**US Constitution**

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The **United States Constitution** is the supreme [law](http://www.theblackvault.com/wiki/index.php?title=Law&action=edit&redlink=1) of the [United States of America](http://www.theblackvault.com/wiki/index.php?title=United_States&action=edit&redlink=1). It was completed on [September 17](http://www.theblackvault.com/wiki/index.php?title=September_17&action=edit&redlink=1), [1787](http://www.theblackvault.com/wiki/index.php?title=1787&action=edit&redlink=1), with its adoption by the [Constitutional Convention](http://www.theblackvault.com/wiki/index.php?title=United_States_Constitutional_Convention&action=edit&redlink=1) in [Philadelphia](http://www.theblackvault.com/wiki/index.php?title=Philadelphia,_Pennsylvania&action=edit&redlink=1), [Pennsylvania](http://www.theblackvault.com/wiki/index.php?title=Pennsylvania&action=edit&redlink=1), and was later [ratified](http://www.theblackvault.com/wiki/index.php?title=Ratification&action=edit&redlink=1) by special conventions in each [state](http://www.theblackvault.com/wiki/index.php?title=U.S._state&action=edit&redlink=1). It created a federal union of sovereign states, and a federal [government](http://www.theblackvault.com/wiki/index.php?title=Government&action=edit&redlink=1) to operate that union. It replaced the less defined union that had existed under the [Articles of Confederation](http://www.theblackvault.com/wiki/index.php?title=Articles_of_Confederation&action=edit&redlink=1). It took effect on [March 4](http://www.theblackvault.com/wiki/index.php?title=March_4&action=edit&redlink=1), [1789](http://www.theblackvault.com/wiki/index.php?title=1789&action=edit&redlink=1), and has served as a model for the [constitutions](http://www.theblackvault.com/wiki/index.php?title=Constitution&action=edit&redlink=1) of numerous other [nations](http://www.theblackvault.com/wiki/index.php?title=Nation&action=edit&redlink=1). The Constitution of the United States of America is the oldest federal constitution in current use.[[1]](http://www.gpoaccess.gov/constitution/index.html)



Page I of the Constitution of the [United States of America](http://www.theblackvault.com/wiki/index.php?title=United_States_of_America&action=edit&redlink=1)



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**History**

*Main article:* [*History of the United States Constitution*](http://www.theblackvault.com/wiki/index.php?title=History_of_the_United_States_Constitution&action=edit&redlink=1)

During the [Revolutionary War](http://www.theblackvault.com/wiki/index.php?title=American_Revolutionary_War&action=edit&redlink=1), the [thirteen states](http://www.theblackvault.com/wiki/index.php?title=Thirteen_Colonies&action=edit&redlink=1) first formed a very weak [central government](http://www.theblackvault.com/wiki/index.php?title=Central_government&action=edit&redlink=1)—with the [Congress](http://www.theblackvault.com/wiki/index.php?title=Continental_Congress&action=edit&redlink=1) being its only component—under the [Articles of Confederation](http://www.theblackvault.com/wiki/index.php?title=Articles_of_Confederation&action=edit&redlink=1). Congress lacked any power to impose [taxes](http://www.theblackvault.com/wiki/index.php?title=Tax&action=edit&redlink=1), and, because there was no national [executive](http://www.theblackvault.com/wiki/index.php?title=Executive_(government)&action=edit&redlink=1) or [judiciary](http://www.theblackvault.com/wiki/index.php?title=Judiciary&action=edit&redlink=1), relied on state authorities, who were often uncooperative, to enforce all of its acts. It also had no authority to override [tax](http://www.theblackvault.com/wiki/index.php?title=Taxation_in_the_United_States&action=edit&redlink=1) laws and [tariffs](http://www.theblackvault.com/wiki/index.php?title=Tariff&action=edit&redlink=1) between states. The Articles required unanimous consent from all the states before they could be amended and states took the central government so lightly that their representatives were often absent. For lack of a [quorum](http://www.theblackvault.com/wiki/index.php?title=Quorum&action=edit&redlink=1), Congress was frequently blocked from making even moderate changes.

In September 1786, commissioners from five states met in the [Annapolis Convention](http://www.theblackvault.com/wiki/index.php?title=Annapolis_Convention_(1786)&action=edit&redlink=1) to discuss adjustments to the Articles of Confederation that would improve commerce. They invited state representatives to convene in [Philadelphia](http://www.theblackvault.com/wiki/index.php?title=Philadelphia,_Pennsylvania&action=edit&redlink=1) to discuss improvements to the federal government. After debate, the Confederation Congress endorsed the plan to revise the Articles of Confederation on [February 21](http://www.theblackvault.com/wiki/index.php?title=February_21&action=edit&redlink=1), [1787](http://www.theblackvault.com/wiki/index.php?title=1787&action=edit&redlink=1). Twelve states, [Rhode Island](http://www.theblackvault.com/wiki/index.php?title=Rhode_Island&action=edit&redlink=1) being the only exception, accepted this invitation and sent delegates to convene in May 1787. The resolution calling the Convention specified its purpose was to propose amendments to the Articles, but the Convention decided to propose a rewritten Constitution. The [Philadelphia Convention](http://www.theblackvault.com/wiki/index.php?title=Philadelphia_Convention&action=edit&redlink=1) voted to keep deliberations secret and decided to draft a new fundamental government design which eventually stipulated that only 9 of the 13 states would have to ratify for the new government to go into effect. These actions were criticized by some as exceeding the convention's mandate and existing law. However, Congress, noting dissatisfaction with the Articles of Confederation government, unanimously agreed to submit the proposal to the states despite what some perceived as the exceeded terms of reference. On [September 17](http://www.theblackvault.com/wiki/index.php?title=September_17&action=edit&redlink=1), [1787](http://www.theblackvault.com/wiki/index.php?title=1787&action=edit&redlink=1), the Constitution was completed in Philadelphia, followed by a speech given by [Benjamin Franklin](http://www.theblackvault.com/wiki/index.php?title=Benjamin_Franklin&action=edit&redlink=1). In it he talked about how he wasn't completely satisfied with it but that perfection would never fully be achieved. He accepted the document as it was and he wanted all those against the ratification of it to do the same. The new government it prescribed came into existence on [March 4](http://www.theblackvault.com/wiki/index.php?title=March_4&action=edit&redlink=1), [1789](http://www.theblackvault.com/wiki/index.php?title=1789&action=edit&redlink=1), after fierce fights over [ratification](http://www.theblackvault.com/wiki/index.php?title=Ratification&action=edit&redlink=1) in many of the states.

The original transcribed copy of the Constitution is on permanent display at the [National Archives](http://www.theblackvault.com/wiki/index.php?title=National_Archives_and_Records_Administration&action=edit&redlink=1) in [Washington, D.C.](http://www.theblackvault.com/wiki/index.php?title=Washington,_D.C.&action=edit&redlink=1)

[File:Syng inkstand.jpg](http://www.theblackvault.com/wiki/index.php?title=Special:Upload&wpDestFile=Syng_inkstand.jpg)

The [Syng inkstand](http://www.theblackvault.com/wiki/index.php?title=Syng_inkstand&action=edit&redlink=1), with which the Constitution was signed

**Preamble**

*Main article:* [*Preamble to the United States Constitution*](http://www.theblackvault.com/wiki/index.php?title=Preamble_to_the_United_States_Constitution&action=edit&redlink=1)

The Preamble reads:

*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 neither grants any powers nor inhibits any actions; it only explains the rationale behind the Constitution. The Preamble, especially the first three words ("We the people"), is one of the most quoted and referenced sections of the Constitution.

**Articles of the Constitution**

The remainder of the constitution consists of seven articles.

