

The background of the cover features a dark blue upper half and a tan lower half. On the left, a stylized line-art outline of the Statue of Liberty is superimposed over the blue background. The lower half of the cover shows a close-up of the US Constitution, with the words "We the People" and "provide for the common defence" clearly visible in cursive script.

# THE LIBERTARIAN CONSTITUTION

BY ILYA SHAPIRO, TIMOTHY SANDEFUR,  
AND CHRISTINA MULLIGAN

THE CONSTITUTION DRAFTING PROJECT

# INTRODUCTION TO THE LIBERTARIAN CONSTITUTION

BY ILYA SHAPIRO, TIMOTHY SANDEFUR, AND CHRISTINA MULLIGAN\*

This was probably an easier project for us than for our conservative and progressive counterparts because the current United States Constitution is fundamentally a libertarian or, more precisely, [classical liberal document](#). So much so that, at the outset, we joked that all we needed to do was to add “and we mean it” at the end of every clause.

After all, the Constitution set out a government of limited and enumerated powers, powers that are divided both “horizontally” among the three branches of the federal government and “vertically” in a federalist system that recognizes, while limiting, the sovereignty of states, in order to protect “the blessings of liberty.” That original structure provided a mechanism to preserve the full range of individual liberties because it largely withheld from government the power to violate them. The Reconstruction Amendments further advanced that project by extending the Constitution’s libertarian guarantees to protect against state violation, including eradicating slavery, the single greatest contradiction to the ethos of the American experiment.

Unfortunately, many parts of our fundamentally libertarian constitution, particularly those that limit federal power, have been more often ignored, or cleverly evaded, than honored, especially by court decisions that have perverted the actual meaning of the document’s text. Our task was therefore largely to clarify and sharpen those provisions—most notably the Commerce Clause, which has been transformed by legal interpretation into a charter of expansive federal power far beyond what the framers envisioned.

Of course, there have been *some* developments in the 230 years since the original Constitution and Bill of Rights took effect and the 150 years since the post-Civil War amendments were ratified, that have demonstrated certain deficiencies from a libertarian perspective. Out-of-control spending necessitates a balanced budget requirement (except in emergencies). Today’s imperial presidency militates for a reweighing of checks and balances. We also couldn’t help but add in a few “and we mean it” provisions just to be safe, as well as certain liberty-enhancing reforms suggested by such scholars as [Randy Barnett](#) and [Milton Friedman](#).

We also added new protections borrowed from several state constitutions. In the centuries since the Constitution was ratified, states have encountered countless legal challenges and fashioned new ways to protect freedom and limit the size and scope of government. Many state constitutions have borrowed from the federal Constitution, and we’ve decided to do the reverse: to use some of the lessons states have learned to update the federal Constitution. Among the stronger protections for freedom that we’ve borrowed from state constitutions are: prohibitions against “special” laws and “gifts” of government funds, as well as stronger security against warrantless searches and against eminent domain and other forms of confiscation.

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We also added greater protections against the abuses by tribal governments, which today are largely free to disregard the rules that apply to other kinds of governments. These protections help ensure that tribal citizens enjoy the full panoply of protections that other citizens have.

Then there were some technical fixes. We updated capitalization and punctuation, and we incorporated today's amendments into the text rather than appending them at the end. Of course, we didn't include all of today's amendments; libertarians generally agree that most Progressive Era changes were no good, so you'll find no equivalents to the Sixteenth (income tax), Seventeenth (direct election of senators), or Eighteenth (alcohol prohibition) Amendments here.

In the spirit of focusing on drafting a *libertarian* constitution, we tried to avoid purely "good government" reforms, without clear libertarian salience. So while we debated adding term limits for members of Congress and Supreme Court justices, we decided not to include them because evidence from the states shows no correlation between term limits and liberty-protecting limited government. Same thing for expanding the size of the House and of the Supreme Court; these sorts of reforms might be worth considering — perhaps they make politics less polarized, perhaps they don't — but that's more of a political-science academic project than what we're doing here. Perhaps the most "technocratic" reform we endorse is retroceding most of the District of Columbia to Maryland, just as what is now Arlington County and Alexandria City were returned to Virginia in 1847. We think this is libertarian enough of a change to include because it solves D.C.'s "taxation without representation" issue and physically limits the federal district to the land and buildings actually needed for the federal government, rather than having an unusual residential enclave that requires periodic constitutional adjustment.

