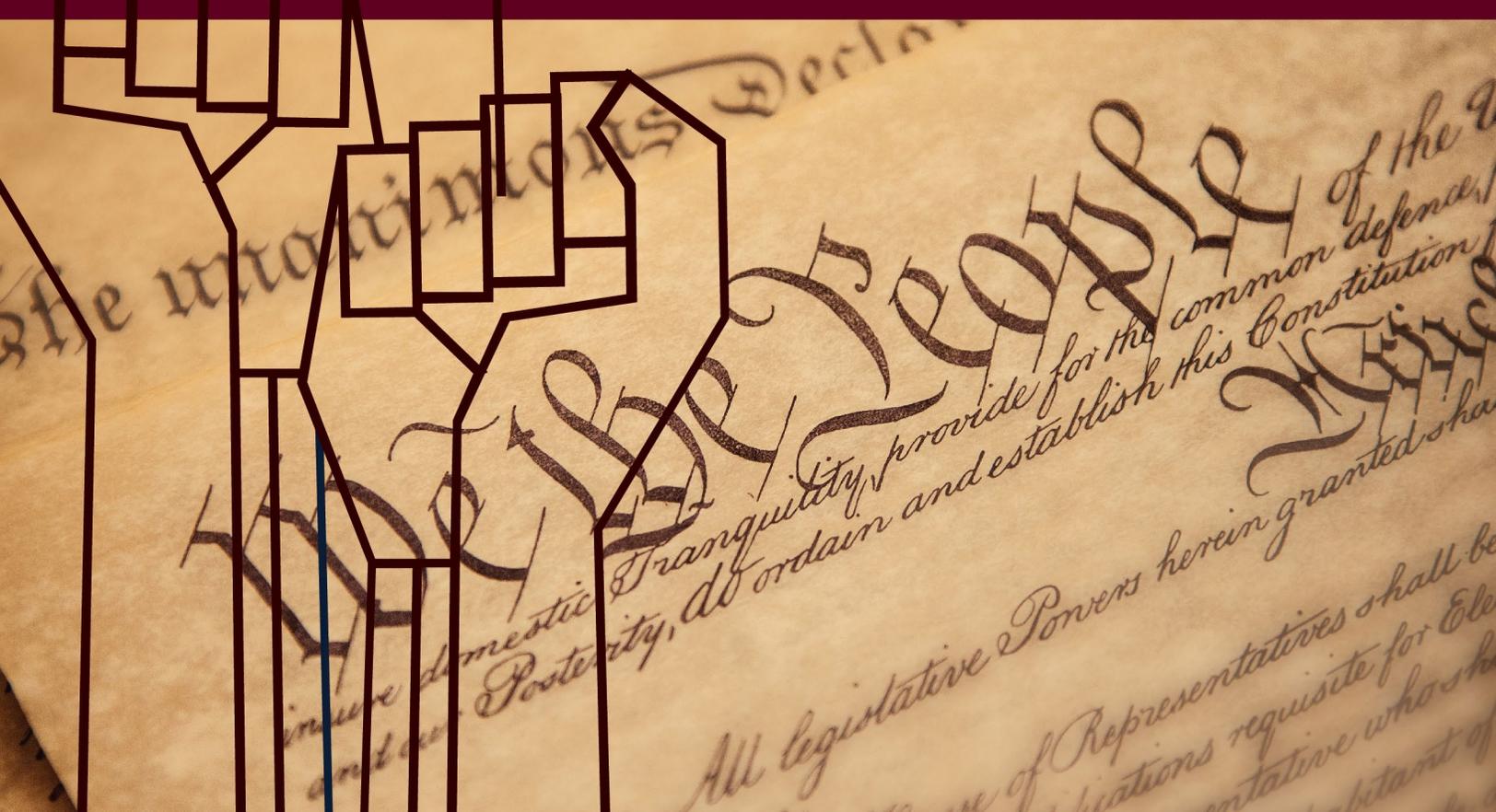
A large, dark outline of a raised fist is positioned on the left side of the cover, extending from the top to the bottom. The fist is stylized with thick lines and is set against a dark red background.

