and the last was passed in \_\_\_\_\_.
- Where would you find information concerning the states and their relationship with the federal government?  
\_\_\_\_\_
- Where would you look to find how the Constitution was adopted?  
\_\_\_\_\_
- Which article of the Constitution makes it clear that the Constitution is the supreme law of the land?  
\_\_\_\_\_
- Which amendment gives 18-year-old women the right to vote?  
\_\_\_\_\_
- Which amendment established rules to fill vacancies in the vice presidency?  
\_\_\_\_\_
- Which amendments are called the Bill of Rights?  
\_\_\_\_\_
- Which amendment limits the number of presidential terms?  
\_\_\_\_\_
- Which amendment abolished slavery in 1865?  
\_\_\_\_\_
- Federal judges are appointed by the \_\_\_\_\_.