**Legislative power**

*Main article:* [*Article One of the United States Constitution*](http://www.theblackvault.com/wiki/index.php?title=Article_One_of_the_United_States_Constitution&action=edit&redlink=1)

|  |  |
| --- | --- |
|  | **Article One** establishes the [legislative branch](http://www.theblackvault.com/wiki/index.php?title=Legislature&action=edit&redlink=1) of government, [U.S. Congress](http://www.theblackvault.com/wiki/index.php?title=Congress_of_the_United_States&action=edit&redlink=1), which includes the [House of Representatives](http://www.theblackvault.com/wiki/index.php?title=United_States_House_of_Representatives&action=edit&redlink=1) and the [Senate](http://www.theblackvault.com/wiki/index.php?title=United_States_Senate&action=edit&redlink=1). The Article establishes the manner of election and qualifications of members of each House. In addition, it outlines legislative procedure and indicates the powers of the legislative branch. Finally, it establishes limits on federal and state legislative power. |

**Executive power**

*Main article:* [*Article Two of the United States Constitution*](http://www.theblackvault.com/wiki/index.php?title=Article_Two_of_the_United_States_Constitution&action=edit&redlink=1)

|  |  |
| --- | --- |
|  | **Article Two** describes the [presidency](http://www.theblackvault.com/wiki/index.php?title=United_States_President&action=edit&redlink=1) (the [executive branch](http://www.theblackvault.com/wiki/index.php?title=Executive_branch&action=edit&redlink=1)): procedures for the selection of the president, qualifications for office, the oath to be affirmed and the powers and duties of the office. It also provides for the office of [Vice President of the United States](http://www.theblackvault.com/wiki/index.php?title=Vice_President_of_the_United_States&action=edit&redlink=1), and specifies that the Vice President succeeds to the presidency if the President is incapacitated, dies, or resigns, although whether this succession was on an acting or permanent basis was unclear until the passage of the [25th Amendment](http://www.theblackvault.com/wiki/index.php?title=25th_Amendment&action=edit&redlink=1).  Article Two also provides for the [impeachment](http://www.theblackvault.com/wiki/index.php?title=Impeachment&action=edit&redlink=1) and removal from office of civil officers (the President, Vice President, judges, and others). (See [presidential system](http://www.theblackvault.com/wiki/index.php?title=Presidential_system&action=edit&redlink=1)) |

**Judicial power**

*Main article:* [*Article Three of the United States Constitution*](http://www.theblackvault.com/wiki/index.php?title=Article_Three_of_the_United_States_Constitution&action=edit&redlink=1)

|  |  |
| --- | --- |
|  | **Article Three** describes the [court system](http://www.theblackvault.com/wiki/index.php?title=United_States_Federal_judiciary&action=edit&redlink=1) (the [judicial branch](http://www.theblackvault.com/wiki/index.php?title=Judicial_branch&action=edit&redlink=1)), including the [Supreme Court](http://www.theblackvault.com/wiki/index.php?title=Supreme_Court_of_the_United_States&action=edit&redlink=1). The article *requires* that there be one court called the Supreme Court; Congress, at its discretion, can create lower courts, whose judgments and orders are reviewable by the Supreme Court. Article Three also requires [trial by jury](http://www.theblackvault.com/wiki/index.php?title=Trial_by_jury&action=edit&redlink=1) in all criminal cases, defines the crime of [treason](http://www.theblackvault.com/wiki/index.php?title=Treason&action=edit&redlink=1), and charges Congress with providing for a punishment for it, while imposing limits on that punishment. |

**States' powers and limits**

*Main article:* [*Article Four of the United States Constitution*](http://www.theblackvault.com/wiki/index.php?title=Article_Four_of_the_United_States_Constitution&action=edit&redlink=1)

**Article Four** describes the relationship between the states and the Federal government, and amongst the states. For instance, it requires states to give "full faith and credit" to the public acts, records and court proceedings of the other states. Congress is permitted to [regulate](http://www.theblackvault.com/wiki/index.php?title=Regulate&action=edit&redlink=1) the manner in which proof of such acts, records or proceedings may be admitted. The "privileges and immunities" clause prohibits state governments from discriminating against citizens of other states in favor of resident citizens (e.g., having tougher penalties for residents of Ohio convicted of crimes within Arizona). It also establishes [extradition](http://www.theblackvault.com/wiki/index.php?title=Extradition&action=edit&redlink=1) between the states, as well as laying down a legal basis for freedom of movement and travel amongst the states. Today, this provision is sometimes taken for granted, especially by citizens who live near state borders; but in the days of the [Articles of Confederation](http://www.theblackvault.com/wiki/index.php?title=Articles_of_Confederation&action=edit&redlink=1), crossing state lines was often a much more arduous (and costly) process.

**Process of amendment**

*Main article:* [*Article Five of the United States Constitution*](http://www.theblackvault.com/wiki/index.php?title=Article_Five_of_the_United_States_Constitution&action=edit&redlink=1)

**Article Five** describes the process necessary to amend the Constitution. It establishes two methods of proposing amendments: by Congress or by a [national convention](http://www.theblackvault.com/wiki/index.php?title=Convention_to_propose_amendment_to_U.S._Constitution&action=edit&redlink=1) requested by the states. Under the first method, Congress can propose an amendment by a two-thirds vote (of a quorum, not necessarily of the entire body) of the Senate and of the House of Representatives. Under the second method, Congress must call a national convention for the purpose of considering amendments when two-thirds of the [state legislatures](http://www.theblackvault.com/wiki/index.php?title=State_legislature&action=edit&redlink=1) "apply" to Congress for such a convention. Thus far, only the first method (proposal by Congress) has been used.

Once proposed—whether submitted by a national convention or by Congress—amendments must then be ratified by three-fourths of the states to take effect. Article Five gives Congress the option of requiring ratification by state legislatures or by special [conventions](http://www.theblackvault.com/wiki/index.php?title=Conventions_within_the_states_to_ratify_an_amendment_to_U.S._Constitution&action=edit&redlink=1) assembled in the states. The convention method of ratification has been used only once (to approve the [21st Amendment](http://www.theblackvault.com/wiki/index.php?title=Twenty-first_Amendment_to_the_United_States_Constitution&action=edit&redlink=1)). Article Five currently places only one limitation on the amending power—that no amendment can deprive a state of its equal representation in the Senate without that state's consent.

**Federal power**

*Main article:* [*Article Six of the United States Constitution*](http://www.theblackvault.com/wiki/index.php?title=Article_Six_of_the_United_States_Constitution&action=edit&redlink=1)

**Article Six** establishes the Constitution, and the laws and treaties of the United States made in accordance with it, to be the [supreme law](http://www.theblackvault.com/wiki/index.php?title=Supremacy_clause&action=edit&redlink=1) of the land. It also validates national [debt](http://www.theblackvault.com/wiki/index.php?title=Debt&action=edit&redlink=1) created under the Articles of Confederation and requires that all legislators, federal officers, and judges take [oaths](http://www.theblackvault.com/wiki/index.php?title=Oath&action=edit&redlink=1) to support the Constitution.

**Ratification**

*Main article:* [*Article Seven of the United States Constitution*](http://www.theblackvault.com/wiki/index.php?title=Article_Seven_of_the_United_States_Constitution&action=edit&redlink=1)

**Article Seven** sets forth the requirements for [ratification](http://www.theblackvault.com/wiki/index.php?title=Ratification&action=edit&redlink=1) of the Constitution. The Constitution would not take effect until at least nine states had ratified the Constitution in state conventions specially convened for that purpose. [New Hampshire](http://www.theblackvault.com/wiki/index.php?title=New_Hampshire&action=edit&redlink=1) became that ninth state on [June 21](http://www.theblackvault.com/wiki/index.php?title=June_21&action=edit&redlink=1), [1788](http://www.theblackvault.com/wiki/index.php?title=1788&action=edit&redlink=1). Once the [Congress of the Confederation](http://www.theblackvault.com/wiki/index.php?title=Congress_of_the_Confederation&action=edit&redlink=1) received word of New Hampshire's ratification, it set a timetable for the start of operations under the Constitution, and, on [March 4](http://www.theblackvault.com/wiki/index.php?title=March_4&action=edit&redlink=1), [1789](http://www.theblackvault.com/wiki/index.php?title=1789&action=edit&redlink=1), the government under the Constitution began operations.