# THE PROGRESSIVE CONSTITUTION

BY CAROLINE FREDRICKSON, JAMAL GREENE,  
AND MELISSA MURRAY



**THE CONSTITUTION DRAFTING PROJECT**

# INTRODUCTION TO THE PROGRESSIVE CONSTITUTION

BY CAROLINE FREDRICKSON, JAMAL GREENE, AND MELISSA MURRAY\*

When we were asked to draft the “progressive” Constitution, we recognized that the task came with baggage. Progressives’ relationship with the Constitution has long been fraught. At various points in history, progressives have loudly complained that the Constitution ratified in 1788 was designed for an agrarian society of slaveholding white males. It created sclerotic political institutions that are frightfully ill-equipped to meet the demands of a modern, global, and pluralistic society.

Further, for at least the last half century, progressives have been characterized as disdainful of the Constitution’s structural limits on government power and eager to read into its text a more expansive understanding of individual rights. On these accounts, an original vision of the Constitution as a demand for a limited federal government is framed as antithetical to a progressive vision of a government powerful enough to promote the public good while constrained by judges committed to protecting fundamental human rights .

These accounts are facile at best. At worst, they misrepresent both the Constitution itself and a progressive understanding of constitutional democracy.

With that in mind, as we embarked upon this exercise, we wanted to make clear our own view that the Constitution, as drafted in 1787, is not completely incompatible with progressive constitutionalism. Indeed, in our view, the original Constitution establishes a structure of divided government that is a necessary precondition for a constitutional democracy with robust protections for individual rights. Accordingly, we took this exercise as an opportunity to strengthen those structural protections for democratic government that we believe serve the exercise of individual rights. This draft progressive Constitution is written in the spirit of the Virginia Plan, with a recognition that debate and refinement must follow. And similar to the framers in 1787, we also are focusing on the structures of government over developing an exhaustive set of rights. We believe that embedding democracy more effectively in our Constitution will better protect rights than an explicit description of each and every right.

As progressives, we believe in democracy rather than government by judiciary, and that is why we have approached the document in this fashion. At the heart of our progressive Constitution is an accountable and inclusive political process.

But even as we have recognized that the democratic process will and should be the main determinant of policy outcomes, we have in some circumstances provided for explicit protections for equality, liberty, and democratic institutions that were not contemplated by the original document or its amendments.

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## FREE AND FAIR ELECTIONS

There is no more important guarantee in a constitutional democracy than free, fair, and functional elections. The current Constitution is at once too vague and too specific about the electoral process. It does not explicitly guarantee the right to vote and underspecifies the conditions under which elections should be conducted, but also provides for presidential election through a misguided Electoral College.

A progressive Constitution would provide a general right of Americans to vote in federal, state, and local elections (including without regard to carceral condition). This includes voting rights and rights of congressional representation for residents of federal territories (including the District of Columbia, which would become a state). Voter qualifications in federal elections would be uniform and would be established by Congress. And because it is also important that voters select officeholders rather than vice versa, our Constitution would require that congressional district lines be drawn by nonpartisan commissions, a model that works successfully in several states and in many countries around the world. This approach would not preclude Congress from experimenting with forms of proportional representation or multimember districts, which are currently prohibited by federal statute.

The regulation of campaign expenditures and contributions to mitigate the disproportionate influence of wealthy and unaccountable individuals and organizations over elections should be permissible in our democracy, as it is in all others in the world. A progressive Constitution would carve such regulation out of the First Amendment's reach provided it is reasonable and in pursuit of a legitimate objective. Of course, we continue to believe that reasonable regulation is acceptable under the current Amendment, though not as interpreted by the Court in *Citizens United v. FEC*.

## ACCOUNTABLE AND INCLUSIVE GOVERNING BODIES

It isn't enough, though, to give Americans voting rights if the institutions they are voting for are themselves anti-democratic. Accordingly, our Constitution eliminates the indefensible Electoral College, replacing it with a national popular vote for President. That vote would be conducted under ranked-choice voting, which would make it easier for candidates with broad support to win the Presidency—under a Constitution for all the people, the one national office should not be held by an extreme partisan.

