

Nature of U.S. Constitution

Paper Introduction:

The United States is one of the greatest democracy of the world. It is a super power and is champion of human rights and freedom. It has most successful federal system of government; which has developed by the process of trial and error and correction. The history of United States is only four hundred years old; which has great importance for the students of constitution and government. The Constitution of United States is also oldest written Constitution of the world; which was framed in 1787. The Philadelphia Conference was attended by the people of all interests and pursuits; which laid the foundations of the Constitution. The Constitution is most democratic; which protects the rights and liberties of each citizen. There is no state-religion, according to the Constitution. The religion is personal concern of every individual.

Paper Constitutional Development:

The study of the history of the Constitution of United States shows, how the form of the Constitution has been moulded by the exigencies of time. It was the peculiar set up of the thirteen colonies, which led to the evolution of the federation. The colonies were largely populated by English settlers, who were of three different classes. *First*, there were crown colonies ruled by governors; who were appointed by the British King and were assisted by the councils in the operation of administration. *Second* type of colonies were the proprietary colonies, which were under the control of the individuals, who had been given the right to exercise the powers of government. *Lastly*, there were the charter colonies, in which the power of government were conferred directly upon the free men of the colonies.

The aspect of seeing sth minutely

sth that is necessary in a particular situation

We can trace the constitutional history of America in the following lines:-

- i. **The establishment of Virginia House of Burgess in 1619**, by which the first representative government in America had its beginning. The first representative legislature passed some laws concerned with both the moral and economic welfare of the people. *William, held*
- ii. **Mayflower Compact: (1620)**: The pilgrims concluded Mayflower compact for governing themselves in 1620; which was the first written constitution in American history. They pledged themselves solemnly and mutually in the presence of God to combine together in to a civil body politics, to which all will obey and submit. *which*
- iii. **Fundamental Orders of Convention: (1639)**: Three fundamental orders created an unique type of government in 1639; in which provision was made for the three branches of government with legislature, executive and judicial functions.
- iv. **The Colonial conflict**: By the succession of George-III to the British Throne, the conflict between the colonists and the government started. The British Government introduced new trading acts and levied heavy taxation; which resulted in conflict between the Government and American subjects. During the period, the British Parliament passed the Stamp Act in 1765, which required a stamp tax was to be paid on legal documents, circulating newspapers and marriage licenses.
- v. **Stamp Act of Congress**: The delegates from nine states met in New York and drafted a declaration of Rights protesting the Crown's right to levy a direct internal tax without the consent of the colonial assemblies; which means "no taxation without representation" was acceptable by Americans.

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- 1765-1773 vi **Sons of Liberty:** The sons of liberties were organized to keep alive opposition to the Stamp Act. Committees of correspondence were formed in every colony to spread the doctrine of resistance to the undue taxes.
- 1774-1775 vii **First Continental Congress: (1774)** The Massachusetts legislature called for a meeting of a Continental Congress, which was held at Philadelphia on September 5, 1774. Fifty six delegates representing twelve colonies attended the Congress. Many prominent men were present at the Congress. It adopted a "Declaration of Rights" demanding no taxation without colonial representation; and they called to grant a number of rights to the colonists; which was ignored by George-III and the British Parliament.
- 1775-1776 viii **Second Continental Congress: (1775)** Tension between the British Government and colonists was high and an explosive situation could develop at any time. The scene was thus laid for the Second Continental Congress, which met at Philadelphia on May 10, 1775. The Congress organized an army, issued continental currency, established a treasury department and a post office, raised navy and appointed George Washington as Commander-in-Chief of the army.
- 1776-1777 ix **Declaration of Independence: (1776)** The method of governance, the Second Continental Congress has adopted for the colonies, was the preliminary step to independence. It was followed by adoption of Declaration of Independence on July 4, 1776. It was declared, "Colonies are free and independent states. They are absolved from all allegiance to the British Crown and as free and independent states, having full power to declare war, conclude peace, contract alliance and to do all other acts and things, which independent states may have right to do". The

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confederation and federation are one thing

a group of people countries organization that are joined together in some activity or effort 133

Declaration of Independence with Britain and colonists severed political ties with Britain. The war lasted from 1776 until 1783.