The Constitution was ratified by the states in the following order:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Date** | **State** | **Votes** | | **% Approval** |
| **Yea** | **Nay** |
| 1 | [December 7](http://www.theblackvault.com/wiki/index.php?title=December_7&action=edit&redlink=1), [1787](http://www.theblackvault.com/wiki/index.php?title=1787&action=edit&redlink=1) | [Delaware](http://www.theblackvault.com/wiki/index.php?title=Delaware&action=edit&redlink=1) | 30 | 0 | 100% |
| 2 | [December 12](http://www.theblackvault.com/wiki/index.php?title=December_12&action=edit&redlink=1), [1787](http://www.theblackvault.com/wiki/index.php?title=1787&action=edit&redlink=1) | [Pennsylvania](http://www.theblackvault.com/wiki/index.php?title=Pennsylvania&action=edit&redlink=1) | 46 | 23 | 67% |
| 3 | [December 18](http://www.theblackvault.com/wiki/index.php?title=December_18&action=edit&redlink=1), [1787](http://www.theblackvault.com/wiki/index.php?title=1787&action=edit&redlink=1) | [New Jersey](http://www.theblackvault.com/wiki/index.php?title=New_Jersey&action=edit&redlink=1) | 38 | 0 | 100% |
| 4 | [January 2](http://www.theblackvault.com/wiki/index.php?title=January_2&action=edit&redlink=1), [1788](http://www.theblackvault.com/wiki/index.php?title=1788&action=edit&redlink=1) | [Georgia](http://www.theblackvault.com/wiki/index.php?title=Georgia_(U.S._state)&action=edit&redlink=1) | 26 | 0 | 100% |
| 5 | [January 9](http://www.theblackvault.com/wiki/index.php?title=January_9&action=edit&redlink=1), [1788](http://www.theblackvault.com/wiki/index.php?title=1788&action=edit&redlink=1) | [Connecticut](http://www.theblackvault.com/wiki/index.php?title=Connecticut&action=edit&redlink=1) | 128 | 40 | 76% |
| 6 | [February 6](http://www.theblackvault.com/wiki/index.php?title=February_6&action=edit&redlink=1), [1788](http://www.theblackvault.com/wiki/index.php?title=1788&action=edit&redlink=1) | [Massachusetts](http://www.theblackvault.com/wiki/index.php?title=Massachusetts&action=edit&redlink=1) | 187 | 168 | 53% |
| 7 | [April 28](http://www.theblackvault.com/wiki/index.php?title=April_28&action=edit&redlink=1), [1788](http://www.theblackvault.com/wiki/index.php?title=1788&action=edit&redlink=1) | [Maryland](http://www.theblackvault.com/wiki/index.php?title=Maryland&action=edit&redlink=1) | 63 | 11 | 85% |
| 8 | [May 23](http://www.theblackvault.com/wiki/index.php?title=May_23&action=edit&redlink=1), [1788](http://www.theblackvault.com/wiki/index.php?title=1788&action=edit&redlink=1) | [South Carolina](http://www.theblackvault.com/wiki/index.php?title=South_Carolina&action=edit&redlink=1) | 149 | 73 | 67% |
| 9 | [June 21](http://www.theblackvault.com/wiki/index.php?title=June_21&action=edit&redlink=1), [1788](http://www.theblackvault.com/wiki/index.php?title=1788&action=edit&redlink=1) | [New Hampshire](http://www.theblackvault.com/wiki/index.php?title=New_Hampshire&action=edit&redlink=1) | 57 | 47 | 55% |
| 10 | [June 25](http://www.theblackvault.com/wiki/index.php?title=June_25&action=edit&redlink=1), [1788](http://www.theblackvault.com/wiki/index.php?title=1788&action=edit&redlink=1) | [Virginia](http://www.theblackvault.com/wiki/index.php?title=Virginia&action=edit&redlink=1) | 89 | 79 | 53% |
| 11 | [July 26](http://www.theblackvault.com/wiki/index.php?title=July_26&action=edit&redlink=1), [1788](http://www.theblackvault.com/wiki/index.php?title=1788&action=edit&redlink=1) | [New York](http://www.theblackvault.com/wiki/index.php?title=New_York&action=edit&redlink=1) | 30 | 27 | 53% |
| 12 | [November 21](http://www.theblackvault.com/wiki/index.php?title=November_21&action=edit&redlink=1), [1789](http://www.theblackvault.com/wiki/index.php?title=1789&action=edit&redlink=1) | [North Carolina](http://www.theblackvault.com/wiki/index.php?title=North_Carolina&action=edit&redlink=1) | 194 | 77 | 72% |
| 13 | [May 29](http://www.theblackvault.com/wiki/index.php?title=May_29&action=edit&redlink=1), [1790](http://www.theblackvault.com/wiki/index.php?title=1790&action=edit&redlink=1) | [Rhode Island](http://www.theblackvault.com/wiki/index.php?title=Rhode_Island&action=edit&redlink=1) | 34 | 32 | 52% |

**Corrections**

The paragraph beginning, "the Word, 'The,' being interlined", makes clear certain corrections and modifications.

These changes can be seen by examining the high resolution images available on the [National Archives website](http://www.archives.gov/national-archives-experience/charters/constitution.html).

**Provisions for amendment**

The authors of the Constitution were clearly aware that changes would be necessary from time to time if the Constitution was to endure and cope with the effects of the anticipated growth of the nation. However, they were also conscious that such change should not be easy, lest it permit ill-conceived and hastily passed [amendments](http://www.theblackvault.com/wiki/index.php?title=Constitutional_amendment&action=edit&redlink=1). Balancing this, they also wanted to ensure that an overly rigid requirement of unanimity would not block action desired by the vast majority of the population. Their solution was to devise a dual process by which the Constitution could be altered.

The first option must begin in Congress which, by a two-thirds vote (of a quorum) in each house, may initiate an amendment. Alternatively, the legislatures of two-thirds of the several states may ask Congress to call a [national convention](http://www.theblackvault.com/wiki/index.php?title=Convention_to_propose_amendment_to_U.S._Constitution&action=edit&redlink=1) to discuss and draft amendments. To date, all amendments have been proposed by Congress; although state legislatures have on occasion requested the calling of a convention, no such request has yet received the concurrence required for such a convention.

In either case, amendments must have the approval of the legislatures or of smaller [ratifying conventions](http://www.theblackvault.com/wiki/index.php?title=Conventions_within_the_states_to_ratify_an_amendment_to_U.S._Constitution&action=edit&redlink=1) within three-fourths of the states before becoming part of the Constitution. All amendments save one have been submitted to the state legislatures for ratification; only the [21st Amendment](http://www.theblackvault.com/wiki/index.php?title=Twenty-first_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) was ratified by individual conventions in the states.

[Unlike most constitutions](http://www.theblackvault.com/wiki/index.php?title=Constitutional_amendment&action=edit&redlink=1), amendments to the U.S. constitution are appended to the existing body of the text, rather than being revisions of or insertions into the main articles. There is no provision for expunging from the text obsolete or rescinded provisions.

Some people feel that [demographic](http://www.theblackvault.com/wiki/index.php?title=Demographics&action=edit&redlink=1) changes in the U.S.—specifically the great disparity in population between states—have made the Constitution too difficult to amend, with states representing as little as 4% of the population theoretically able to block an amendment desired by over 90% of Americans; others feel that it is unlikely that such an extreme result would occur. However, any proposals to change this would necessarily involve amending the Constitution itself, creating something of a [Catch-22](http://www.theblackvault.com/wiki/index.php?title=Catch_22_(logic)&action=edit&redlink=1).

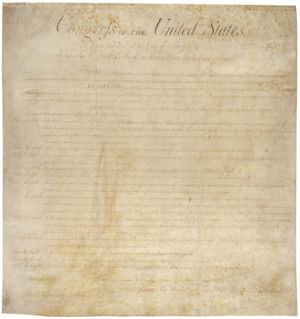
Aside from the direct process of amending the Constitution, the practical effect of its provisions may be altered by judicial decision. The United States is a [common law](http://www.theblackvault.com/wiki/index.php?title=Common_law&action=edit&redlink=1) country, and courts follow the [precedents](http://www.theblackvault.com/wiki/index.php?title=Precedent&action=edit&redlink=1) established in prior cases. However, when a Supreme Court decision clarifies the application of a part of the Constitution to existing law, the effect is to establish the meaning of that part for all practical purposes. Not long after adoption of the Constitution, in the 1803 case of [*Marbury v. Madison*](http://www.theblackvault.com/wiki/index.php?title=Marbury_v._Madison&action=edit&redlink=1)*,* the Supreme Court established the doctrine of [judicial review](http://www.theblackvault.com/wiki/index.php?title=Judicial_review&action=edit&redlink=1), which is the power of the Court to examine legislation and other acts of Congress and to decide their [constitutionality](http://www.theblackvault.com/wiki/index.php?title=Constitutionality&action=edit&redlink=1). The doctrine also embraces the power of the Court to explain the meaning of various sections of the Constitution as they apply to particular cases brought before the Court. Since such cases will reflect changing legal, political, economic, and social conditions, this provides a mechanism, in practice, for adjusting the Constitution without needing to amend its text. Over the years, a series of Court decisions, on issues ranging from governmental regulation of [radio](http://www.theblackvault.com/wiki/index.php?title=Radio&action=edit&redlink=1) and [television](http://www.theblackvault.com/wiki/index.php?title=Television&action=edit&redlink=1) to the rights of the accused in criminal cases, has effected a change in the way many Constitutional clauses are interpreted, without amendment to the actual text of the Constitution.