More significantly, our Constitution makes the U.S. Senate a more representative body. We see great value in the existing federal structure, which heightens government accountability and facilitates policy experimentation. But achieving the benefits of federalism doesn't require the extremes of the current system, in which California has 70 times the population of Wyoming but the same number of Senators. Our Constitution therefore would reapportion the Senate, guaranteeing one senator to every state but allocating additional at large senators based on the state's share of the national population. Were this system in operation today, there would be 126 Senators, of which California would have 13, Texas 9, and Florida 7. Twenty-two states (including D.C.) would have one Senator.



Our Constitution would also change the House of Representatives, though less radically. We would lengthen House terms from two to four years. This would decrease the constant fundraising pressure that currently hinders Members' ability to serve their constituents. It would also move all House voting off the presidential cycle, enabling House elections to serve as a valuable lever of presidential accountability, and vice versa, without subjecting the system to avulsive changes in governance during presidential election years.

## **PROVIDING REAL CHECKS AND BALANCES**

The framers envisioned a constitutional system in which the different branches of government would police one another. As James Madison famously wrote, "Ambition must be made to counteract ambition." But unfortunately, they did not foresee the rise of parties and national party discipline, which has elevated party identification over institutional loyalty and significantly undercut the efficacy of checks and balances.

To make our system better able to ensure rule of law in each branch, we have made several changes. First, we have strengthened and clarified the standard for impeachment, making it clear that the President need not commit a statutory crime but that an abuse of the public trust shall be sufficient grounds for removal. We have also changed the majority required for impeachment and removal to three-fifths in each House, to forestall partisan impeachments while ensuring that in cases of real abuses of power, the president can in fact be removed.

As a necessary complement, Congress's oversight authority over the executive branch must be made more explicit to ensure it can effectively police wrongdoing in program administration or otherwise, and as an integral part of its legislative power, which requires information and testimony from administration officials. And to ensure that the law enforcement power of the federal government is not abused for partisan gain, the Attorney General must receive the votes of two-thirds of Senators to be confirmed, ensuring that they have the trust of a supermajority of Senators.

Our system also has been shown to be deficient in protecting against conflicts of interest and self-dealing by government officials. This draft therefore makes all government officials subject to the emoluments clauses.

## **ENSURING EFFECTIVE GOVERNANCE**

Over the course of our history, Congress has become increasingly incapable of legislating to address national problems. While there have been times of great legislative accomplishment, increasingly, extreme partisanship has made this important work extremely difficult. For that reason, this draft clarifies that Congress shall have the authority to legislate for the general welfare when such action is necessary to address problems that are national in scope and difficult or impossible to address through state or local action. Moreover, with the complexity of issues facing our nation and the need for expertise, there must be no question that Congress has the power to establish independent agencies, which may or may not be subject to executive branch control. And because Congress should be empowered to delegate partially to the executive branch, this draft permits Congress to implement a legislative veto.



Lastly, in order to ensure a less partisan judiciary that is and is perceived as neutral and unbiased, this draft dispenses with life tenure for federal judges in favor of single 18-year terms. Eliminating life tenure would accord with the approach taken by all other democracies. A replacement for a Supreme Court justice who doesn't serve a full 18-year term may only serve out the remainder of the 18-year term, so that these appointments can be regularized at intervals of two per presidency. Our draft also bars electing state judges.

## **UPDATING THE CONSTITUTION**

The current process of constitutional amendment is both too difficult and gives outsized power to land rather than people. Accordingly, our Constitution enables amendments to be proposed not just by two-thirds of members of each House (or two thirds of states) but by Members of each House (or states, for constitutional conventions) representing two-thirds of the U.S population. Likewise, ratification may be effected by three-fourths of the states (as now) or by states representing three-fourths of the population. The new ratification number would not apply to amendments altering suffrage in the Senate, though changes to suffrage would be permitted with agreement of three-fourths of the states.

