

## Article III The Judiciary

### Section 1. Federal Courts and Judges

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 Behavior, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

### Section 2. Authority of the Courts

**1. General Authority** 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;~~ —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.~~

**2. Supreme Authority** 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.

### Judicial Branch

The Articles of Confederation did not set up a federal court system. One of the first points that the framers of the Constitution agreed upon was to set up a national judiciary. In the Judiciary Act of 1789, Congress provided for the establishment of lower courts, such as district courts, circuit courts of appeals, and various other federal courts. The judicial system provides a check on the legislative branch: it can declare a law unconstitutional.

### Federal Judicial System

QUICK  
FACTS

#### Supreme Court

Reviews cases appealed from lower federal courts and highest state courts

#### Courts of Appeals

Review appeals from district courts

#### District Courts

Hold trials

## Vocabulary

<sup>23</sup> **Corruption of Blood**  
punishing the family of a  
person convicted of treason

## The States

States must honor the laws, records, and court decisions of other states. A person cannot escape a legal obligation by moving from one state to another.

### EXPLORING THE DOCUMENT

The framers wanted to ensure that citizens could determine how state governments would operate. **How does the need to respect the laws of each state support the principle of popular sovereignty?**

**3. Trial by Jury** 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

**1. Definition** 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.

**2. Punishment** The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work **Corruption of Blood**,<sup>23</sup> or Forfeiture except during the Life of the Person attainted.

## Article IV Relations among States

### Section 1. State Acts and Records

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

### Section 2. Rights of Citizens

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

**2. Extradition** A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

**3. Fugitive Slaves** No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.



## Federalism

QUICK  
FACTS

### National

- Declare war
- Maintain armed forces
- Regulate interstate and foreign trade
- Admit new states
- Establish post offices
- Set standard weights and measures
- Coin money
- Establish foreign policy
- Make all laws necessary and proper for carrying out delegated powers

### Shared

- Maintain law and order
- Levy taxes
- Borrow money
- Charter banks
- Establish courts
- Provide for public welfare

### State

- Establish and maintain schools
- Establish local governments
- Regulate business within the state
- Make marriage laws
- Provide for public safety
- Assume other powers not delegated to the national government nor prohibited to the states

ANALYSIS  
SKILL

### ANALYZING INFORMATION

Why does the power to declare war belong only to the national government?

## Section 3. New States

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

**2. Congressional Authority** The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

## Section 4. Guarantees to the States

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic Violence.

EXPLORING  
THE DOCUMENT

In a republic, voters elect representatives to act in their best interest. **How does Article IV protect the practice of republicanism in the United States?**

**EXPLORING  
THE DOCUMENT**

America's  
founders

may not have realized how long the Constitution would last, but they did set up a system for changing or adding to it. They did not want to make it easy to change the Constitution. **By what methods may the Constitution be amended? Under what sorts of circumstances do you think an amendment might be necessary?**

**National Supremacy**

One of the biggest problems facing the delegates to the Constitutional Convention was the question of what would happen if a state law and a federal law conflicted. Which law would be followed? Who would decide? The second clause of Article VI answers those questions. When a federal law and a state law disagree, the federal law overrides the state law. The Constitution and other federal laws are the "supreme Law of the Land." This clause is often called the supremacy clause.

**Article V Amending the Constitution**

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

**Article VI Supremacy of National Government**

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

**Amending the  
U.S. Constitution****QUICK  
FACTS**

Amendments can be proposed by

Congress



with a two-thirds  
vote in each house

National  
Convention



called by Congress  
at the request of  
two-thirds of the  
state legislatures

or

Ratified by

Legislatures  
of three-fourths  
of the states

Conventions  
in three-fourths  
of the states

or

Amendment is added  
to the Constitution.



## Article VII Ratification

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth In witness whereof We have hereunto subscribed our Names,

*George Washington—*

President and deputy from Virginia

### Delaware

*George Read  
Gunning Bedford Jr.  
John Dickinson  
Richard Bassett  
Jacob Broom*

### Maryland

*James McHenry  
Daniel of  
St. Thomas Jenifer  
Daniel Carroll*

### Virginia

*John Blair  
James Madison Jr.*

### North Carolina

*William Blount  
Richard Dobbs Spaight  
Hugh Williamson*

### South Carolina

*John Rutledge  
Charles Cotesworth  
Pinckney  
Charles Pinckney  
Pierce Butler*

### Georgia

*William Few  
Abraham Baldwin*

### New Hampshire

*John Langdon  
Nicholas Gilman*

### Massachusetts

*Nathaniel Gorham  
Rufus King*

### Connecticut

*William Samuel Johnson  
Roger Sherman*

### New York

*Alexander Hamilton*

### New Jersey

*William Livingston  
David Brearley  
William Paterson  
Jonathan Dayton*

### Pennsylvania

*Benjamin Franklin  
Thomas Mifflin  
Robert Morris  
George Clymer  
Thomas FitzSimons  
Jared Ingersoll  
James Wilson  
Gouverneur Morris*

*Attest:*

*William Jackson,  
Secretary*

### Ratification

The Articles of Confederation called for all 13 states to approve any revision to the Articles. The Constitution required that 9 out of the 13 states would be needed to ratify the Constitution. The first state to ratify was Delaware, on December 7, 1787. Almost two-and-a-half years later, on May 29, 1790, Rhode Island became the last state to ratify the Constitution.

# Constitutional Amendments

**Note:** The first 10 amendments to the Constitution were ratified on December 15, 1791, and form what is known as the Bill of Rights.

## Bill of Rights

One of the conditions set by several states for ratifying the Constitution was the inclusion of a bill of rights. Many people feared that a stronger central government might take away basic rights of the people that had been guaranteed in state constitutions.

### EXPLORING THE DOCUMENT

The First Amendment forbids Congress from making any “law respecting an establishment of religion” or restraining the freedom to practice religion as one chooses. **Why is freedom of religion an important right?**

## Rights of the Accused

The Fifth, Sixth, and Seventh Amendments describe the procedures that courts must follow when trying people accused of crimes.

## Vocabulary

<sup>24</sup> **quartered** housed

<sup>25</sup> **Warrants** written orders authorizing a person to make an arrest, a seizure, or a search

<sup>26</sup> **infamous** disgraceful

<sup>27</sup> **indictment** the act of charging with a crime

## Amendments 1–10. The Bill of Rights

### Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

### Amendment II

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.

### Amendment III

No Soldier shall, in time of peace be **quartered**<sup>24</sup> in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

### Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no **Warrants**<sup>25</sup> shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

### Amendment V

No person shall be held to answer for a capital, or otherwise **infamous**<sup>26</sup> crime, unless on a presentment or **indictment**<sup>27</sup> of a Grand Jury, except in

## Fundamental Liberties

Freedom of Religion

Freedom of Speech



cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

## Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously **ascertained**<sup>28</sup> by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

## Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

## Amendment VIII

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

## Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

## Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

### Trials

The Sixth Amendment makes several guarantees, including a prompt trial and a trial by a jury chosen from the state and district in which the crime was committed.

### Vocabulary

<sup>28</sup> **ascertained** found out

### EXPLORING THE DOCUMENT

The Ninth and Tenth Amendments were added because not every right of the people or of the states could be listed in the Constitution. **How do the Ninth and Tenth Amendments limit the power of the federal government?**



Freedom of the Press



Freedom of Assembly



Freedom to  
Petition the  
Government

### ANALYSIS SKILL

### ANALYZING INFORMATION

Which amendment guarantees these fundamental freedoms?