

Constitution Week

Constitution Day and Citizenship Day

The U.S. Constitution was signed on September 17, 1787. In honor of that day, Congress in 1952 named September 17 Citizenship Day. In 1956 it asked the president to proclaim the week beginning September 17 and ending September 23 each year as Constitution Week. In 2004, September 17 was renamed Constitution Day and Citizenship Day. The purpose of this day is to mark the signing of what is the supreme law of the land and encourage all citizens to honor and celebrate the rights and duties of U.S. citizenship. To help fulfill that purpose, the law requires all schools receiving federal funds to hold an educational program for their students each September 17. This lesson is part of a week of lessons on the Constitution produced by the National Association of Scholars in order to enable schools to meet the requirements of the law.

Lesson 1: The Constitution's Design

Lesson Overview and Student Learning Objectives

The purpose of this lesson is to introduce the U.S. Constitution as the basic framework for the federal government. The Constitution lays out a general set of provisions for organizing the government (while still leaving much of the organizational detail up to the Congress). The Background Essay for the lesson briefly sets the Constitution in its historical context and then focuses on one of the document's central features, the separation of powers. "Separation of powers" refers to the fact that the Constitution establishes three distinct branches of the national government, branches that nevertheless interact with one another in various ways. Separation of powers is only one of several key features of the Constitution that are central to a full understanding of the document. It is often linked to the concept of "checks and balances," but the two concepts are different. Later lessons will explore the concept of "checks and balances" and other key aspects of the document, along with several challenges the Founders faced in creating this framework and debating its merits during the ratification process.

When the lesson is completed:

- Students will be able to identify the three branches of the federal government as described in the first three Articles of the U.S. Constitution.
- In general terms, students will be able to explain what distinguishes the legislative, executive, and judicial functions of the three branches.
- Students in groups will discuss several questions about each branch, questions designed to help them understand certain key principles underlying that branch's rules.
- Students will be able to explain the importance of the concept of "separation of powers" in the overall design and purpose of the U.S. Constitution.

Teacher Directions

Before this class meets: Divide the class into three small groups. As homework or during an earlier class period, have the students read the Background Essay “The Constitution: Why a Separation of Powers?” Have students in one group read Article I of the Constitution (on the Legislative branch), have a second group read Article II (on the Executive branch), and have the third group read Article III (on the Judicial branch).

In class: Briefly discuss the three branches of the federal government and the overall structure or design of the Constitution. Ask each group to meet separately and identify the key powers granted to its branch and the limits the Constitution imposes on those powers. Give each group the appropriate Student Activity sheet. This asks them to record answers to a set of questions about the branch of government they have been assigned. Each group should summarize its discussion in a brief report to the class.

Extension Activity: As a possible follow-up to this lesson, ask students to read *Federalist 47*. Have students write a brief report on the arguments *Federalist 47* makes in favor of the idea of separation of powers. Encourage students to do some research into the influence of Montesquieu on the thinking of the Founders.

Suggested Grade Level:

12th grade

Time to Complete:

One class period plus prior reading as homework

Terms and Phrases to Understand

(In order of their appearance in the lesson material.)

- **confederation**—an alliance of states or nations that allows each member to govern itself while agreeing to some common rules and purposes.
- **impeachment**—in the government in particular, a charge of misconduct against a public official.
- **President pro tempore**—“pro tempore” is Latin meaning “for a time.” In this case, a senator chosen to preside over the Senate temporarily when the Vice President is unable to.
- **quorum**—the minimum number of members of an official body that must be present for official business to be conducted.
- **concurrence**—being in agreement; unanimity.
- **emolument**—in the Constitution, any gift or payment resulting from employment or holding a position with the government.
- **duties, impost, and excises**—“duties and imposts” both refer to taxes on imports or exports; “excises” are taxes on the manufacture and sale of goods produced in the U.S.
- **naturalization**—the process by which U.S. citizenship is granted to a lawful permanent resident.
- **appropriation**—in government, the provision of money to carry out programs already enacted into law.
- **writ of habeas corpus**—in Latin, “habeas corpus” means “show me the body.” A writ of habeas corpus is the demand to bring a detained person before a court to determine if that person’s imprisonment is lawful.
- **bill of attainder**—a law punishing a specific person or group without trial.
- **ex post facto law**—in Latin, “ex post facto” means after the fact or after the deed. An ex post facto law is one made up after something is done in order to punish whoever did it.

- **cases in law and equity**—a case “in equity” asks the court to order someone to do something or not do something; a case “in law” asks the court for an award of damages to make up for injuries suffered.
- **original jurisdiction**—the right of a court to hear and decide a case for the first time before any other court can review the case.
- **appellate jurisdiction**—the right of a court to review, accept, or modify a lower court’s decision.