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Topic: ...

Establishment of Confederation: (1781)

Declaration of Independence (1776) With the independent from Crown and United States became history as an independent state. The colonies prosecute the war unitedly. On the July 1775 a committee was constituted; which drafted the Articles of Confederation. These Articles were approved by the Congress of States on 15th November 1781. The first Article named the Confederation "the United States of America". The second article stated that each state retain its sovereignty, freedom, independence, jurisdiction and right, which was not expressly delegated to the Congress. The third article stated that all the states entered into friendship with each other for their common defense, security and general welfare on the account of religion, sovereignty, trade or any other pretence. According to the fourth article, a Congress was established consisting of delegates of states to make war and peace, to settle all disputes and differences among the states, to coin money and regulate the currency. No person could be a delegate more than 3 years. The Presiding Officer called President possessed almost no executive authority. The congress was not given the power to tax and to regulate trade between the states.

in act of appearance that looks real but is false.

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It was clear that the Confederation was a loose "Union of States". The Articles of Confederation were hardly anything more than conventions. It had no binding force. It had to manage the affairs of the states, but had no real powers. It was a merely an advisory and consultative body and could not compel any state to obey its dictates. Its weaknesses became apparent

soon after the war. In the words of Wilson, "It has a hope of sand, which bound, none."

to belong to the

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Treaty of Paris: (1783) The war of independence lasted for eight years. At the end of the war the British Government recognized the independence of the colonies by the Treaty of Paris in 1783. Soon after the victory there was a crisis in the life of the infant nation. The inter-states jealousy began to develop. Thus, the leaders averted the situation and succeeded in pertaining their union intact.

incident to prevent the had plan happening

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The Annapolis Convention: (1786) Virginia State at the suggestion of James Madison called the convention at Annapolis in January, 1786; which was attended by the delegates of five states Virginia, Delaware, Pennsylvania, New Jersey and New York. All of attending delegates agreed to draft a recommendation to be sent to all states for second convention to be held at Philadelphia the following May.

incident to prevent the had plan happening

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The Philadelphia Convention: (1787) The famous Confederation Convention at Philadelphia was held in May 1787. Seventy four delegates from twelve states except Rhode Island attended the convention. Various proposals were made such as the Virginal Plan or Large State Plan, the New Jersey Plan or Small States Plan, and South Carolina or Pinckney Plan. The main trouble was regarding the representation of big and small states. At last a proposal was brought forth by the delegate from Connecticut, which provided for representation in proportion to population of states in the Lower House; while equal representation in Upper House. The Convention also recognized the necessity of giving real authority and power to Federal Government, in coining money, regulating commerce and trade, declaring war and making peace. On these compromises, the Constitution was framed and signed

by the delegates of twelve states excluding Rhode Island on 17th September 1787 and was ratified by the nine out of thirteen states. George Washington was elected the first President and John Adams as Vice-President of United States. New York city was made capital of new state. Thus the new Constitution came into force in 1789. Later the number of states increased from 13 to 50.

SALIENT FEATURES OF THE CONSTITUTION

1. Written Constitution:

to approve, confirm, finalize, formalize.

The American Constitution is a written document drafted in the Constitutional Convention of 1787. It is a brief Constitution consisting of 7 articles and 26 amendments containing about 4000 words and occupying ten or twelve printed pages, which can be read in half an hour. Following a brief preamble three articles are devoted to legislative, executive and judicial branches. Four articles are concerned with the position of states. The modes of amendment, supremacy of national power and ratification. The language of Constitution is very simple, direct, concise and very clear with out any ambiguity.

It is quite different from the unwritten Constitution of Great Britain, yet it also contains a number of conventions, usages and customs; which are vital parts of the Constitution. The conventions played a significant role so that the very nature of Constitution stands changed now. For example, the fathers of the Constitution provided for indirect election of President, but as a matter of convention, he is now directly elected.

