

The North Carolina Civic Education Consortium is a program of the School of Government at the University of North Carolina at Chapel Hill. The Consortium works with schools, governments, and community organizations to prepare North Carolina's young people to be active, responsible citizens. For more information, visit our Web site at www.civics.org



The preamble to the Constitution

Constitution of the United States of America."

"We the people of the United States, in Order to form a

more perfect Union, establish Justice, insure domestic

Tranquility, provide for the common defense, promote

the general Welfare, and secure the Blessings of Liberty to

ourselves and our Posterity, do ordain and establish this

Constitution of the United States of America."

United States Pocket Constitution

Why do we have a United States Constitution?

On July 4, 1776, the United States declared its independence from Great Britain; in 1783, the United States won the Revolutionary War and became its own nation.

Fearing the Articles of Confederation were too weak to serve the great United States, state representatives met in 1786 and concluded an entirely new constitution was needed. Over the next couple of months, Congress met and wrote the United States Constitution. It was signed on September 17, 1787, adopted by the Constitutional Convention in Philadelphia, ratified by 3/4 of our 13 states in 1789, and took effect in 1790.

Now over 200 years old, the United States Constitution is the oldest federal constitution in use. Describing both the structure of the federal government and the rights of the people, the United States Constitution has stood the test of time and has undergone only 27 changes or additions.

Article 1: The Legislative Branch

Section 1

- The United States Congress makes the laws.
- Congress is made up of a House of Representatives and a Senate.

Section 2

- The United States House of Representatives is composed of members from each state; each state has at least 1, and the number of representatives is based on population.
- These representatives are elected by qualified voters in their state.
- Members of the House of Representatives are elected to 2-year terms.
- Qualifications:
 - Must be at least 25 years old
 - Must live in the state elected to represent
 - Must have been a US citizen for at least 7 years
- Members of the House select a Speaker of the House, who presides over them.
- The House of Representatives, alone, has the power to impeach federal officials.

Section 3

- The United States Senate is composed of 2 members from each state.
- These senators are elected by qualified voters in their state.
- Members of the Senate are elected to 6-year terms.

Section 4

- Qualifications:
 - Must be at least 30
 - Must live in the state elected to represent
 - Must have been a US citizen for at least 9 years
- The Vice President is president of the Senate, but 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, and the Vice President presides over these trials; however, the Chief Justice of the United States presides over impeachment trials of the President.
- A person who is impeached and convicted is removed from office, may never fill another federal office, and can be prosecuted.

Section 5

- State legislatures decide when and where to hold Congressional elections.
- The US Congress must meet at least once a year.

Section 6

- A majority of the members of each house must be present for a vote.
- Each house makes its own rules, punishes its members for poor behavior, and has the power to expel a member.
- Each house must keep a journal of its proceedings.
- When Congress is in session, neither house can adjourn for more than 3 days.

Section 7

- Members of Congress receive a salary.
- Members of Congress cannot be arrested in House or Senate chambers.
- Members of Congress cannot be prosecuted for spoken or written words relating to their duties.
- Members of Congress cannot hold a federal office while serving in Congress.

Section 8

- All tax bills must originate in the House, but the Senate may amend these bills.
- Bills passed by both houses are presented to the US President; if the President signs a bill, it becomes a law; if the President chooses not to sign a bill, it is sent back to the house where it originated with objections.
- If 2/3 of both houses still approve the bill, it passes despite the President's objections.
- If the President fails to return a bill to Congress within 10 days, excluding Sundays, it automatically becomes a law.
- If Congress adjourns before 10 days pass, preventing the President from returning a bill, it does not become a law; this is known as a pocket veto.

Section 9

- Establish post offices and post roads
- Encourage science and the arts by granting patents and copyrights
- Set up federal courts
- Punish piracy and crimes committed at sea
- Declare war
- Raise and support military forces
- Raise and support a navy
- Establish rules for military forces
- Call on the National Guard to enforce laws and to suppress rebellions
- Support, organize, arm, and discipline the National Guard
- Make all laws necessary and proper for carrying out its Constitutional powers

Section 10

- Congress does not have the power to perform the following acts:
 - Migrate or import "such persons as any of the states now existing shall think proper to admit" until 1808
 - Suspend habeas corpus, unless required for public safety

- Pass a law that singles out a particular group for punishment (Bill of Attainder)
- Pass a law that punishes people for actions before a law was passed (Ex post facto)
- Pass a head tax, unless it is in proportion to the census
- Pass a tax on items exported from any state
- Pass trade laws that favor one state over another
- Pass laws requiring ships to pay taxes as they pass from state to state
- 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 are unable to perform the following acts:

- Enter into any treaty or alliance
- Approve private military action
- Coin money
- Give out bills of credit
- Pass any bill of attainder or ex post facto law
- Grant titles of nobility
- Tax 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 II: The Executive Branch

Section 1

- All federal executive power is given to the President of the United States.
- The US President and Vice President are elected to 4-year terms.
- Each state appoints electors equal in number to the state's senators and representatives; electors from each state vote for President and Vice President in a process known as the Electoral College.
- A presidential election resulting in a tie is decided by the House of Representatives.
- Qualifications for Presidency:
 - Must be at least 35 years old
 - Must be a 14-year resident of the US
 - Must be a natural-born citizen
- If the President leaves office for any reason, the Vice President will assume his/her duties.
- The President receives a salary, and this salary will not change during the term of office.
- The President must take the Oath of Office.

Section 2

- The President is the Commander-in-Chief of the US Army, the US Navy, and the National Guard when called into service by the federal government.
- The President can grant reprieves and pardons.
- The President can make treaties with 2/3 Senate approval.
- The President appoints ambassadors, Supreme Court justices, and other federal officers with the Senate's consent.
- The President can make temporary appointments to offices requiring Senate confirmation when the Senate is not in session.