Congressional legislation, passed to implement provisions of the Constitution or to adapt those implementations to changing conditions, also broadens and, in subtle ways, changes the meanings given to the words of the Constitution. Up to a point, the rules and regulations of the many agencies of the federal government have a similar effect. In case of objection, the test in both cases is whether, in the opinion of the courts, such legislation and rules conform with the meanings given to the words of the Constitution.

**Amendments**

The Constitution has a total of 27 amendments. The first ten, collectively known as the [Bill of Rights](http://www.theblackvault.com/wiki/index.php?title=United_States_Bill_of_Rights&action=edit&redlink=1), were ratified simultaneously. The following seventeen were ratified separately.

**The Bill of Rights (1–10)**



United States Bill of Rights

*Main article:* [*United States Bill of Rights*](http://www.theblackvault.com/wiki/index.php?title=United_States_Bill_of_Rights&action=edit&redlink=1)

The Bill of Rights comprises the first ten amendments to the Constitution. Those amendments were adopted between 1789 and 1791, and all relate to limiting the power of the federal government. They were added in response to criticisms of the Constitution by the state ratification conventions and by prominent individuals such as [Thomas Jefferson](http://www.theblackvault.com/wiki/index.php?title=Thomas_Jefferson&action=edit&redlink=1) (who was not a delegate to the Constitutional Convention). These critics argued that without further restraints, the strong central government would become tyrannical. The amendments were proposed by Congress as part of a block of twelve in September 1789. By December 1791 a sufficient number of states had ratified ten of the twelve proposals, and the Bill of Rights became part of the Constitution.

It is commonly understood that the Bill of Rights was not originally intended to apply to the states, though except where amendments refer specifically to the Federal Government or a branch thereof (as in the [first amendment](http://www.theblackvault.com/wiki/index.php?title=First_Amendment_to_the_United_States_Constitution&action=edit&redlink=1), under which some states in the early years of the nation officially established a religion), there is no such delineation in the text itself. Nevertheless, a general interpretation of inapplicability to the states remained until 1868, when the [Fourteenth Amendment](http://www.theblackvault.com/wiki/index.php?title=Fourteenth_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) was passed, which stated, in part, that:

*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.*

The Supreme Court has interpreted this clause to extend most, but not all, parts of the Bill of Rights to the states. Nevertheless, the balance of state and federal power has remained a battle in the Supreme Court; for example, a recent case dealt with whether a state could be sued by an employee under the federal [Americans with Disabilities Act of 1990](http://www.theblackvault.com/wiki/index.php?title=Americans_with_Disabilities_Act_of_1990&action=edit&redlink=1) (see [Federalist Society](http://www.theblackvault.com/wiki/index.php?title=Federalist_Society&action=edit&redlink=1) and [Federalism](http://www.theblackvault.com/wiki/index.php?title=Federalism&action=edit&redlink=1)).

The amendments that became the Bill of Rights were actually the last ten of the twelve amendments proposed in 1789. The second of the twelve proposed amendments, regarding the compensation of members of Congress, remained unratified until 1992, when the legislatures of enough states finally approved it and, as a result, it became the [Twenty-seventh Amendment](http://www.theblackvault.com/wiki/index.php?title=Twenty-seventh_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) despite more than two centuries of pendency. The [first of the twelve](http://www.theblackvault.com/wiki/index.php?title=Congressional_Apportionment_Amendment&action=edit&redlink=1)—still technically pending before the state legislatures for ratification—pertains to the apportionment of the [United States House of Representatives](http://www.theblackvault.com/wiki/index.php?title=United_States_House_of_Representatives&action=edit&redlink=1) after each decennial [census](http://www.theblackvault.com/wiki/index.php?title=Census&action=edit&redlink=1). The most recent state whose lawmakers are known to have ratified this proposal is [Kentucky](http://www.theblackvault.com/wiki/index.php?title=Kentucky&action=edit&redlink=1) in 1792 during that commonwealth's first month of statehood.

**First Amendment**

The [First Amendment](http://www.theblackvault.com/wiki/index.php?title=First_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) addresses the rights of [freedom of speech](http://www.theblackvault.com/wiki/index.php?title=Freedom_of_speech&action=edit&redlink=1) and the [press](http://www.theblackvault.com/wiki/index.php?title=Freedom_of_the_press&action=edit&redlink=1); the [right of peaceful assembly](http://www.theblackvault.com/wiki/index.php?title=Freedom_of_assembly&action=edit&redlink=1); and the right of [petition](http://www.theblackvault.com/wiki/index.php?title=Petition&action=edit&redlink=1). It also addresses [freedom of religion](http://www.theblackvault.com/wiki/index.php?title=Freedom_of_religion&action=edit&redlink=1), both in terms of prohibiting the [establishment of religion](http://www.theblackvault.com/wiki/index.php?title=Establishment_of_religion&action=edit&redlink=1) and protecting the right to [free exercise of religion](http://www.theblackvault.com/wiki/index.php?title=Free_Exercise_Clause_of_the_First_Amendment&action=edit&redlink=1).

**Second Amendment**

*main article:* [*Second Amendment*](http://www.theblackvault.com/wiki/index.php?title=Second_Amendment_to_the_United_States_Constitution&action=edit&redlink=1)

The Second Amendment states, in its entirety, "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." Compared to other amendments, there is little [case law](http://www.theblackvault.com/wiki/index.php?title=Case_law&action=edit&redlink=1) about the Second Amendment.

**Third Amendment**

The [Third Amendment](http://www.theblackvault.com/wiki/index.php?title=Third_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) prohibits the government from using private homes as quarters for soldiers without the consent of the owners. Much as the Second Amendment, there is largely no case law. There has been no Supreme Court case law, and only one odd case, [Engblom v. Carey](http://www.theblackvault.com/wiki/index.php?title=Engblom_v._Carey&action=edit&redlink=1), which has even addressed the Third Amendment.[[2]](http://caselaw.lp.findlaw.com/data/constitution/amendment03/)

**Fourth Amendment**

The [Fourth Amendment](http://www.theblackvault.com/wiki/index.php?title=Fourth_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) guards against searches, arrests, and seizures of [property](http://www.theblackvault.com/wiki/index.php?title=Property&action=edit&redlink=1) without a specific warrant or a "probable cause" to believe a crime has been committed. A general right to privacy has been inferred from this amendment and others by the [Supreme Court](http://www.theblackvault.com/wiki/index.php?title=Supreme_Court_of_the_United_States&action=edit&redlink=1) (See [*Griswold v. Connecticut*](http://www.theblackvault.com/wiki/index.php?title=Griswold_v._Connecticut&action=edit&redlink=1)), including a right to medical [abortion](http://www.theblackvault.com/wiki/index.php?title=Abortion&action=edit&redlink=1).

**Fifth through Eighth Amendments**

The next four amendments deal with the system of [justice](http://www.theblackvault.com/wiki/index.php?title=Justice&action=edit&redlink=1).

The [fifth](http://www.theblackvault.com/wiki/index.php?title=Fifth_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) forbids [trial](http://www.theblackvault.com/wiki/index.php?title=Trial_(law)&action=edit&redlink=1) for a major [crime](http://www.theblackvault.com/wiki/index.php?title=Crime&action=edit&redlink=1) except after [indictment](http://www.theblackvault.com/wiki/index.php?title=Indictment&action=edit&redlink=1) by a [grand jury](http://www.theblackvault.com/wiki/index.php?title=Grand_jury&action=edit&redlink=1); prohibits [repeated trials](http://www.theblackvault.com/wiki/index.php?title=Double_jeopardy&action=edit&redlink=1) for the same offense after an acquittal (except in certain very limited circumstances); forbids punishment without [due process](http://www.theblackvault.com/wiki/index.php?title=Due_process&action=edit&redlink=1) of law; and provides that an accused person may not be compelled to testify against himself (this is also known as "Taking the fifth" or "Pleading the fifth"). This is regarded as the "rights of the accused" amendment.