## **ESTABLISHING REAL EQUALITY**

Although the Declaration of Independence asserted that “all men are created equal,” the Constitution, as we know, made no such guarantees. Indeed, the original text made specific accommodations for the institution of slavery. The question of equality would not surface in constitutional text until the postbellum Reconstruction Amendments abolished slavery and sought to include newly freed African American men into the polity. But while the Fourteenth Amendment guaranteed “equal protection of the laws,” it soon became clear that these guarantees did not extend to all citizens.

In time, legislatures and courts would try to address the inadequacies of the Reconstruction Amendments' efforts to ensure equality to all citizens. The Nineteenth Amendment, by its terms, extended the franchise to women, and later, through an amalgam of statutory protections and constitutional decisions, women would enjoy some measure of legal protection against sex-based discrimination. Other underrepresented groups, like LGBTQ+ persons, would also have to seek equality though legislative fiat and judicial interpretation.

Recognizing the limits of both the original Constitution and its amendments, our goal was to enshrine, as a matter of constitutional text, the equality gains that have been won through legislation and court decisions. Accordingly, our vision of the Constitution explicitly contemplates women as equal citizens. Having redrafted the Fifteenth Amendment (now re-numbered as the Fourteenth Amendment) to ensure women's right to vote, we reimagined the Nineteenth Amendment (now re-numbered as the Sixteenth Amendment) as an Equal Rights Amendment, providing for gender, sexual orientation, and gender identity what the Reconstruction Amendments provided for race. Meaningfully, our Equal Rights Amendment also provides explicit constitutional protections for pregnancy, childbirth, and “all attendant conditions,” which we have defined to include the decisions to become pregnant or to terminate a pregnancy.



But our vision of the Progressive Constitution goes beyond simply enshrining protections for women and LGBTQ+ persons. By providing residents of federal territories with the rights that all Americans enjoy, our Progressive Constitution eliminates the secondary status to which the territories have been consigned.

## FUNDAMENTAL RIGHTS

In thinking about how best to enshrine and protect fundamental rights, we were tempted to provide explicit protections for a range of civil and human rights. After all, over the last fifty years, much of the critique of the Supreme Court's fundamental rights jurisprudence has focused on the Court's recognition of unenumerated rights.

But recognizing, as the framers did, that we could not identify *every* right worth protecting, or *foresee* every possible circumstance that might, whether now or later, engender a need for protection, we thought it better to provide guidance for the protection of extant rights. For example, our rendering of the Second Amendment specifically contemplates state-imposed limits on the right to bear arms. We also have sought to update the Fourth Amendment's protections against search and seizure to meet the challenges of modernity. And, recognizing that liberty and equality are often inextricably intertwined, we have specifically accounted for reproductive rights in an Equal Rights Amendment. In addition to these changes, we also strengthened the right to counsel in criminal proceedings, while also reimagining the Seventh Amendment to provide a right to counsel in civil proceedings in which "basic human needs are at stake."

We have also made some important changes in the nature of certain fundamental freedoms. For example, we reimagined the First Amendment in terms that reflect James Madison's original desire to protect both freedom of religion *and* freedom of conscience or thought. Obviously, Madison's vision was never realized—indeed, his proposal was revised in committee and the phrase "equal rights of conscience" excised in favor of "free exercise thereof." Because Madison's "equal rights of conscience" language was replaced by "free exercise" of religion, the Religion Clauses have been read narrowly to limit the Amendment's protections to those who are religious and to deny them to those with secular claims of conscience. This dynamic was evident in the Court's decision in *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC* (2012).

Our reimagining of the First Amendment is consistent with approaches undertaken in other jurisdictions with similar concerns about religious pluralism. Although the language of our First Amendment singles out religion for special protections (free exercise) and special burdens (disestablishment), modern constitutional and human rights documents are explicit in protecting the freedoms of conscience, thought, or belief.

Our proposal also reflects the changing nature of spiritual life in the United States. With many millions of citizens no longer religiously affiliated, but nonetheless claiming affiliation with various spiritual approaches, the First Amendment should be read, or revised, to provide them with clear protections. This would bring our law into alignment with the European Declaration of Human Rights, the ICCPR, and the constitutions of many other modern constitutional democracies.