2. Rigid Constitution:

The American constitution is most rigid Constitution of the world. It means that it can be amended by a difficult, special and complicated procedure, which is different from the ordinary method of law-making. This amending process consists of two parts namely the proposal of amendment and the ratification of the proposal. It is on account of this rigidity that until now only

26 amendments have been made in the Constitution. Regarding the proposals, the two-third majority of both Houses shall propose amendments to the Constitution or on the application of legislatures of two third of the states shall call a convention for proposing amendment.

Regarding the ratification, the amendment shall be ratified by the legislatures of three fourths of all states or by the conventions of three-fourth states. The Congress can propose one or the other mode of ratification.

In spite of its rigidity the Constitution has adapted itself to tremendous changes in America, such as political parties are not mentioned in the Constitution, yet, they are operating in the United States.

to officially make someone or sth.

3. Popular Sovereignty:

The principle of popular sovereignty is clearly spelled out in the Preamble of the Constitution, "We the peopledo ordain and establish this Constitution for Unites States of America". It implies the doctrine of consent, that is the government derives its just powers from the consent of the governed. It means that in the United States the people reign, for they determine the nature of the political institutions and structure of the state. The people have delegated their powers to the Federal Government and the Government owes its authority to the will of the people, James Wilson summed up this concept in these words, "Over each citizen were to be two governments, both derived from the people, both meant for the people, and both operating by an independent authority upon the people". The doctrine of popular sovereignty is a constitutional check to any tendency towards arbitrary and despotic government and a guarantee of the respect for the rights of the citizens.

4. Limited Government:

Another basic feature of the Constitution is the doctrine of limited government. According to the framers of the Constitution, absolute power must necessarily be arbitrary and despotic. Hence all powers must be limited, otherwise there will tyranny, oppression, ending in revolt and violence. Therefore, they were facing the issue,

- arbitrary
- dictatorial
- tyrannical

how to maintain a government, whose powers were limited by enabling the government to control the subjects and on the other hand, they obliged the government to the people by deriving powers from them. The Constitution defines the powers, which the government is to exercise and impose restrictions, within which it has to operate. According to Madison, "In framing a government, which is to be administered by men over men, the great difficulty lies in this; you must first enable the government to control the governed, and in the next place oblige it to control itself." Thus no government in United States has unlimited power. It has only those powers granted to it by the people; it can exercise none other.

5. Separation of Powers:

The American Constitution is based on the doctrine of "Separation of Powers"; which means the division of powers among three branches of government and non-interference of one to other's jurisdiction. Unlike the parliamentary government, the American Constitution has distributed the powers of National Government among the Congress, the President and his Cabinet, and the Courts.

Congress, the legislature exercises legislative powers and it can not allow any agency or person to make laws in its place. It passes laws, which outline general policies and set certain standards, while learning the actual details of day to day administration is the duty of executive branch of government.

The President and his Cabinet possess the executive powers. He can execute laws, enforce laws or can administer laws. He is assisted by several departments, agencies, offices, bureaus and commissions in exercising his executive powers. However he is personally responsible for all actions of executive branch.

The Judiciary or the Supreme Court exercises judicial powers. It interprets the laws and decides cases and resolves controversies in conformity with law and by the methods established by usages and principles of law. The courts do not initiate action; they exercise their power only when disputes are brought before them either by government or by private individual.

6. Checks and Balances:

While there are three separate and distinct branches of government, yet each branch is not completely independent of the other. Although each branch has its own field of power, yet each is subject to the constitutional checks or restraints against other. Recognizing the importance of close cooperation among the branches, the framers has introduced checks and balances in the Constitution. The powers of one branch were so devised as to exercise a check upon the power of the other. For example, Congress has the power to make law, but the President may veto a law passed by Congress, while Congress may pass legislation over a President's veto by a two-thirds vote in each house. Congress may refuse to appropriate fund requested by the President; the Senate may refuse to approve appointments or treaties made by the President. The Congress can impeach and remove the President from the office. The President has power to appoint all judges of Supreme Court. The Supreme Court may approve, reject and review any act taken by the President. Congress can confirm the President's nomination and can impeach and remove judges from office. While judges can set aside any law passed by the Congress as ratified by the President. *to cause someone to calm or quiet*

The main reason for the system of check and balances is to prevent an unjust combination of the majority. The system makes compromise necessary and the compromise is one of the keys to the success of democracy. The system also pacifies the chaotic or tyrannical rule and helps to prevent the rise of a dictator, the National Government.