The [sixth](http://www.theblackvault.com/wiki/index.php?title=Sixth_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) guarantees a speedy public trial for criminal offenses. It requires trial by a [jury](http://www.theblackvault.com/wiki/index.php?title=Jury&action=edit&redlink=1) (of peers), guarantees the right to [legal counsel](http://www.theblackvault.com/wiki/index.php?title=Legal_counsel&action=edit&redlink=1) for the accused, and guarantees that the accused may require [witnesses](http://www.theblackvault.com/wiki/index.php?title=Witness&action=edit&redlink=1) to attend the trial and testify in the presence of the accused. It also guarantees the accused a right to know the charges against him.

The [seventh](http://www.theblackvault.com/wiki/index.php?title=Seventh_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) assures trial by jury in [civil cases](http://www.theblackvault.com/wiki/index.php?title=Civil_law&action=edit&redlink=1) involving anything valued at more than 20 [United States dollars](http://www.theblackvault.com/wiki/index.php?title=United_States_dollar&action=edit&redlink=1) at the time, which is currently worth $300 presently, when accounting for [inflation](http://www.theblackvault.com/wiki/index.php?title=Inflation&action=edit&redlink=1).

The [eighth](http://www.theblackvault.com/wiki/index.php?title=Eighth_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) forbids excessive [bail](http://www.theblackvault.com/wiki/index.php?title=Bail&action=edit&redlink=1) or [fines](http://www.theblackvault.com/wiki/index.php?title=Fines&action=edit&redlink=1), and [cruel and unusual punishment](http://www.theblackvault.com/wiki/index.php?title=Cruel_and_unusual_punishment&action=edit&redlink=1). In 1966 the Supreme Court ruled that the fifth and sixth amendments were to be read to all persons placed under arrest, and as a result these two amendments have become known as the [Miranda warning](http://www.theblackvault.com/wiki/index.php?title=Miranda_warning&action=edit&redlink=1) or Miranda rights.

**Ninth and Tenth Amendments**

The last two of the first ten amendments contain very broad statements of constitutional authority.

The [Ninth Amendment](http://www.theblackvault.com/wiki/index.php?title=Ninth_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) declares that the listing of individual rights in the Bill of Rights is not meant to be comprehensive; that the people have other *unenumerated* rights not specifically mentioned in the Constitution. The right of privacy has been interpreted as one of these unenumerated rights by many people. The right of the people to keep and bear arms (the protection of which right the Second Amendment prohibits infringement) is also often interpreted as another of these unenumerated rights by many people. [[3]](http://www.guncite.com/journals/nj9th.html#pg64) Other, pre-existing, non-enumerated rights, besides just these two, continue to exist because of the Ninth Amendment. There is little case law.

The [Tenth Amendment](http://www.theblackvault.com/wiki/index.php?title=Tenth_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) provides that powers the Constitution does not delegate to the United States and does not prohibit the states from having are "reserved to the States respectively, or to the people." The phrase "or to the people", somewhat puzzling as to its applicability, was included to prevent this clause from overriding limitations on State powers within the States' respective constitutions.

**Subsequent amendments (11–27)**

Amendments to the Constitution subsequent to the Bill of Rights cover many subjects. The majority of the seventeen later amendments stem from continued efforts to expand individual civil or political liberties, while a few are concerned with modifying the basic governmental structure drafted in Philadelphia in 1787. Although the United States Constitution has been amended a total of 17 times, only 15 of the amendments are currently used because the 18th and 21st amendments cancel each other.

* [Eleventh Amendment](http://www.theblackvault.com/wiki/index.php?title=Eleventh_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) (1795): Clarifies judicial power over foreign nationals, and limits ability of citizens to sue states in federal courts and under federal law. ([Full text](http://sources.wikipedia.org/wiki/Constitution_of_the_United_States_of_America#Amendment_XI))
* [Twelfth Amendment](http://www.theblackvault.com/wiki/index.php?title=Twelfth_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) (1804): Changes the method of presidential elections so that members of the electoral college cast separate ballots for president and vice president. ([Full text](http://sources.wikipedia.org/wiki/Constitution_of_the_United_States_of_America#Amendment_XII))
* [Thirteenth Amendment](http://www.theblackvault.com/wiki/index.php?title=Thirteenth_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) (1865): Abolishes slavery and grants Congress power to enforce abolition. ([Full text](http://sources.wikipedia.org/wiki/Constitution_of_the_United_States_of_America#Amendment_XIII))
* [Fourteenth Amendment](http://www.theblackvault.com/wiki/index.php?title=Fourteenth_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) (1868): Defines United States citizenship; prohibits *states* from abridging citizens' [privileges or immunities](http://www.theblackvault.com/wiki/index.php?title=Privileges_or_Immunities_Clause&action=edit&redlink=1) and rights to [due process](http://www.theblackvault.com/wiki/index.php?title=Due_process&action=edit&redlink=1) and the [equal protection of the law](http://www.theblackvault.com/wiki/index.php?title=Equal_protection&action=edit&redlink=1); repeals the [three-fifths compromise](http://www.theblackvault.com/wiki/index.php?title=Three-fifths_compromise&action=edit&redlink=1). ([Full text](http://sources.wikipedia.org/wiki/Constitution_of_the_United_States_of_America#Amendment_XIV))
* [Fifteenth Amendment](http://www.theblackvault.com/wiki/index.php?title=Fifteenth_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) (1870): Prohibits the federal government and the states from using a citizen's race, color, or previous status as a slave as a qualification for voting. ([Full text](http://sources.wikipedia.org/wiki/Constitution_of_the_United_States_of_America#Amendment_XV))
* [Sixteenth Amendment](http://www.theblackvault.com/wiki/index.php?title=Sixteenth_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) (1913): Authorizes unapportioned federal taxes on income. ([Full text](http://sources.wikipedia.org/wiki/Constitution_of_the_United_States_of_America#Amendment_XVI))
* [Seventeenth Amendment](http://www.theblackvault.com/wiki/index.php?title=Seventeenth_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) (1913): Establishes direct election of senators. ([Full text](http://sources.wikipedia.org/wiki/Constitution_of_the_United_States_of_America#Amendment_XVII))
* [Eighteenth Amendment](http://www.theblackvault.com/wiki/index.php?title=Eighteenth_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) (1919): Prohibited the manufacturing, importing, and exporting of beverage alcohol. *Repealed by the Twenty-First Amendment.* ([Full text](http://sources.wikipedia.org/wiki/Constitution_of_the_United_States_of_America#Amendment_XVIII))
* [Nineteenth Amendment](http://www.theblackvault.com/wiki/index.php?title=Nineteenth_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) (1920): Prohibits the federal government and the states from using a citizen's sex as a qualification for voting. ([Full text](http://sources.wikipedia.org/wiki/Constitution_of_the_United_States_of_America#Amendment_XIX))
* [Twentieth Amendment](http://www.theblackvault.com/wiki/index.php?title=Twentieth_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) (1933): Changes details of Congressional and presidential terms and of [presidential succession](http://www.theblackvault.com/wiki/index.php?title=United_States_presidential_line_of_succession&action=edit&redlink=1). ([Full text](http://sources.wikipedia.org/wiki/Constitution_of_the_United_States_of_America#Amendment_XX))
* [Twenty-first Amendment](http://www.theblackvault.com/wiki/index.php?title=Twenty-first_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) (1933): Repeals Eighteenth Amendment. Permits states to prohibit the importation of alcohol. ([Full text](http://sources.wikipedia.org/wiki/Constitution_of_the_United_States_of_America#Amendment_XXI))
* [Twenty-second Amendment](http://www.theblackvault.com/wiki/index.php?title=Twenty-second_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) (1951): Limits president to two terms. ([Full text](http://sources.wikipedia.org/wiki/Constitution_of_the_United_States_of_America#Amendment_XXII))
* [Twenty-third Amendment](http://www.theblackvault.com/wiki/index.php?title=Twenty-third_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) (1961): Grants presidential electors to the [District of Columbia](http://www.theblackvault.com/wiki/index.php?title=Washington,_D.C.&action=edit&redlink=1). ([Full text](http://sources.wikipedia.org/wiki/Constitution_of_the_United_States_of_America#Amendment_XXIII))
* [Twenty-fourth Amendment](http://www.theblackvault.com/wiki/index.php?title=Twenty-fourth_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) (1964): Prohibits the federal government and the states from requiring the payment of a tax as a qualification for voting for federal officials. ([Full text](http://sources.wikipedia.org/wiki/Constitution_of_the_United_States_of_America#Amendment_XXIV))
* [Twenty-fifth Amendment](http://www.theblackvault.com/wiki/index.php?title=Twenty-fifth_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) (1967): Changes details of presidential succession, provides for temporary removal of president, and provides for replacement of the vice president. ([Full text](http://sources.wikipedia.org/wiki/Constitution_of_the_United_States_of_America#Amendment_XXV))
* [Twenty-sixth Amendment](http://www.theblackvault.com/wiki/index.php?title=Twenty-sixth_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) (1971): Prohibits the federal government and the states from forbidding any citizen of age greater than 18 to vote. ([Full text](http://sources.wikipedia.org/wiki/Constitution_of_the_United_States_of_America#Amendment_XXVI))
* [Twenty-seventh Amendment](http://www.theblackvault.com/wiki/index.php?title=Twenty-seventh_Amendment_to_the_United_States_Constitution&action=edit&redlink=1) (1992): Limits congressional pay raises. ([Full text](http://sources.wikipedia.org/wiki/Constitution_of_the_United_States_of_America#Amendment_XXVII))

