

## THE CONSTITUTION: POPULAR NAMES OF SECTIONS AND CLAUSES

### **The Admissions Clause**

#### **Article 4, Section 3, Clause 1**

*New States may be admitted by the Congress into this Union; but no new States shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress...*

### **The Advice and Consent Clause**

#### **Article 2, Section 2, Clause 2**

*He [the President] shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law*

### **The Appointments Clause (see The Advice and Consent Clause)**

#### **Article 2, Section 2, Clause 2**

### **The Right to Bear Arms Amendment 2nd Amendment**

*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.*

### **The Bill of Rights**

#### **Amendments 1 through 10**

The first ten amendments to the U.S. Constitution are summarized below.

1. Freedom of religion, speech, press, assembly, and petition.
2. Right to keep and bear arms in order to maintain a well regulated militia.
3. No quartering of soldiers.
4. Freedom from unreasonable searches and seizures.
5. Right to due process of law, freedom from self-incrimination, double jeopardy.
6. Rights of accused persons, e.g., right to a speedy and public trial.
7. Right of trial by jury in civil cases.

8. Freedom from excessive bail, cruel and unusual punishments.
9. Other rights of the people.
10. Powers reserved to the states.

### **The Civil War Amendments**

#### **Amendments 13, 14, and 15**

13<sup>th</sup> Amendment: Prohibited slavery

14<sup>th</sup> Amendment: Defined citizenship as anyone born or naturalized in the U.S.; established basis for civil rights with two clauses that required equal treatment under the law and equal opportunity under the law

15<sup>th</sup> Amendment: *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...*

### **The Comity Clause (see The Full Faith and Credit Clause)**

#### **Article 4, Section 1**

### **The Commerce Clause**

#### **Article 1, Section 8, Clause 3**

*The Congress shall have Power To... regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes...*

### **The Compact Clause**

#### **Article 1, Section 10, Clause 3**

*No State shall enter into any Treaty, Alliance, or Confederation...*

### **The Confrontation Clause**

#### **6th Amendment, Clause 2**

*In all criminal prosecutions, the accused shall enjoy the right to... be confronted with the witnesses against him...*

### **The Contract Clause**

#### **Article 1, Section 10, Clause 1**

*No State shall... pass any ...Law impairing the Obligation of Contracts...*

### **The Cruel and Unusual Punishment Clause 8th Amendment**

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

## **The Double Jeopardy Clause**

### **Amendment 5**

*No person shall... be subject for the same offense to be twice put in jeopardy of life or limb...*

## **The Due Process Clause**

### **Amendment 5**

*No person shall be... deprived of life, liberty, or property, without due process of law...*

### **Amendment 14, Clause 1**

*No State shall make or enforce any law which shall... deny to any person within its jurisdiction the equal protection of the laws.*

## **The Elastic Clause (see The Necessary and Proper Clause)**

### **Article 1, Section 8, Clause 18**

## **The Enclave Clause**

### **Article 1, Section 8, Clause 17**

The Congress Shall have power... To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; And

## **The Equal Protection Clause**

### **14th Amendment, Clause 1**

... No State shall... deny to any person within its jurisdiction the equal protection of the laws.

## **The ERA - Equal Rights Amendment**

(A failed amendment)

The ERA's first section states "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." It was intended to place into law the equality of men and women. It was sent to the states in March, 1972. The original seven year deadline was extended to ten years. It expired unratified in 1982.

## **The Establishment Clause**

### **1st Amendment**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...

## **The Exceptions Clause**

### **Article 3, Section 2, Clause 2**

*In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.*

## **The Free Exercise Clause**

### **1st Amendment**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...

## **The Freedom of the Press Clause**

### **1st Amendment**

*Congress shall make no law... abridging the freedom ...of the press...*

## **The Freedom of Speech Clause**

### **1st Amendment**

*Congress shall make no law...abridging the freedom of speech...*

## **The Fugitive Slave Clause**

### **Article 4, Section 2, Clause 3**

*No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, But shall be delivered up on Claim of the Party to whom such Service or Labour may be due. This clause is superseded by the 13<sup>th</sup> Amendment.*

## **The Full Faith and Credit Clause**

### **Article 4, Section 1**

*Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.*

### **The General Welfare Clause**

#### **Article 1, Section 8, Clause 1**

*The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States...*

### **The Guarantee Clause (see The Republican Form Clause)**

#### **Article 4, Section 4**

### **The Implied Powers Clause (see The Necessary and Proper Clause)**

#### **Article 1, Section 8, Clause 18**

### **The Import/Export Clause**

#### **Article 1, Section 10, Clause 2**

*...No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress...*

### **The Income Tax Amendment**

#### **16th Amendment**

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived...

### **The Indian Commerce Clause (see The Interstate Commerce Clause)**

#### **Article 1, Section 8, Clause 3**

### **The Interstate Commerce Clause**

#### **Article 1, Section 8, Clause 3**

The Congress shall have Power To... regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes...

### **The Just Compensation Clause (see The Takings Clause)**

#### **5th Amendment, last clause**

*...nor shall private property be taken for public use, without just compensation...*

### **The Liberty Clause**

#### **14<sup>th</sup> Amendment**

No state shall... 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.

### **The Loyalty Clause**

#### **Article 6, Clause 3 (oath of office)**

*...The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution...*

#### **Amendment 14, Section 3 (rebellion)**

*...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...*

### **The Migration or Importation Clause**

#### **Article 1, Section 9, Clause 1**

*The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.* This clause was the result of a compromise reached by the delegates to the Constitutional Convention on the issue of slavery; by the twentieth year of the government created by the Constitution, the importation of slaves from outside the nation would be prohibited.

### **The Naturalization Clause**

#### **Article 1, Section 8, Clause 4**

*Congress shall have power... To establish an uniform Rule of Naturalization...*

## **The Necessary and Proper Clause**

### **Article 1, Section 8, Clause 18**

*The Congress shall have power... To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.*

## **The Origination Clause**

### **Article 1, Section 7, Clause 1**

*All bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills...*

## **The Privileges and Immunities Clause**

### **Article 4, Section 2**

*The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States...*

## **The Prohibition Amendment**

### **Amendment 18**

*...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...*

## **The Reconstruction Amendments**

### **Amendments 13, 14, and 15**

13<sup>th</sup> Amendment: Prohibited slavery

14<sup>th</sup> Amendment: Defined citizenship as anyone born or naturalized in the U.S.; established basis for civil rights with two clauses that required equal treatment under the law and equal opportunity under the law

15<sup>th</sup> Amendment: *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...*

## **The Republican Form Clause**

### **Article 4, Section 4**

*The United States shall guarantee to every State in this Union a Republican Form of Government...*

## **The Right to Bear Arms Amendment**

### **2nd Amendment**

*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*

## **The Search and Seizure Clause**

### **4th Amendment**

*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.*