Sources to Read

This lesson’s Background Essay: “The Constitution: Why a Separation of Powers?”

The following are located in the “Sources for this Lesson” section and fully at the indicated link.

- **Source 1:** The U.S. Constitution, Article I. Also available from the National Archives at: <https://www.archives.gov/founding-docs>.
- **Source 2:** The U.S. Constitution, Article II. Also available from the National Archives at: <https://www.archives.gov/founding-docs>.
- **Source 3:** The U.S. Constitution, Article III. Also available from the National Archives at: <https://www.archives.gov/founding-docs>.
- **Source 4: Optional:** The Federalist Papers, No. 47. Also available from Yale Law School’s Avalon Project at: https://avalon.law.yale.edu/18th_century/fed47.asp.

Standards Met by this Lesson.

American Birthright Learning Standards: Grade 12, No. 3; Grade 12, No. 13; Grade 12, No. 21; Grade 12; No. 22; Grade 12, No. 24.


Sources for Teacher Enrichment

- Joseph J. Ellis, *American Creation: Triumphs and Tragedies at the Founding of the Republic* (Vintage, 2008).
- Bruce Frohnen, *The American Republic: Primary Sources* (Liberty Fund, 2002).
- Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers* (Dover Thrift Editions, 2014). Also available online from Yale Law School's Avalon Project at: https://avalon.law.yale.edu/subject_menus/fed.asp.
- Donald S. Lutz, *The Origins of American Constitutionalism* (Louisiana State University Press, 1988.)
- Forrest McDonald, *Novus Ordo Seclorum: The Intellectual Origins of the Constitution* (University Press of Kansas, 1985)
- David O. Stewart, *The Summer of 1787: The Men Who Invented the Constitution* (Simon & Schuster, 2008).
- Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (University of North Carolina Press, 1969, 1998.)

Background Essay

The Constitution: Why a Separation of Powers?

American Independence and the Articles of Confederation

 On July 4, 1776, 13 British colonies signed the Declaration of Independence, breaking all of their political ties to Great Britain. The colonists then fought a successful revolutionary war to secure that independence. In taking these actions, many of them believed they were heralding a new golden age, an age of liberty and individual rights, and an end to tyranny.

Of course, the nation's Founders did not invent their ideas about political rights all on their own. Their thinking was based on a long tradition of liberty going back to ancient Greece and Rome. They looked back also to various European republics, to British traditions of common law, and to the idea of representative government, especially as it had evolved in the colonies themselves since the early 1600s. Perhaps most fundamental of all was their religious faith and the Bible. This was especially so given the strong focus on individual liberty they found in their religious traditions in the aftermath of the First Great Awakening of the 1730s and 1740s.

Still, the Founders also believed they were doing something unique, something that marked a glorious turning point in history. Nothing conveys this sense better than the words of the Declaration itself. It proclaimed as “self-evident” truths the proposition “that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” Governments, they said, are established to “secure these rights” for individual citizens.

The colonists saw themselves as battling an unrestrained British tyranny. They vowed that any new American government must, above all, check tyranny and ensure liberty. Their first national government was designed with this aim. Moreover, theirs was a revolt of several independent sovereign states. Those states intended to remain independent. For that reason, also, the Founders intended their national government to be highly limited. It was designed to keep the states almost entirely independent.

The rules for this new government were called the Articles of Confederation. A “confederation” is a loose alliance of independent states united only to do a limited number of things. The Articles established a national legislature in which each state had one vote. This legislature could not impose taxes. The Articles provided for an extremely weak president. Border conflicts between states were hard to settle. Each state could tax goods from other states. Rising tensions between debtors and lenders in some states fueled the anger of poor back-country farmers toward planter elites and merchants. Soon these problems and weaknesses began to worry many Americans.

The Constitutional Convention

It was important to protect liberty, the Founders agreed, but many of them also came to feel that an effective government needed “energy.” That is, it needed the ability to act for the whole nation whenever matters of concern to the whole nation arose. In 1787, some of the most powerful political figures in America decided something drastic had to be done. Among them were George Washington, James Madison, Alexander Hamilton, and Benjamin Franklin. Along with 51 others these men met in Philadelphia. Officially, they had been chosen to revise the Articles of Confederation. Instead, they decided to start over and scrap the Articles. Their goal was a true federal union, one that would have real powers while also preserving many of the powers of the states. During that hot summer, they worked in secret, meeting, debating, and finally writing the U.S. Constitution, a new set of rules for the United States of America.

They worried that in many states the state legislature had nearly all the power. Elected legislatures were the most likely part of government to respond quickly to the will of the majority. For the most part, this was a good thing. However, many at the Constitutional Convention said that, by itself, it was close to the kind of pure democracy that often did not work well. What they feared was a tyranny of the majority that would trample on the rights of minorities. The other problem they saw in pure democracy was that it often produced disorderly governments divided by conflicts between small rival groups or factions.