There also have been many failed attempts to amend the Constitution. There are some that are still ongoing today (*See* [*Proposals for amendments to the United States Constitution*](http://www.theblackvault.com/wiki/index.php?title=Proposals_for_amendments_to_the_United_States_Constitution&action=edit&redlink=1)).

**Unratified Amendments**

Over 10,000 Constitutional amendments have been introduced in Congress since 1789; in a typical Congressional year in the last several decades, between 100 and 200 are offered. Most of these concepts never get out of Congressional committee, much less get proposed by the Congress for ratification. Backers of some amendments have attempted the alternative, and thus far never-utilized, method mentioned in Article Five. In two instances—reapportionment in the 1960s and a balanced federal budget during the 1970s and 1980s—these attempts have come within just two state legislative "applications" of triggering that alternative method.

The Eighteenth Amendment is the only amendment to be directly and specifically repealed by another (the Twenty-first). The episode highlighted the importance of proposing and ratifying only the most important, and least evanescent, of amendments.

Of the thirty-three amendments that have been proposed by Congress, six have failed ratification by the required three-quarters of the state legislatures—and four of those six are still technically pending before state lawmakers. Starting with the 18th amendment, each proposed amendment (except for the 19th Amendment and for the still-pending Child Labor Amendment of 1924) has specified a deadline for passage. The following are the unratified amendments:

* The [Congressional Apportionment Amendment](http://www.theblackvault.com/wiki/index.php?title=Congressional_Apportionment_Amendment&action=edit&redlink=1) proposed by the [1st Congress](http://www.theblackvault.com/wiki/index.php?title=First_United_States_Congress&action=edit&redlink=1) on [September 25](http://www.theblackvault.com/wiki/index.php?title=September_25&action=edit&redlink=1), [1789](http://www.theblackvault.com/wiki/index.php?title=1789&action=edit&redlink=1), defined a formula for how many members there would be in the [United States House of Representatives](http://www.theblackvault.com/wiki/index.php?title=United_States_House_of_Representatives&action=edit&redlink=1) after each decennial [census](http://www.theblackvault.com/wiki/index.php?title=Census&action=edit&redlink=1). Ratified by eleven states, the last being [Kentucky](http://www.theblackvault.com/wiki/index.php?title=Kentucky&action=edit&redlink=1) in June 1792 (Kentucky's initial month of statehood), this amendment contains no expiration date for ratification. In principle it may yet be ratified, though as written it became moot when the population of the United States reached ten million.
* The so-called [missing thirteenth amendment](http://www.theblackvault.com/wiki/index.php?title=The_missing_thirteenth_amendment&action=edit&redlink=1), or "Titles of Nobility Amendment" (TONA), proposed by the [11th Congress](http://www.theblackvault.com/wiki/index.php?title=11th_Congress&action=edit&redlink=1) on [May 1](http://www.theblackvault.com/wiki/index.php?title=May_1&action=edit&redlink=1), [1810](http://www.theblackvault.com/wiki/index.php?title=1810&action=edit&redlink=1), would have ended the citizenship of any American accepting "any Title of Nobility or Honor" from any foreign power. Some scholars maintain that the amendment *was* actually ratified by the legislatures of enough states, and that a conspiracy has suppressed it. Known to have been ratified by lawmakers in twelve states, the last in 1812, this amendment contains no expiration date for ratification. It may yet be ratified.
* The [Corwin amendment](http://www.theblackvault.com/wiki/index.php?title=Corwin_amendment&action=edit&redlink=1), proposed by the [36th Congress](http://www.theblackvault.com/wiki/index.php?title=Thirty-sixth_United_States_Congress&action=edit&redlink=1) on [March 2](http://www.theblackvault.com/wiki/index.php?title=March_2&action=edit&redlink=1), [1861](http://www.theblackvault.com/wiki/index.php?title=1861&action=edit&redlink=1), would have forbidden any attempt to subsequently amend the Constitution to empower the Federal government to "abolish or interfere" with the "domestic institutions" of the states (a delicate way of referring to [slavery](http://www.theblackvault.com/wiki/index.php?title=Slavery&action=edit&redlink=1)). It was ratified by only [Ohio](http://www.theblackvault.com/wiki/index.php?title=Ohio&action=edit&redlink=1) and [Maryland](http://www.theblackvault.com/wiki/index.php?title=Maryland&action=edit&redlink=1) lawmakers before the outbreak of the [Civil War](http://www.theblackvault.com/wiki/index.php?title=American_Civil_War&action=edit&redlink=1). [Illinois](http://www.theblackvault.com/wiki/index.php?title=Illinois&action=edit&redlink=1) lawmakers—sitting as a state constitutional convention at the time—likewise approved it, but that action is of questionable validity. The proposed amendment contains no expiration date for ratification and may yet be ratified. However, adoption of the 13th, 14th, and 15th Amendments after the Civil War likely means that the amendment would be ineffective if adopted.
* A [child labor amendment](http://www.theblackvault.com/wiki/index.php?title=Child_labor_amendment&action=edit&redlink=1) proposed by the [68th Congress](http://www.theblackvault.com/wiki/index.php?title=Sixty-eighth_United_States_Congress&action=edit&redlink=1) on [June 2](http://www.theblackvault.com/wiki/index.php?title=June_2&action=edit&redlink=1), [1924](http://www.theblackvault.com/wiki/index.php?title=1924&action=edit&redlink=1), which stipulates: "The Congress shall have power to limit, regulate, and prohibit the labor of persons under eighteen years of age." This amendment is now moot, since subsequent federal [child labor laws](http://www.theblackvault.com/wiki/index.php?title=Child_labor_laws&action=edit&redlink=1) have uniformly been upheld as a valid exercise of Congress' powers under the [commerce clause](http://www.theblackvault.com/wiki/index.php?title=Commerce_clause&action=edit&redlink=1). This amendment contains no expiration date for ratification. It may yet be ratified.

**Expired Amendments**

Properly placed in a separate category from the other four constitutional amendments that Congress proposed to the states, but which not enough states have approved, are the following two offerings which—due to deadlines—are no longer subject to ratification.