7. Bicameral Legislature:

The Constitution of United States has provided for the bicameral legislature. According to Article-I of the Constitution, "all legislative powers are vested in Congress". The Congress is bicameral legislature consisting of the Senate, which is Upper House and is consisted of 100 members; elected directly by the people of states on parity basis for six years. Each state sends two senators in the upper house and each senator has one vote. The House of Representatives is the Lower House and is consisted of 438 members

the quality or state of being equal or equivalent
→ Equality

electd by the people on population basis through the method of adult franchise. The members of House of Representatives are elected for the term of two years.

The both Houses have no equal powers and functions. The upper House is stronger than the Lower House. It is even the strongest Upper House in the world. The Lower House does not enjoy a superior position like the House of Commons in Great Britain.

8. Federal System:

The American Constitution is federal in character. Originally the federation of United States was of 13 states, but due to admission of new states its number increased upto 50 states. In federation governmental authority is divided between Central Government and the several fifty regional governments. The division of power has been made between the Federal Government and the federating units. The Constitution enumerates the powers of centre and leaves the residue of powers to be exercised by federating states. The Federal Government was given jurisdiction over 18 matters of national importance for example defence, foreign affairs, commerce and currency, which contained in Article-1, Section 8 of the Constitution. Rest of powers were entrusted to the governments of states. The states are autonomous governments in their jurisdiction and the centre cannot meddle with their affairs. The Constitution also sets up a Supreme Court, which is independent and is competent to settle disputes between the Federal and State Government.

9. Presidential System:

The Constitution provides for the presidential system in the United States of America. There is a President at the apex and all powers are vested in him. The President is the head of state as well as the head of executive. The Article-II of the Constitution says that all the executive powers is vested in the American President, who is not titular head of state. He exercises all the powers, which laws and Constitution confer upon him. The President is elected indirectly by the people for the term of four years. He cannot be removed by vote of no-confidence by the Congress except the impeachment. Thus he

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Vice-pres having an impt title.

is not responsible to the Congress. He does not attend its session, nor initiate legislation directly, nor answer the questions. On the other hand, the President cannot dissolve the Congress, nor can interfere in the legislation made by the Congress except exercising his veto power. The members of his cabinet are neither members of Congress nor can sit in its session or nor answer the questions.

10. Republicanism:

a country that is governed by elected representatives rather than by a king or queen.

The United States is a republic with the President as the elected head of the state. The Constitution derives its authority from the people. Moreover, the Constitution makes it binding upon every constituent state to have the republic form of government. The Constitution is supreme law of the land. Neither centre nor the states can override it.

11. Bill of rights:

The original draft of the Constitution did not guarantee the fundamental rights of the people. The rights were incorporated in the Constitution through a number of amendments in the Constitution. The first ten amendments were immediately made to incorporate the fundamental rights of the people, which is popularly called as "Bill of Rights." The amended Constitution grants fundamental rights of person, property and liberty to the people. The people are guaranteed the freedom of religion, speech, press and assembly also. These rights are enforceable by the judiciary. The Supreme Court has been declared as guardian of rights. The fundamental rights can not be suspended or modified except by a constitutional amendment.

12. Dual Citizenship:

The American Constitution makes a provision for dual citizenship for the people of the United States. An American is the citizen of the United States as well as of the state therein he or she is domiciled. It is in contrast with the idea of single citizenship as incorporated in the constitutions of Great Britain and Pakistan.