In completing this project, we've focused, as the original Constitution's authors did, on protecting "negative" rights — that is, rights against being interfered with — instead of creating "positive rights," such as a right to education, or health care, or other things that must be provided by others. Classical liberal theory holds that the only valid rights are things like free speech, private property, and the right to be left alone, and that so-called positive rights are not rights at all, but privileges that government can only give one person if it has taken away the rights of another. The alleged right to health care, for example, can only be provided if the government takes property in the form of taxes to pay for it — or even [compels doctors to provide it](#). Such confiscation or conscription, however, violates the rights of those whose liberty or earnings are seized by the government. So our libertarian constitution, like the Constitution of 1787, provides no such "free" entitlements.

With those caveats, herewith is a section-by-section explanation of how the libertarian Constitution differs from the current (mostly libertarian) Constitution.

## PREAMBLE

We added a roadmap sentence that reinforces the separation of powers, which may also aspirationally cabin the administrative state. This language is borrowed from many state constitutions, which more explicitly divide the three parts of government than today's federal Constitution, and which — according to state courts interpreting those constitutions — divide the powers more strictly.



# ARTICLE I: LEGISLATIVE BRANCH

## SECTION 1

We added a provision reiterating that powers not granted by the Constitution are not to be exercised. Although this is already implicit in today's Constitution—which only gives Congress the “powers herein granted”—that principle has been so often disregarded that people today often assume the federal government has power to address whatever it considers important.

## SECTION 2

We incorporated the Fourteenth Amendment's Section Two, regarding eligibility to serve in Congress and other offices for those who previously engaged in rebellion against the United States. A Civil War artifact, perhaps, but still worthwhile. As mentioned earlier, we debated instituting congressional term limits and expanding the House, but couldn't come to agreement over the particulars ourselves—which shows doubly that this wouldn't necessarily be a *libertarian* reform.

## SECTION 3

We chose not to incorporate the Seventeenth Amendment, but also left it to each state legislature to choose the method of senatorial selection. The U.S. Supreme Court has ruled that the current Constitution allows voter initiatives, rather than legislatures, to address such matters, but we preferred to let legislatures make that choice, because the Senate is meant to represent the interests of states as collective entities, so as to check the threat of federal expansion. Still, we surmise that most if not all states would maintain popular elections for senators. Opposition to the Seventeenth Amendment is a bit of a totem for libertarian activists, but in practice it didn't much matter; by the time the amendment was ratified, most states were already picking senators by popular vote (at least in primaries), or moving in that direction. We also made clear that the Senate's power to try impeachments is to be governed by the Senate's own rules, whatever they may be—another case where our alteration only clarifies something that is already existing law.

## SECTION 4

We incorporated the Twentieth Amendment provisions that congressional terms begin January 3, and that Congress is to have annual sessions that begin January 3 of each year.

## SECTIONS 5 AND 6

No changes.

## SECTION 7

We strengthened the Origination Clause, such that all revenue-raising bills really do have to originate in the House. Today, the Senate often evades the constitutional rule by “amending” an unrelated House bill and replacing it with a tax. Many state constitutions prohibit this shell game by requiring that amendments be “germane” or “incidental,” so we adopted that rule. We also added a line-item veto, such that the president can remove items or appropriations without having to veto the entire bill, subject to the same veto-override provision we already have for full bills.



## SECTION 8

This, the section that grants Congress certain powers is where we made the most changes:

- (1) We specified that the General Welfare Clause actually refers to the “general” as opposed to parochial or specific welfare;
- (2) We changed the Commerce Clause to allow regulation only of *actually* interstate *actual* commerce—unlike today’s legal precedent, which allows the federal government control over *noncommercial* activity, and activities that take place wholly within one state, on the theory that these activities somehow affect the nation’s economy—but we do allow for regulation of interstate pollution;
- (3) While Congress still controls the rules of naturalization, we bar it from restricting entry into the country of anyone who doesn’t pose a threat to national security or public health and safety (see further explanation below);
- (4) we allow non-coin money—paper, crypto, or otherwise—but prohibit Congress from making any particular currency “legal tender” (meaning legally forcing people to accept it as payment);
- (5) we keep the U.S. Postal Service, but repeal the monopoly powers it currently uses to hinder the operations of UPS, FedEx, etc.;
- (6) we limit patents and copyrights to 28 years, which was the initial maximum copyright;
- (7) we expand the Declare War Clause to specify that only Congress may authorize military action in the absence of an invasion or similar attack on U.S. territory or citizens;
- (8) we change references to the army and navy to “armed forces,” to explicitly allow an air force, space force, cyber force, or whatever other branch may become necessary;
- (9) we retrocede the residential parts of D.C. that came from Maryland, leaving only government buildings and land (including the National Mall, memorials, monuments, parks, and Smithsonian Museums), as the federal district;
- (10) we sharpen the Necessary and Proper Clause to only allow laws “incidental” to the enumerated powers, not wholly new ones in the endless string of knee-bone-connected-to-the-shin-bone reasoning that today’s legal precedents allow.