* The [Equal Rights Amendment](http://www.theblackvault.com/wiki/index.php?title=Equal_Rights_Amendment&action=edit&redlink=1), or ERA, which reads in pertinent part "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex." Proposed by the [92nd Congress](http://www.theblackvault.com/wiki/index.php?title=Ninety-second_United_States_Congress&action=edit&redlink=1) on [March 22](http://www.theblackvault.com/wiki/index.php?title=March_22&action=edit&redlink=1), [1972](http://www.theblackvault.com/wiki/index.php?title=1972&action=edit&redlink=1), it was ratified by the legislatures of 35 states, and expired on either [March 22](http://www.theblackvault.com/wiki/index.php?title=March_22&action=edit&redlink=1), [1979](http://www.theblackvault.com/wiki/index.php?title=1979&action=edit&redlink=1), or on [June 30](http://www.theblackvault.com/wiki/index.php?title=June_30&action=edit&redlink=1), [1982](http://www.theblackvault.com/wiki/index.php?title=1982&action=edit&redlink=1), depending upon one's point of view of a controversial ratification deadline three-year extension by the [95th Congress](http://www.theblackvault.com/wiki/index.php?title=Ninety-fifth_United_States_Congress&action=edit&redlink=1) in 1978. Of the 35 states ratifying it, four later rescinded their ratifications prior to the extended ratification period which commenced [March 23](http://www.theblackvault.com/wiki/index.php?title=March_23&action=edit&redlink=1), [1979](http://www.theblackvault.com/wiki/index.php?title=1979&action=edit&redlink=1) and a fifth—while not going so far as to actually rescind its earlier ratification—adopted a resolution stipulating that its approval would not extend beyond [March 22](http://www.theblackvault.com/wiki/index.php?title=March_22&action=edit&redlink=1), [1979](http://www.theblackvault.com/wiki/index.php?title=1979&action=edit&redlink=1). There continues to be diversity of opinion as to whether such reversals are valid; no court has ruled on the question, including the Supreme Court. But a precedent against the validity of rescission was first established during the ratification process of the 14th Amendment when Ohio and [New Jersey](http://www.theblackvault.com/wiki/index.php?title=New_Jersey&action=edit&redlink=1) rescinded their earlier approvals, but yet were counted as ratifying states when the 14th Amendment was ultimately proclaimed part of the Constitution in 1868.
* The [District of Columbia Voting Rights Amendment](http://www.theblackvault.com/wiki/index.php?title=District_of_Columbia_Voting_Rights_Amendment&action=edit&redlink=1) was proposed by the 95th Congress on [August 22](http://www.theblackvault.com/wiki/index.php?title=August_22&action=edit&redlink=1), [1978](http://www.theblackvault.com/wiki/index.php?title=1978&action=edit&redlink=1). Had it been ratified, it would have granted to [Washington, D.C.](http://www.theblackvault.com/wiki/index.php?title=Washington,_D.C.&action=edit&redlink=1), two Senators and at least one member of the House of Representatives as though the District of Columbia were a state. Ratified by the legislatures of only 16 states—less than half of the required 38—the proposed amendment expired on [August 22](http://www.theblackvault.com/wiki/index.php?title=August_22&action=edit&redlink=1), [1985](http://www.theblackvault.com/wiki/index.php?title=1985&action=edit&redlink=1).

*See also:* [*List of unsuccessful attempts to amend the U.S. Constitution*](http://www.theblackvault.com/wiki/index.php?title=List_of_unsuccessful_attempts_to_amend_the_U.S._Constitution&action=edit&redlink=1)

**Proposals for amendments**

There are currently only a few proposals for amendments which have entered mainstream political debate. These include the proposed [Federal Marriage Amendment](http://www.theblackvault.com/wiki/index.php?title=Federal_Marriage_Amendment&action=edit&redlink=1), the [Balanced Budget Amendment](http://www.theblackvault.com/wiki/index.php?title=Balanced_Budget_Amendment&action=edit&redlink=1), and the [Flag-Burning Amendment](http://www.theblackvault.com/wiki/index.php?title=Flag-burning_amendment&action=edit&redlink=1).

**International influences on the development of the Constitution**



In 1957 the [American Bar Association](http://www.theblackvault.com/wiki/index.php?title=American_Bar_Association&action=edit&redlink=1) acknowledged the debt American law and constitutionalism had to the [Magna Carta](http://www.theblackvault.com/wiki/index.php?title=Magna_Carta&action=edit&redlink=1) by erecting a monument at [Runnymede](http://www.theblackvault.com/wiki/index.php?title=Runnymede&action=edit&redlink=1), [England](http://www.theblackvault.com/wiki/index.php?title=England&action=edit&redlink=1).

To a small degree, historians disagree on the specific international influences on the development of the Constitution, possibly due to the variety of sources. Many argue that several of the ideas embodied in the Constitution were new, and that a large number of ideas were drawn from [Classical Antiquity](http://www.theblackvault.com/wiki/index.php?title=Classical_Antiquity&action=edit&redlink=1) and the British governmental tradition of [mixed government](http://www.theblackvault.com/wiki/index.php?title=Mixed_government&action=edit&redlink=1), which was in practice among 12 of the 13 states. Many historians do not specifically consider other sources, but the ideas advocated by the writings of [Charles de Secondat, Baron de Montesquieu](http://www.theblackvault.com/wiki/index.php?title=Charles_de_Secondat,_Baron_de_Montesquieu&action=edit&redlink=1) are prominent among the contenders of non-British European influences. A number of historians also note the direct influence of the [Republic of the United Provinces](http://www.theblackvault.com/wiki/index.php?title=Dutch_Republic&action=edit&redlink=1), which had itself a Constitution in place for two centuries by 1781 with many similarities to the American Constitution — some of their ideas though were also drawn from [Classical Antiquity](http://www.theblackvault.com/wiki/index.php?title=Classical_Antiquity&action=edit&redlink=1).

Not surprisingly, the influence of the United Kingdom is considered more prominent than other contemporary European influences. The United States Constitution was partly based on ideas from the [uncodified constitution of the United Kingdom](http://www.theblackvault.com/wiki/index.php?title=Constitution_of_the_United_Kingdom&action=edit&redlink=1), such as Article 39 from the [Magna Carta](http://www.theblackvault.com/wiki/index.php?title=Magna_Carta&action=edit&redlink=1) of 1215 which states that:

*No free man shall be arrested, or imprisoned, or deprived of his property, or outlawed, or exiled, or in any way destroyed, nor shall we go against him or send against him, unless by legal judgement of his peers, or by the law of the land.*

The English [Bill of Rights (1689)](http://www.theblackvault.com/wiki/index.php?title=Bill_of_Rights_1689&action=edit&redlink=1) also acted as a source of ideas for the United States Constitution. For example, like the English Bill of Rights, the U.S. Constitution requires jury trials, contains a right to bear arms, and prohibits excessive bail and of “cruel and unusual punishments.”

Liberties guaranteed by Magna Carta and the 1689 English Bill of Rights were directly incorporated into state statutes and the [Virginia Declaration of Rights](http://www.theblackvault.com/wiki/index.php?title=Virginia_Declaration_of_Rights&action=edit&redlink=1), and many were then further incorporated into the Constitution and the [United States Bill of Rights](http://www.theblackvault.com/wiki/index.php?title=United_States_Bill_of_Rights&action=edit&redlink=1).

Nevertheless, arguments for a significant Dutch influence of the Constitution are probably best pronounced by our founding fathers themselves: Benjamin Franklin said that “in love of liberty and in the defense of it, [the Republic of the United Provinces] has been our example” [[4]](http://www.netherlands-embassy.org/article.asp?articleref=AR00000379EN), while John Adams remarked that “the originals of the two Republics are so much alike that the history of one seems but a transcript from that of the other” [[5]](http://www.nationarchive.com/Summaries/v101i2626_17.htm). James Madison, writing in 1822, said “The example of Holland proved that a toleration of sects dissenting from the established sect was safe and even useful … that religion flourishes in greater purity without than with the aid of government” [[6]](http://press-pubs.uchicago.edu/founders/print_documents/amendI_religions66.html). Several of the founding fathers were keen students of history.

**International influences of the Constitution**

**Legality of the Constitution**

One historical controversy is whether the Constitution was illegally adopted.

The Constitution was originally proposed by a convention which was convened for the express purpose of amending the [Articles of Confederation](http://www.theblackvault.com/wiki/index.php?title=Articles_of_Confederation&action=edit&redlink=1). The Articles required ratification by the legislatures of all of the member states for amendments to take effect. Article Seven of the Constitution, however, only required ratification by conventions in nine states for that document to take effect. Scholars have traditionally resolved this contradiction by arguing that when the ninth state ratified the Constitution and the document took effect, those nine states implicitly seceded from the union governed by the Articles and created a new, separate federal union. Under this theory, those states that did not ratify the Constitution would have remained part of a separate country.

Historian [Joseph Ellis](http://www.theblackvault.com/wiki/index.php?title=Joseph_Ellis&action=edit&redlink=1) in *Founding Brothers* charges that there is truth in the allegations that the:

1. "Convention was extralegal, since its explicit mandate was to revise the Articles of Confederation, not replace them."
2. "Machinery for ratification did not require the unanimous consent [as] dictated by the Articles [of Confederation] themselves."

