

# THE CONSTITUTION IN PLAIN ENGLISH

The Constitution consists of a preamble, 7 articles, and 27 amendments. The preamble explains why it was written. The seven articles lay out the three branches of government and the rules they have to follow, and the basic way the U.S. government will operate. The 27 amendments guarantee the rights of the people and give more specific rules under which the government will operate.

## 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 defense, 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 to the United States Constitution is a brief introductory statement of the fundamental purposes and guiding principles which the Constitution is meant to serve. It expresses in general terms the intentions of its authors, and is sometimes referred to by courts as evidence of what the Founding Fathers thought the Constitution meant and what they hoped it would achieve (especially as compared with the Articles of Confederation). Here is a list of the clauses in the Preamble in plain English.

- *We the people of the United States* – these words make it clear that the authors of the Constitution wanted “the people” to be the ultimate authority – “popular sovereignty” or people power.
- *form a more perfect Union* – to create a better government than the Articles of Confederation, which was the constitution that existed at the time.
- *establish Justice* – to create a justice system, including courts, to bring order to the nation
- *insure domestic Tranquillity* – to bring peace at home, inside the country
- *provide for the common defense* – to create and maintain a national defense against other countries
- *promote the general welfare* – to help establish and maintain a healthy economy, population and society
- *to secure the Blessings of Liberty to ourselves and our Posterity* – to bring freedom and liberty to the people now and in the future
- *do ordain and establish* – to invest with authority, to create and give The People’s power to

## Article 1

**The first article sets up the national legislature and details its powers.**

### **Section 1: The Legislative Branch**

This section grants to the congress the power to make laws, and states that it will be made up of two parts, the Senate and the House of Representatives.

### **Section 2: The House of Representatives**

This section decides how often representatives are chosen, how long a representative can stay in office, how many representatives per state, what will happen if a senator vacates

his/her post, how a speaker is chosen, and the house's ability to impeach.

### **Section 3: The Senate**

This requires that each of the states has two senators in the Senate, there will be a new election for one-third of the Senate every 2 years, describes the age, residency and citizenship rules to become a Senator. The Vice President is designated the President of Senate and can vote in case of a tie. The Senate is given the power to choose its own officers and a temporary president in case the Vice President cannot fill his/her duties, and finally, it describes the Senate's power to act as a jury during the impeachment of officials of the executive or judicial branches of the national government.

### **Section 4: Organization of Congress**

Says the method used to choose U.S. Senators and Representatives is up to the states. Congress is required to assemble at least once a year.

### **Section 5: The House's Jobs**

Each house will be the judge of their own elections and qualifications of its members. Each house may determine the rules of its proceedings, and punish its members for disorderly behavior. Both houses of Congress must keep a journal of daily proceedings.

### **Section 6: Money and War-Time Jobs**

States that each senator and representative will receive compensation for services to their country to be paid out by the U.S. treasury. They will also be immune from arrest, except for treason, felony, and breach of the peace, during an attendance to a session of their respective house, and traveling there and back. Last no senator or representative will be put into any civil office during the time of war.

### **Section 7: Bills**

All bills for raising revenue (*and the paychecks for members of Congress*) shall originate in the House of Representatives, any bill passed in the two houses will go to the president and pending approval become a law. If the president disapproves of a bill then it goes back to the Congress and if two-thirds of the members of the House and Senate vote for it, it becomes a law.

### **Section 8: Powers Granted to Congress**

Congress can:

1. Collects taxes, duties, imposts, and excises to pay debts and provide defense.
2. Borrow money on the credit of the United States.
3. Regulate commerce with foreign nations.
4. Make laws regarding neutralization and bankruptcies.
5. Coin money and establish standards for weights and measurements.
6. Provide punishment for counterfeiting U.S. money
7. Establish post offices and roads.
8. Promote commerce and the arts by granting copyrights and patents.
9. Punish pirates out in international waters
10. Declare war.
11. Raise and support armed forces for national defense.
12. Call forth the militia (the National Guard, in modern times) when necessary in order to maintain order.
13. Exercise legal control over all places owned by the U.S. (territories such as Puerto Rico)

and Guam).

14. Make all laws that are necessary and proper to carry out their responsibilities under the Constitution.

### **Section 9: Powers Forbidden to Congress**

1. Congress cannot prohibit the immigration of a person to the U.S. but can charge them money.
2. It cannot ban the process of *habeas corpus*\* during times of peace.
3. It cannot pass a *bill of attainder* -- one that punishes a person without a trial.
4. It cannot pass a law that criminalizes an act that happened in the past.
5. It cannot pass any direct tax (tax collected directly from the people).
6. It cannot pass a law providing for a tax on items exported from any state (from one state to another).
7. It cannot treat states unequally, giving preferences to one state or another, in passing laws.
8. Money cannot be taken from the national treasury unless Congress votes to do so.
9. Titles of nobility may not be granted by the Congress to any citizen of the United States.