Instead of pure democracy, the Convention sought to construct a complex republic. In such a republic, citizens would surely have a say in selecting public officials. However, a well-crafted republic, they said, would have ways to ensure that government served the true, long-term interests of the people, not the whims of some temporary majority. It would prevent a tyranny of the majority, that is, and protect the rights of the minority. One central way the Constitution tries to do that is through its complex system of separation of powers.

The Central Principle of the Constitution: A Separation of Powers

It is important to note the first three words of the Constitution’s Preamble: “We the People.” This indicates that the federal government gets its power from the people as a whole, not from the individual state governments. It also makes clear that the government does not give the people their rights. Instead, it is the people who grant the government its powers. And it is they who limit those powers in clear and specific ways. These limits enable the government to act forcefully while also protecting the rights and the liberty of the people.

One central way the Constitution keeps the government’s powers limited is to divide them up among three distinct branches. These are the legislative branch (Congress) that makes the laws, the executive branch (the President) that enforces the laws, and the judicial branch (the courts) that interprets the laws and applies them to individual cases.

This design was meant to prevent any one person or group from gaining total control over the entire government. Each branch was to be on guard to make sure the other branches did

not take on its powers. The Founders also hoped this separation of powers would enable each branch to do only what it does best. The legislature would take time to debate and pass laws best reflecting the true interests of those who elect their representatives. The President would supply that decisive energy needed to enforce laws and take actions in the nation's interest. The judicial branch would have the independence needed to apply constitutional law fairly to the laws and acts of the government.

The readings and the activities for this lesson will give you a chance to look in more detail and depth at how these three branches work. As for the concept of separation of powers, keep in mind this is only one of several key concepts that guided the Founders. You will learn about several others in some of the lessons to follow.

Sources for this Lesson

Source 1: U.S. Constitution, Article I

The U.S. Constitution is available from the National Archives at: <https://www.archives.gov/founding-docs>.

ARTICLE I

Section. 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section. 2.

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.¹ The actual Enumeration shall be made within three Years after the first

Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section. 3.

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof,² for six Years; and each Senator shall have one Vote. Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes.

The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.³

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that

Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section. 4.

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December,⁴ unless they shall by Law appoint a different Day.

Section. 5.

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section. 6.

The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall

in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section. 7.

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.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section. 8.

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; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

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

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.

Section. 9.

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.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.⁵

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section. 10.

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

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 Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ENDNOTES

1. Article I, Section 2, of the Constitution was modified by Section 2 of the 14th Amendment.
2. Article I, Section 3, of the Constitution was modified by the 17th Amendment.
3. Article I, Section 3, of the Constitution was modified by the 17th Amendment.
4. Article I, Section 4, of the Constitution was modified by Section 2 of the 20th Amendment. In addition, a portion of the 12th Amendment was superseded by Section 3 of the 20th Amendment.
5. Article I, Section 9, of the Constitution was modified by the 16th Amendment.

Source 2: U.S. Constitution, Article II

The U.S. Constitution is available from the National Archives at: <https://www.archives.gov/founding-docs>.

ARTICLE II

Section. 1.

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List 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 shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this 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. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.¹

The Congress may determine the Time of chusing the Electors, and the Day on which

they shall give their Votes; which Day shall be the same throughout the United States.

No Persons except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.²

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section. 2.

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He 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: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section. 3.

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section. 4.

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ENDNOTES

1. Article II, Section 1 of the Constitution was superseded by the 12th Amendment, which was itself later partially superseded by Section 3 of the 20th Amendment.
2. Article II, Section 1, of the Constitution was affected by the 25th Amendment.

Source 3: U.S. Constitution, Article III

The U.S. Constitution is available from the National Archives at: <https://www.archives.gov/founding-docs>.

ARTICLE III

Section. 1.

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which

shall not be diminished during their Continuance in Office.

Section. 2.

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;¹ —between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

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 Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section. 3.

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attained.

ENDNOTE

1. Article III, Section 2, of the Constitution was modified by Amendment 11.

Student Activity 2

Article II Group

Instructions to the Group: Have all group members read the four questions below. Share views about the questions and ask your teacher for any clarifications you feel you need. Have one student take notes on the group's answers to each question. Use these notes to help in giving a brief report on your answers to the entire class.

1. Read Article II, Section 1. From this section, do you think it is more accurate to say that the U.S. President is selected mainly by the nation's citizens as a whole, or mainly by the individual states acting separately? Explain your answer.

1. Article II vests (that is, officially grants) several powers to the U.S. President. Using the descriptions of those powers, explain how "executive" powers differ from "legislative" or "judicial" powers as described by the Constitution.

See next page for additional questions.