13. Spoil System:

concentratable assemble

It is very amassing feature of the American Constitution; which is associated with the name of President Andrew Jackson. It

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a person who holds
a particular office or position
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means a system under which public office is considered and used as spoils to be enjoyed by the political party victorious at the polls. Under the system, a civil servant, who has been appointed on political consideration, can not hope to retain his office when the opposite party secures victory at polls. An incumbent is hired as public official on coming his party in power and is fired on going out his party from the office. Simply when the new President takes over the charge of administration, is supposed to appoint a fresh all important officials of Federal Government by dismissing the previous ones.

14. Judicial Review:-

Judicial Review simply refers to the authority of the Supreme Court to consider the actions of other governmental branches and bodies in order to determine whether or not they conform to constitutional or statutory requirements. Judicial review is exercised by the Supreme Court of United States as the Constitution provides. The Supreme Court of United States can declare any legislation, executive orders and administrative directions void if they are found inconsistent with any provision or article of the Constitution.

The silence of Article-III of the constitution on the issue of judicial review was classified first by Alexander Hamilton's interpretation of judicial authority in the Federalist No: 78 and then the action and opinion of the Supreme Court itself. Hamilton favoured the Supreme Court's power of judicial review in the constitutional convention. The Supreme Court itself assumed the authority to declare congressional acts unconstitutional.

In 1803, the Supreme Court under the Chief Justice John Marshall had given the power of judicial review to the Supreme Court in the case of Marbury v Madison. The court had established three main principles.

- i. The Supreme Court had the right to undertake judicial review of cases brought before it in which constitutional principles are at stake.

- ii. The Supreme Court declares a law to be unconstitutional, it has no force and must be set aside.
- iii. If there is a conflict between any ordinary law and a constitutional law, The constitutional law must prevail. *sth that is implied*

Thus, the Supreme Court itself established the judicial power of the court to hold acts of Congress and by implication the executive orders in violation of the Constitution.

More than other powers of the courts, judicial review was embroiled in the controversy of policy making. Before the Civil War the Supreme Court held the Missouri compromise unconstitutional, because it restricted slavery in the territories. The decision was one of the many steps along the road of civil war. After the civil war, the court was again active, this time using judicial review to strike down dozen of state and federal laws curbing the growing might of business corporations.

Under the cover of judicial review the Supreme Court has so interpreted the Constitution that it has adapted it to the changing needs of the society. It has enlarged the power of Congress. It is therefore to be said that United State Government is government by judges.

By the virtue of judicial review the Supreme Court in Woodrow Wilson's words "A kind of continuous constitutional convention interpreting, developing and expanding basic law". The critics term the power of judicial review as judicial veto and the Supreme Court as the "Third Chamber".

AMENDMENTS IN CONSTITUTION

Amendment 1 (1791)

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 (1791)

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 (1791)

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 (1791)

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 (1791)

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 offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against him-self, 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 (1791)

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 favour, and to have the assistance of counsel for his defense.

Amendment VII(1791)

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 reexamined in any court of the United States, than according to the rules of the common law.

Amendment VIII (1791)

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

Amendment IX (1791)

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

Amendment X (1791)

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 (1798)

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 of the United States by citizens of another state, or by citizens or subjects of any foreign State.

Amendment XII (1804)

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 Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, 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 a 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 third 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 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 (1865)

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 (1868)

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 is 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 help illegal and void.

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

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Amendment XV (1870)

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 (1913)

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 (1913)

Section 1. 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 have the qualifications requisite for electors of the most numerous branch of the State legislature.

Section 2. 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.

Section 3. 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 (1919)

Section 1. After one year from 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.

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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, within seven years from the date of the submission hereof to the States by the Congress.

Amendment XIX (1920)

Section 1. The right of citizens of United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

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

Amendment XX (1933)

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 3rd 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 3rd 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 (1933)

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 2. 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 (1804)

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 2 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 a 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 7 years from the date of its submission to the States by the Congress.

Amendment XXIII (1961)

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 elections 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, by 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 (1964)

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 (1967)

Section 1. In case of the removal of the President from office or 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 House 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 departments 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-days after Congress is required to assemble, determines by two-thirds vote of both House 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 power 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 (1971)

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.

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