Section 3

- The President provides Congress with information on the state of the Union.
- The President ensures that laws are "faithfully executed."

Section 4

- The President, the Vice President, and other federal officials can be impeached for and convicted of treason, bribery, and other high crimes.

Article III: The Judicial Branch

Section 1

- Judicial power rests with the US Supreme Court and other federal courts established by Congress.
- Supreme Court and Federal Court Judges serve for life based on good behavior.
- Supreme Court and Federal Court Judges receive a salary.

Section 2

- The Judiciary decides cases of US Constitutional law and cases involving federal laws.
- Cases involving ambassadors and states go directly to the US Supreme Court; other cases can be appealed to the US Supreme Court.
- All criminal trials are by jury, and criminal cases are heard in the state where the crime was committed.

Section 3

- Acts of treason include declaring war on the US and aiding its enemies.
- One can be convicted of treason if there is a court confession or if there are two witnesses to the act of treason.
- Congress determines the punishment for treason.

Article IV: Duties of the States

Section 1

- Each state honors the public acts, records, and judicial proceedings of all other states.

Section 2

- Citizens visiting other states are entitled to the rights and privileges of citizens in the state they are visiting.
- If an individual charged with a crime flees to another state, the criminal's state can demand his/her return.

Section 3

- Congress can admit new states to the Union.
- A new state cannot be formed by joining or dividing any existing states without the consent of Congress and the legislatures of the concerned States.
- Congress disposes of and regulates all US property.

Section 4

- The US guarantees every state a representative government.
- The US will protect all states from invasion.

Article V: Amending the US Constitution

- Amendments to the Constitution may be proposed when 2/3 of both the House and the Senate deem it necessary.
- Amendments to the Constitution may be proposed when 2/3 of all state legislatures ask Congress to call a convention to do so.
- Amendments to the Constitution must be ratified by legislatures in 3/4 of the states or by conventions in 3/4 of the states.

Article VI: The US Constitution is the Law of the Land

- The US honors all debts incurred prior to the US Constitution's ratification.
- The Constitution, federal laws, and federal treaties are the law of the land; the judges in every state are bound to these laws.
- Federal and State officials must loyally support the Constitution.
- No religious test shall ever be required to hold a public office.

Article VIII: Ratifying the Constitution

Nine of the 13 states had to ratify the US Constitution before it was established.

- Delaware, December 7, 1787
- Pennsylvania, December 12, 1787
- New Jersey, December 18, 1787
- Georgia, January 2, 1788
- Massachusetts, February 6, 1788
- Maryland, April 28, 1788
- South Carolina, May 23, 1788
- New Hampshire, June 21, 1788
- Virginia, June 25, 1788
- New York, July 26, 1788
- North Carolina, November 21, 1789
- Rhode Island, May 29, 1790

The Bill of Rights

The Bill of Rights is the first ten amendments to the Constitution, all of which were ratified in 1791 to guarantee the following Constitutional rights:

- First Amendment: To establish and practice a religion, to speak or write your thoughts freely, to assemble peacefully, and to petition the government
- Second Amendment: To keep and bear arms in certain situations
- Third Amendment: To refuse to let soldiers stay in your home unless required by law
- Fourth Amendment: To be secure against "unreasonable" search and seizures
- Fifth Amendment: To be prosecuted for a capital or "infamous" crime only when indicted by a Grand Jury; to not be tried for the same crime twice; to not incriminate yourself; to not have the government remove your "life,

liberty, or property without due process of law"; and to not have the government take your personal property for public use without compensation

- Sixth Amendment: If charged with a crime, you have rights to have a "speedy and public trial," to have an "impartial jury" from the state where the crime was committed, to know the charges against you, to confront the witnesses speaking against you, to compel a witness to speak on your behalf, and to have an attorney represent you.
- Seventh Amendment: To have a trial by jury in most civil cases
- Eighth Amendment: To not have excessive bail, excessive fines, or "cruel and unusual" punishment imposed
- Ninth Amendment: To know you have other rights in addition to those identified in the Constitution
- Tenth Amendment: To have the powers not delegated to the federal government by the Constitution

Other Amendments

- Eleventh Amendment: States cannot sue other states in federal court.
- Twelfth Amendment: Members of the Electoral College cast separate ballots for president and vice president.
- Thirteenth Amendment: Slavery is abolished; Congress has the right to enforce abolition.
- Fourteenth Amendment: Provides due process and equal protection under the law to citizens, who are all persons "born or naturalized in the US"
- Fifteenth Amendment: Prohibits the federal and state governments from denying individuals the right to vote based on race, color, or prior servitude
- Sixteenth Amendment: Creates the income tax
- Seventeenth Amendment: Establishes the direct election of senators
- Eighteenth Amendment: Bans alcohol; Prohibition begins
- Nineteenth Amendment: Gives women the right to vote
- Twentieth Amendment: Changes conditions of presidential and congressional terms and of presidential succession
- Twenty-First Amendment: Prohibition is repealed
- Twenty-Second Amendment: The President cannot serve more than two terms.
- Twenty-Third Amendment: Gives presidential electors to the District of Columbia
- Twenty-Fourth Amendment: Prohibits the federal and state governments from requiring payment of a poll tax as a qualification for voting
- Twenty-Fifth Amendment: Changes conditions of presidential succession, allows temporary removal of a president, and allows the replacement of a vice-president
- Twenty-Sixth Amendment: Grants citizens 18 years and older the right to vote
- Twenty-Seventh Amendment: Limits congressional pay raises