



We
the
People

Guide to the
U.S. Constitution

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Why was the Constitution Created?

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

In 1787, Congress 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 17th, 1787. The Constitution was ratified by 3/4 of the states in 1789 and took effect in 1790.

The Constitution has been the highest law of the land for over 200 years. It has been changed (amended) only 27 times. Use this guide to learn the Constitution, and visit Law Docs on **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 I

- 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 the U.S. population.
- 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 two 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.

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.

Section 7

- All tax bills must originate in the House of Representatives.
 - The Senate may propose amendments to tax bills.
 - Bills passed by 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 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
- punish counterfeiters
- establish post offices and post roads
- 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 for carrying out its Constitutional powers (the “elastic clause”)

Section 9

Congress can't:

- prohibit the importation of slaves or migration before 1808
- suspend the right of people to question their imprisonment (“habeas corpus”) except during a rebellion or invasion
- pass a law that singles out a group of people for imprisonment (“bill of attainder”)
- pass a law that punishes people for actions before the law was passed (“ex post facto”)
- pass a head tax unless it is in proportion to the census
- tax items exported from any state
- make trade laws that favor one state over another
- require ships going from one state to another to pay taxes
- spend government money without the consent of Congress
- grant titles of nobility or permit federal officials to accept gifts or titles without Congress’s consent

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
- make war without the approval of Congress, unless invaded

Article 2 - The Executive Branch

Section 1

- The President is the chief executive officer.
- 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 a least 35.
- 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 2

- The President is commander in chief of the Army, Navy, and militia.
- 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.
- When the Senate is not in session, the President can make temporary appointments to offices requiring Senate confirmation.

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, they will be impeached and removed from office.

Article 3 - The Judicial Branch

Section 1

- Judicial power rests with the Supreme Court and other federal courts.
- 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.
- Crimes are tried by jury
- 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.

Article 4 - Interstate & Federal Relations

Section 1

- States must honor one another's laws, records, and court rulings.

Section 2

- 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 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.

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 to propose amendments to the Constitution.
- Amendments must be approved by 3/4 of the state legislatures or by conventions in 3/4 of the states.

Article 6 - National Debts Federal Supremacy

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.

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

Amendments

Bill of Rights

1. Freedom of religion, speech, press, assembly and petition
2. Freedom of militia and to bear arms
3. Quartering soldiers in a person's house
4. Security from unwarranted search and seizure
5. Freedom for life, liberty and property
6. Criminal cases and rights of accused persons
7. Common law and trial by jury in civil cases
8. No excessive bail or fines. No cruel and unusual punishment
9. People may have other rights not listed in the Constitution
10. Powers not mentioned in the Constitution are reserved to the states or the people

Other Amendments

11. Restriction of Judicial power
12. Presidential Electors
13. End and abolition of slavery
14. Citizenship, Congressional apportionment, insurrection, public debt
15. Right to vote guaranteed regardless of race
16. Income Tax
17. How senators are elected and how vacancies are filled
18. National alcohol prohibition
19. Women's right to vote guaranteed
20. Change of Inaugural date, expiration of terms, times for Congress to assemble
21. Repeal of alcohol prohibition
22. Presidents limited to serving two terms...
23. Appointment of electors for the District of Columbia
24. Elimination of poll tax or other taxes as a requirement for voting
25. Presidential Succession
26. Right to vote for 18, 19 and 20 year olds
27. Congressional pay raises

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