\* The basic premise behind *habeas corpus* is that you cannot be held against your will without just cause. To put it another way, you cannot be jailed if there are no charges against you. If you are being held, and you demand it, the courts must issue a writ or habeas corpus, which forces those holding you to answer as to why. If there is no good or compelling reason, the court must set you free. It is important to note that of all the civil liberties we take for granted today as a part of the Bill of Rights, the importance of habeas corpus is illustrated by the fact that it was the sole liberty thought important enough to be included in the original text of the Constitution.

### **Section 10: Powers Forbidden to the States**

No state shall enter treaties with any foreign nation, issue their own money, or grant any title of nobility. No state can lay duties on imports or exports without the consent of Congress. No state can raise and maintain a military force during time of peace without congressional consent.

### **Article 2: The Executive Branch**

**The second article sets up the executive branch of the national government and details its powers.**

This article includes rules to be followed by the executive branch. It includes the presidential term limit, requirements to become president, how elections of the president will be carried out, what to do if a president is removed from office (through death, impeachment or other reason). It states that the president will receive a salary for his service to the United States and as head of the military. The president is required, from time to time, to give information about the condition of the nation to Congress (this is usually referred to as the President's *State of the Union Address*, an annual ritual that takes place in front of a joint meeting of the Congress, televised and watched closely by millions of persons around the world).

### **Article 3: The Judicial Branch**

**The third Article sets up the national judiciary and details its powers.**

Article Three states that the highest power in the federal court system is the supreme court and any other federal courts that Congress decides to create. Judges and justices will receive lifetime appointments to their positions “during good behavior.” Judges’ salaries cannot be lowered during the time they serve in office. In trials the person shall be tried in the state in which the crime was committed. Treason is described as waging war against the nation and/or taking the side of an enemy or giving them aid and comfort. A conviction of treason can happen only if there are at least two eye witnesses to the crime. Treason is punishable by death but only the person guilty of treason shall lose his/her life.

### **Article 4: Relations of the States to Each Other**

**Article Four establishes relations among the states and with the federal government.**

*Full faith and credit* shall be given from one state to another in the public acts, records, and judicial proceedings of each state (each state must recognize other states’ legal documents, such as marriage certificates and drivers’ licenses). A criminal fleeing from one state to another after committing a crime, if apprehended, must be returned to the state from which he/she fled, at the request of the legal authorities in that state (a process called *extradition*).

New states shall be admitted by Congress, but no state can be formed under the control of another. Congress can dispose of or change any boundaries of one state whenever it is needed. Every state in the union is guaranteed (state constitutions are required to establish) a *republican* form of government (a representative democracy), and shall be protected by the national government against invasion and/or violence within the state.

### **Article 5: Amending the Constitution**

**The Fifth Article describes how the Constitution can be changed (amended).**

Whenever two-thirds of the members of *both* the House of Representatives and the Senate deem it necessary, they can propose amendments to the Constitution. To become part of the Constitution an amendment must be ratified by the legislatures of three-fourths of the states (often, in special ratifying conventions held within each state). Also, amendments must be ratified in a reasonable amount of time (in modern times, that means seven years).

### **Article 6: National Debts, Supremacy of the National Government**

#### **National Debts**

All of the debts made by the United States government before the ratification of the Constitution will be the responsibility of the national government, just as they were before that time.

#### **Supremacy of the National Government**

The federal government has supreme power over state governments. All federal laws, treaties agreed to by the national government with other nations, and the Constitution are

supreme over state laws. For example, that means if the state of California passed a law that brought back slavery in some form, it would be void because it's against federal law (under the 13<sup>th</sup> Amendment, slavery is prohibited in the U.S., unless it comes "as a punishment for crime whereof the party shall have been duly convicted").

### **Article 7: Ratifying the Constitution**

The constitution had to be ratified by at least nine of the thirteen states present in 1787 to become law.

## **THE AMENDMENTS**

(The first ten amendments were ratified in 1791.)

**1st.** Guarantees freedom of speech, religion, and press, and the right to assemble peaceably and petition the government for redress of grievances (to ask it to fix something that it's responsible for).

**2nd** The belief was strong that a well regulated militia (such as the National Guard, in modern times) was necessary for maintaining our national security, so the political leaders in Congress guaranteed that the right to bear arms would not be infringed (violated). (In the context of the Constitution, phrases like "shall not be infringed," "shall make no law," and "shall not be violated" sound pretty unbendable, but the Supreme Court has ruled that *some* laws can, in fact, encroach on these phrases. For example, though there is freedom of speech, you cannot slander someone; though you can own a pistol, you cannot own a nuclear weapon.)

**3rd** No soldier in time of peace shall be quartered in a private citizens home without the homeowner's consent.

**4th** People and their personal property cannot be searched without a warrant, issued by a judge.

**5th** No person may be held to answer for a crime unless he or she has first been officially and legally charged (through an indictment by a grand jury or a presentment from a prosecutor). No person can be tried for a crime, found not guilty, then tried again for that same exact crime. (*Double jeopardy* is the term used in law. *Double jeopardy* is forbidden by the Fifth Amendment.) Persons cannot be deprived of life, liberty, or property, without *due process of law* (see below for more on *due process*). Private property cannot be taken for public use unless the owner is fairly compensated for it.