Although we were sparing in explicitly providing for certain rights protections, we reimagined the Ninth Amendment to not only recognize unenumerated rights, but to explicitly include a limitations clause for the exercise of all rights. Although the U.S. Constitution has never included an explicit discussion of the limitations of rights, such clauses are features of other constitutions, including the Canadian Charter of Rights and Freedoms and the South African Constitution. As a general matter, limitations clauses recognize that rights—even those subject to constitutional protection—are not absolute. Accordingly, a limitations clause allows for rights to be limited to a certain extent in order to promote other democratic values, including the exercise of other rights and the public good. By the same token, a limitations clause may prohibit excessive restrictions on the exercise of rights that may, because of their scope and structure, be harmful to democracy.

One persistent criticism of the existing Constitution is that it is a document of negative rights, as opposed to positive entitlements. We took this critique seriously, and considered including specific positive entitlements as part of our reimagining of the document. In the end, however, while our draft does specify that government omissions may, in some cases, give rise to a constitutional violation, we concluded that strengthening democratic institutions would provide greater opportunities for the People to speak on the issue of such entitlements, working within the framework of federal and state governments, constitutions, and laws to create a more robust framework of rights and freedoms. This more modest approach to rights, we believe, is consistent with our approach to this project, the Framers' approach to the original Constitution, and progressive constitutionalism more generally. As Chief Justice John Marshall observed in *McCulloch v. Maryland* (1819), a constitution cannot anticipate all future needs. To do so would render the document too lengthy, cumbersome, and timebound to be meaningful to those it was meant to govern. On this account, the Constitution must provide for a working democracy that enables the People to protect themselves.



# THE PROGRESSIVE CONSTITUTION

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We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty and Equality to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

## ARTICLE I

### SECTION 1: CONGRESS

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

The House of Representatives shall be composed of Members chosen every fourth Year by the People of the several States.

No Person shall be a Representative who shall not have attained to the Age of eighteen Years, and be 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 and territories which may be included within this Union, according to their respective Numbers. The actual Enumeration shall be made within every Term of ten Years, in such Manner as the Congress of the United States shall by Law direct. The number of Representatives shall not exceed one for every thirty Thousand, but each State and each territory shall have at Least one Representative.

When vacancies happen in the Representation from any State or territory, 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. No person shall be impeached without the concurrence of three fifths of the Members present.

### SECTION 3: THE SENATE

The Senate of the United States shall be composed of one Senator from each State, plus one additional Senator from each State for every one-hundredth of the national population who reside therein. Senators shall be chosen by the People of each State, 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.

No Person shall be a Senator who shall not have attained to the Age of twenty-five Years, and 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 or Vice President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of three fifths 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, including the Presidency and Vice-Presidency; and any elected position in the Congress of the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

#### **SECTION 4: ELECTIONS**

Except as to the creation, maintenance, or redrawing of legislative district boundaries, the Times, Places and Manner of holding Elections and the qualifications of Electors 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.

Each State shall establish an independent commission for the purpose of creating, maintaining, and redrawing legislative district boundaries on a nonpartisan basis. The number of persons represented by each Representative within a State shall be substantially equal between districts. This provision shall not be construed to require that congressional districts may have only one representative. The Congress shall have power to enforce this requirement by appropriate legislation.



## SECTION 5: POWERS AND DUTIES OF CONGRESS

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: RIGHTS AND DISABILITIES OF MEMBERS

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: LEGISLATIVE PROCESS

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 the President approves the President shall sign it, but if not the President shall return it, with any 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, the Same shall be a Law, in like Manner as if the President 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 the President, or being disapproved by the President, 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. Provided that the Congress may, by a law passed by both Houses and signed by the President, authorize actions by the President that it may veto by the concurrent vote of both Houses of Congress.

## SECTION 8: POWERS OF CONGRESS

The Congress shall have Power to investigate all matters and conditions relating to or in furtherance of its constitutional powers, and to investigate the workings of all branches of government; and

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 legislate for the general welfare, insofar as such action is necessary to address problems that are national in scope, and that are unlikely to be addressed adequately by state or local governments.