Constitutional lawyer [Michael P. Farris](http://www.theblackvault.com/wiki/index.php?title=Michael_P._Farris&action=edit&redlink=1) disagrees, arguing that:

1. "No limits were placed on the authority of the convention to make amendments," and that the Constitution is, in effect, simply an amended version of the Articles of Confederation.
2. "Congress and all thirteen state legislatures approved the new ratification process as required by the Articles." Eleven states held ratification conventions (approved by their legislatures) and approved the Constitution by [July 26](http://www.theblackvault.com/wiki/index.php?title=July_26&action=edit&redlink=1), [1788](http://www.theblackvault.com/wiki/index.php?title=1788&action=edit&redlink=1), a direct approval of the change in procedure. The other two states' legislatures (of North Carolina and Rhode Island) also approved of the ratification process—North Carolina by holding a convention and Rhode Island by submitting the Constitution to a referendum, although they both rejected the Constitution (at first). Thus, the change in *procedure* was approved by all the states.

Constitutional lawyer [Akhil Reed Amar](http://www.theblackvault.com/wiki/index.php?title=Akhil_Amar&action=edit&redlink=1) disagrees with both. He argues that the United States under the Articles was a multilateral alliance among independent and sovereign nations and that the Constitution created a wholly new nation, which had the same name as the alliance. The states had the right under international law to withdraw from the Articles as each of the states had violated their obligations under the Articles of Confederation. Amar's interpretation has the appeal that it allows the Constitution ratification be legal, yet also makes the secession of the states prior to the [American Civil War](http://www.theblackvault.com/wiki/index.php?title=American_Civil_War&action=edit&redlink=1) illegal, as South Carolina and her sister states had ceased to be sovereign nations by ratifying the Constitution.

In any case, all the states did ratify the Constitution, and a government has been operating under its provisions for over two centuries.

**See also**

[Template:US Historical Document](http://www.theblackvault.com/wiki/index.php?title=Template:US_Historical_Document&action=edit&redlink=1) [Template:Wikibookschapter](http://www.theblackvault.com/wiki/index.php?title=Template:Wikibookschapter&action=edit&redlink=1) [Template:Wikisourcepar](http://www.theblackvault.com/wiki/index.php?title=Template:Wikisourcepar&action=edit&redlink=1)

**General**

* [List of signatories of the United States Constitution](http://www.theblackvault.com/wiki/index.php?title=List_of_signatories_of_the_United_States_Constitution&action=edit&redlink=1)
* [*Coleman v. Miller*](http://www.theblackvault.com/wiki/index.php?title=Coleman_v._Miller&action=edit&redlink=1): U.S. Supreme Court ruled that an amendment remains pending for ratification unless Congress specifies otherwise.
* [List of sources of law in the United States](http://www.theblackvault.com/wiki/index.php?title=List_of_sources_of_law_in_the_United_States&action=edit&redlink=1)
* [Congressional power of enforcement](http://www.theblackvault.com/wiki/index.php?title=Congressional_power_of_enforcement&action=edit&redlink=1)
* [Constitution Day (United States)](http://www.theblackvault.com/wiki/index.php?title=Constitution_Day_(United_States)&action=edit&redlink=1)
* [Constitutional interpretation](http://www.theblackvault.com/wiki/index.php?title=Constitutional_interpretation&action=edit&redlink=1)
* [Founding Fathers of the United States](http://www.theblackvault.com/wiki/index.php?title=Founding_Fathers_of_the_United_States&action=edit&redlink=1)
* [History of democracy](http://www.theblackvault.com/wiki/index.php?title=History_of_democracy&action=edit&redlink=1)
* [Original Intent](http://www.theblackvault.com/wiki/index.php?title=Original_Intent&action=edit&redlink=1)

**Related documents**

* The 1620 [Mayflower Compact](http://www.theblackvault.com/wiki/index.php?title=Mayflower_Compact&action=edit&redlink=1)
* The 1641 [Massachusetts Body of Liberties](http://www.theblackvault.com/wiki/index.php?title=Massachusetts_Body_of_Liberties&action=edit&redlink=1)
* The 1689 [English Bill of Rights](http://www.theblackvault.com/wiki/index.php?title=English_Bill_of_Rights&action=edit&redlink=1)

**Related Authors**

* [Alexander Hamilton](http://www.theblackvault.com/wiki/index.php?title=Alexander_Hamilton&action=edit&redlink=1)
* [Richard Hofstadter](http://www.theblackvault.com/wiki/index.php?title=Richard_Hofstadter&action=edit&redlink=1)
* [John Jay](http://www.theblackvault.com/wiki/index.php?title=John_Jay&action=edit&redlink=1)
* [Terry Jordan](http://www.theblackvault.com/wiki/index.php?title=Terry_Jordan&action=edit&redlink=1)
* [Charles Kesler](http://www.theblackvault.com/wiki/index.php?title=Charles_Kesler&action=edit&redlink=1)
* [James Madison](http://www.theblackvault.com/wiki/index.php?title=James_Madison&action=edit&redlink=1)
* [John Marshall](http://www.theblackvault.com/wiki/index.php?title=John_Marshall&action=edit&redlink=1)
* [Thomas Paine](http://www.theblackvault.com/wiki/index.php?title=Thomas_Paine&action=edit&redlink=1)

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**National Archives**

* [The National Archives Experience — Constitution of the United States](http://www.archives.gov/national-archives-experience/charters/constitution.html)
* [The National Archives Experience — High Resolution Downloads of the Charters of Freedom](http://www.archives.gov/national-archives-experience/charters/charters_downloads.html)
* [Full text of U.S. Constitution](http://www.archives.gov/national-archives-experience/charters/constitution_transcript.html)
* [Full text of The Bill of Rights](http://www.archives.gov/national-archives-experience/charters/bill_of_rights_transcript.html)
* [Full text of the amendments](http://www.archives.gov/national-archives-experience/charters/constitution_amendments_11-27.html)

**Official U.S. government sources**

* [Analysis and Interpretation of the Constitution of the United States](http://www.gpoaccess.gov/constitution/index.html): Annotated constitution, with descriptions of important cases (official publication of U.S. Senate)
* [United States Constitution and related resources](http://www.loc.gov/rr/program/bib/ourdocs/Constitution.html): Library of Congress
* [CIA World Fact Book](http://www.cia.gov/cia/publications/factbook/geos/us.html)

**Non-government web sites**

* [Law about...the Constitution](http://www.law.cornell.edu/wex/index.php/Constitutional_law): An overview of constitutional law from the [Legal Information Institute](http://www.theblackvault.com/wiki/index.php?title=Legal_Information_Institute&action=edit&redlink=1)
* [The U.S. Constitution Online](http://www.usconstitution.net): Full text of Constitution, with some history and annotation
* [The U.S. Constitution Online: Record of ratifications by states](http://www.usconstitution.net/constamrat.html)
* [National Constitution Center in Philadelphia](http://www.constitutioncenter.org/): Museum and education center
* [Education on the U.S. Constitution. ERIC Digest No. 39.](http://www.ericdigests.org/pre-926/constitution.htm): Study on the treatment of the Constitution in public education
* [Free audiobook](http://librivox.org/the-constitution-of-the-united-states-of-america-1787/) from [librivox.org](http://librivox.org)
* [Annotated Constitution](http://www.law.cornell.edu/anncon/) by the [Congressional Research Service](http://www.theblackvault.com/wiki/index.php?title=Congressional_Research_Service&action=edit&redlink=1) of the U.S. [Library of Congress](http://www.theblackvault.com/wiki/index.php?title=Library_of_Congress&action=edit&redlink=1)(hyperlinked version published by [LII](http://www.theblackvault.com/wiki/index.php?title=LII&action=edit&redlink=1))

**Activist/advocacy web sites**

* [SmallGovTimes.com](http://www.smallgovtimes.com/): Site advocating small government and strict constitutional construction
* [Thirty-Thousand.org](http://www.thirty-thousand.org/): Site advocating an increase in the size of the House of Representatives.
* [Krusch, Barry (2003). *Would The Real First Amendment Please Stand Up?*](http://www.krusch.com/real/real2.html) Online book arguing that the Supreme Court's interpretation of the First Amendment has created a “virtual First Amendment" that is radically different from the true amendment.

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