Generally, *due process of law* as it applies to the 5<sup>th</sup> Amendment guarantees the following (and this list is not exhaustive):

- Right to a fair and public trial conducted in a competent manner
- Right to be present at the trial
- Right to an impartial jury
- Right to be heard in one's own defense
- Laws must be written so that a reasonable person can understand what is criminal behavior
- Taxes may only be taken for public purposes

- Property may be taken by the government only for public purposes
- Owners of property taken over by the government under its power of *eminent domain* must be fairly compensated

**6th.** A person accused of a crime has the right to a fair and speedy trial by an impartial jury of his/her peers, to be informed of the accusations against him/her, to be confronted with the witnesses against him/her, to be able to subpoena (summon) witnesses to give testimony in his/her favor, and to have legal counsel (an attorney) for his/her defense.

**7th** In any legal case involving a civil suit (lawsuit between two persons or groups), the defendant has the right to a trial by jury if the amount in question is over twenty dollars.

**8th** No excessive bail or fines, or cruel and unusual punishment shall be used against a convicted criminal.

**9th** No one shall be denied their basic constitutional rights.

**10th** Powers that are not specifically granted to the national government are to be retained by the states and people.

**11th** A citizen from one state cannot sue a citizen in another state in federal court. (1795)

**12th** Electors will vote for President and Vice President on separate ballots. (1804)

**13th** Involuntary servitude – slavery – was abolished, unless it was the result of a sentence passed by a court of law upon conviction of a crime. (1865)

**14th** This is the basic guarantee of civil rights for all Americans. It defined “citizenship” as anyone born or naturalized in the U.S. (this automatically granted citizenship rights to former slaves). States were prohibited from enforcing any law that took away the rights, privileges, and immunities guaranteed to U.S. citizens without first making certain that “due process of law” had been carried out. All persons were now guaranteed “equal protection of the laws,” regardless of who they were or what their race, religion, or country of origin happened to be. No person who served in the government of the southern confederacy during the Civil War was allowed to hold federal office. The U.S. government refused to accept any debts incurred by the Confederate States of America, including claims for the loss or emancipation of any slave. (1868)

**15th** African American males were guaranteed the right to vote, and “race, color, or previous condition of servitude” could not be used as a reason to refuse anyone the right to vote. (1870)

**16th** Congress shall have the power to lay and collect taxes on incomes. (1913)

**17th** Election of Senators was granted to the people of each of the states. (1913)

**18th** Prohibition – the manufacture, transportation or sale of alcoholic beverages was prohibited. (1919) (REPEALED)

**19th** The right to vote cannot be denied because of a person’s sex. (1920)

**20th** Shortened the period of time between federal elections (first week of November in even numbered years) and the day that officials were sworn into office. Called the “Lame Duck Amendment” because it gave “lame duck” officials (those who were not going to be sworn in, but were still in office) a shorter period of time to pass laws that tended to enrich their lives or the lives of their friends and political allies. Presidential inauguration day (when he/she is sworn in) moved back from March 4 to January 20. Members of Congress are now sworn into office on January 3 instead of March 4 of odd numbered years. (1933)

**21st** Repealed the 18th Amendment. The Prohibition Era in America was over. (1933)

**22nd** President of the U.S. now limited to serving no more than two terms in office, and no more than a total of ten years (in the case where a Vice President moves into the presidency as the result of a vacancy in that office, and is re-elected to his/her own terms of office). (1951)

**23rd** People who live in Washington, D.C. are allowed to vote for President and granted three electoral votes, the minimum number of Electoral College ballots. (Before this amendment, residents of the District of Columbia were prohibited from voting for President.) (1961)

**24th** People can not be denied the right to vote in federal elections – either primaries or general elections – because they had not paid a tax on voting. (Before this amendment, poor people, and most particularly ethnic and racial minorities, were effectively kept from voting by such “poll taxes” that they simply could not afford to pay. This prohibition on poll taxes was later extended to state and local elections, as well.) (1964)

**25th** Established procedures to follow in the case of presidential death and/or disability. States for the first time in the Constitution that the Vice President, when taking over the office of President after a vacancy occurs, has all of the powers and responsibilities of the presidency. In case of presidential disability, the Vice President and a majority of his/her Cabinet officers may send written notice to the Speaker of the House of Representatives and the President Pro Tempore of the Senate that the President of the U.S. is “unable to discharge his duties and responsibilities,” the Vice President becomes Acting President. When the President is able to resume the duties that his office requires, he may send written notice to the congressional leadership that he is returning to his office. If the Vice President and a majority of the Cabinet officers disagree, they may send written notice to the leaders of Congress. Congress will then decide who should take office as President. (1967)

**26th** Established the minimum age requirement for voting in federal elections at eighteen years. (1971)

**27th** Congress may pass a law increasing their salaries, but cannot collect it until after he or she has been through a federal election. (1992)