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

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

To coin Money or issue paper currency, 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 or currency of the United States;

To establish Post Offices and post Roads; and to regulate methods of transportation and communication with foreign and native Nations, and among the several States;

To promote the Progress of Knowledge, Art, Science, and Technology, 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 military forces, but no Appropriation of Money to raise and support such military forces shall be for a longer Term than two Years;

To make Rules for the Government and Regulation of the military 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 recognize foreign and Native nations;

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 which, for all other purposes shall be considered as a State, 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 and create and organize any agencies, whether or not subject to the President's control, 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: POWERS DENIED CONGRESS

The Privilege of the Writ of Habeas Corpus shall apply to all persons detained under the color of state or federal law and 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 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, including the President and Vice-President, 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: POWERS DENIED TO THE STATES**

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 a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

No State shall select Judges of its courts through popular election.

# **ARTICLE II**

## **SECTION 1**

Except as otherwise provided by law, the power to enforce and execute the laws shall be vested in a President of the United States of America.

The President shall hold Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected by a national popular vote conducted using a ranked-choice voting method.

The Congress may determine the Day on which the President and Vice-President are elected.

No Person except a Citizen of the United States 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 Years, and been fourteen Years a Resident within the United States.



In Case of the Removal of the President from Office, or of the President's 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 of the Executive Branch of government shall then act as President Such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

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

Before entering on the Execution of his Office, the President-Elect 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 military forces of the United States, and of the Militia of the several States, when called into the actual Service of the United States; 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 shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

The President shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and 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. And the Attorney General of the United States shall require a two thirds vote for confirmation.

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

The President shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as the President shall judge necessary and expedient; may, on extraordinary Occasions, convene both Houses, or either of them; shall receive Ambassadors and other public Ministers; 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 Abuse of Public Trust; or of Treason, Bribery, or other high Crimes and Misdemeanors.

## 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 for terms of eighteen years and during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office. Judges of the Supreme Court shall serve for terms that begin in the first and third years of the presidential term. Should a judge of the Supreme Court or any inferior court fail to serve a full eighteen-year term, the president shall, with the advice and consent of the Senate, appoint a replacement to serve for the remainder of the term.

### 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;--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 attainted.



## ARTICLE IV

### SECTION 1

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

### SECTION 2

The Citizens of each State and each territory belonging to the United States shall be entitled to all Privileges and Immunities of Citizens in the several States, and the Congress shall have the power to enforce this provision by appropriate legislation.

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, and the Congress shall have the power to enforce this provision by appropriate legislation.

### SECTION 3

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.

Inhabitants of any Territory belonging to the United States shall, within an initial term of four years, and again at intervals of no greater than ten years, be granted the opportunity to vote to require the United States either to relinquish its claim on such Territory or to admit such Territory into this Union as a new State.

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, provided that it guarantees to any Territory a Republican Form of Government and all of the federal constitutional rights of persons enjoyed by citizens of the several 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

The United States shall maintain a republican form of government and it 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, and the Congress shall have the power to enforce these guarantees by appropriate legislation.



## ARTICLE V

The Congress, whenever two thirds of both Houses or Members of both Houses representing two thirds of the population shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States or by States representing two thirds of the population, 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 States representing three fourths of the population, or by Conventions in the same number of States, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that ratification by three fourths of the several States shall be required for any amendment that alters the method by which suffrage in the Senate is determined.

## ARTICLE VI

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, anything 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.

## ARTICLE VII

The Ratification of the Conventions of 38 States, or States representing three fourths of the population, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

### FIRST AMENDMENT

Neither the United States nor any State shall make or enforce any law respecting an establishment of religion, or prohibiting the free exercise thereof. Relatedly, everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of one's choice, and freedom, either individually or in community with others and in public or private, to manifest one's religion or belief in worship, observance, practice and teaching. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.



Nor shall the United States or any State make or enforce any law abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, to associate with others, and to petition the Government or their employers for a redress of grievances. Congress and the legislature of any State shall, however, have the power to establish by law regulations of the financing of campaigns for elected office, provided that such regulations are reasonably aimed at ensuring that all citizens are able to participate in elections meaningfully and on equal terms.

## SECOND AMENDMENT

The right of the people to keep and bear arms is subject to reasonable regulation by the United States and by the States.

## THIRD AMENDMENT

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law. This provision shall apply equally both to the United States and to the States.

## FOURTH AMENDMENT

The right of the people to be secure in their persons, movements, identities, houses, papers, data, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place, persons, or things to be searched or seized. This provision shall apply equally both to the United States and to the States.

## FIFTH AMENDMENT

No person shall be held to answer for any felony, unless on a presentment or indictment of a Grand Jury, except in 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 paid within a reasonable time period. This provision shall apply equally both to the United States and to the States.

## SIXTH AMENDMENT

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 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. Where the accused is unable to afford counsel, competent counsel shall be provided, and reasonable costs of such counsel paid, by the United States in the case of a federal crime, or by the state, county, or local government wherein the defendant has been accused. This provision shall apply equally both to the United States and to the States.



## SEVENTH AMENDMENT

In Suits at common law, the right of trial by jury shall be the same as in the state where the jury sits, 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. In adversarial proceedings where basic human needs are at stake, such as those involving shelter, sustenance, safety, deportation, health or child custody, competent counsel shall be provided, and reasonable costs of such counsel paid by federal, state, and territorial governments at public expense to low income persons.

## EIGHTH AMENDMENT

Cruel, unusual, or excessive punishments or fines shall not be imposed, nor excessive bail required. Punishment by death, for a term of life, or equivalent terms of imprisonment shall be prohibited. This provision shall apply equally both to the United States and to the States.

## NINTH AMENDMENT

The Constitution guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

## TENTH AMENDMENT

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.

## ELEVENTH AMENDMENT

No person constitutionally ineligible to be elected to the office of President shall be eligible to that of Vice-President of the United States.

## TWELFTH AMENDMENT

### SECTION 1

Neither slavery nor involuntary servitude shall exist within the United States, or any place subject to their jurisdiction.

### SECTION 2

Congress shall have power to enforce this article by appropriate legislation.

## THIRTEENTH AMENDMENT

### SECTION 1

All persons born or naturalized in the United States are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; Neither the United States nor any State shall deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. The United States and the States may violate the provisions of this Article either through their actions or through their failure to act.



## SECTION 2

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the inhabitants of such State, being eighteen years of age, and citizens of the United States, or in any way abridged, except for participation for rebellion, the basis of representation therein shall be reduced in the proportion which the number of such citizens shall bear to the whole number of citizens eighteen years of age in such State.

## SECTION 3

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

## SECTION 4

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

## SECTION 5

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article against the United States, the States, and private parties.

## FOURTEENTH AMENDMENT

### SECTION 1

The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State.

### SECTION 2

The Congress shall have the power to enforce this article by legislation that is rationally related to the purposes of this Article.



## FIFTEENTH AMENDMENT

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

## SIXTEENTH AMENDMENT

The right of persons in the United States shall not be denied or abridged by the United States or by any State on account of sex, sexual orientation, performance of sexual or gender identity, sexual preference, or pregnancy, childbirth, and all attendant conditions, including the decision to become pregnant or terminate a pregnancy.

Congress shall have power to enforce this article by legislation that is rationally related to the purposes of this Article.

## SEVENTEENTH AMENDMENT

### SECTION 1

The terms of the President and the Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

### SECTION 2

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

### SECTION 3

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

### SECTION 4

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.



## SECTION 5

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

## SECTION 6

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

## EIGHTEENTH AMENDMENT

### SECTION 1

No person shall be elected to the office of the President more than twice, no person shall be eligible to serve as President for more than eight years, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

### SECTION 2

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

## NINETEENTH AMENDMENT

### SECTION 1

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or by any State by reason of failure to pay any poll tax or any other tax, fee, or fine.

### SECTION 2

The Congress shall have power to enforce this article by appropriate legislation.

## TWENTIETH AMENDMENT

### SECTION 1

In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

### SECTION 2

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.



### SECTION 3

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

### SECTION 4

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

### TWENTY-FIRST AMENDMENT

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of representatives shall have intervened.