We then add a new provision to prevent states from being coerced into accepting federal programs by the dangling of federal funds; we enable states to decline the federal funds with conditions on their expenditure and instead receive those funds as a block grant to be used for the same purpose.

On immigration, we call our version the Ellis Island Clause: restoring our immigration policy to what it was until about 100 years ago. We would allow anyone to come to try to make their American Dream provided that person isn’t a terrorist or criminal, and doesn’t have a contagious disease.



We thought about further restricting eligibility for public benefits, but then realized that under our system, there wouldn't be many public benefits available at the federal level, and states will be able to make what rules they wish. The federal government would still be able to implement an orderly process for entering the country, and set rules for naturalization.

## SECTION 9

We make a few tweaks to these clauses:

- (1) We extend the prohibition on ex post facto laws to civil laws. Current legal precedent only applies it to criminal laws;
- (2) We limit Congress's taxing power to a uniform tax on the sale of goods and services (a value-added tax, or VAT, if you will), without allowing for income, gift, estate, or direct taxes, and we require three-fifths of each house of Congress to effect a tax increase;
- (3) We specify that no mode of transportation, beyond just "vessels," can be taxed when traveling from one state to another;
- (4) We make all appropriations, not just those to finance the military, sunset after two years;
- (5) We incorporate the Twenty-seventh Amendment, delaying congressional raises until after an intervening election, and add that Congress can't exempt itself from the laws it passes, an idea borrowed from political commentator Bruce Herschensohn, who points out that it's wrong and dangerous that Congress frequently ignores the rules it imposes on the rest of us.

## SECTION 10

This section is primarily devoted to limiting what states can do, and we made a few additions, including expanding these protections to apply to tribal governments, as well. When the Constitution was written, Native Americans weren't U.S. citizens; they became that in 1924, and it's time the Constitution provided them with the same civil rights other Americans enjoy. Unfortunately, although Congress passed the Indian Civil Rights Act in 1968, Supreme Court precedent has rendered it unenforceable in many cases, so we've put its guarantees into the Constitution, along with:

- (1) Barring states from passing ex post facto laws, whether criminal or civil;
- (2) Forbidding states from impairing contracts—which would include preclusions of rent control and wage-and-price controls;
- (3) No imposts or duties on imports or exports—overruling existing legal precedent that has reduced the effectiveness of this free trade provision;
- (4) No gifts of public funds to private industry—an anti-corporate welfare clause that exists in most state constitutions. We've borrowed from Arizona's Constitution, which has one of the strongest prohibitions on giving public money to private purposes;



(5) A prohibition on “special” laws—another idea borrowed from state constitutions, which forbids the government from aiming laws at specific groups. Its language might seem vague, but we’ve borrowed this from Arizona, where courts have given it a strong and effective interpretation, and we assume federal courts would follow those precedents when interpreting it;

(6) Requiring all government contracts to be stated in inflation-adjusted dollars—an idea borrowed from Milton Friedman, who recommended it in *Free to Choose* as a way to “remove the incentive for government to inflate.”

Then we moved the Establishment Clause here, to apply it to both the federal and state governments, because this section is all about prohibitions, so it’s a better fit here than in the “First Amendment” (Article VII, Section 1 in our revision). Tribal governments, however, would be free to establish a religion, as they are under the current Indian Civil Rights Act, so long as they didn’t violate the free exercise rights of dissenters.

## SECTION 11

We added a Balanced Budget Clause. The one here is, again, taken from Milton Friedman’s *Free to Choose*, but we’re not necessarily wedded to this exact proposal. We basically want any clause that, with teeth and subject to judicial review, requires revenues and expenditures to be equal, with an exception for true emergencies.

# ARTICLE II: EXECUTIVE BRANCH

## SECTION 1

We’ve clarified that the power of the executive branch constitutes the power to “execute the laws” and not some broader, freestanding power. Here we ensure that the presidential electors are chosen however each state legislature directs, and otherwise incorporate the Twelfth Amendment in terms of the process of electing the president and vice president. We also change the eligibility requirement from “natural born citizen” to being both a citizen and a resident of the United States for 15 years. Call it the Schwarzenegger Clause, if you will. We also incorporate the Twentieth Amendment, with presidential terms beginning and ending January 20; the Twenty-second Amendment regarding a two-term limit for the presidency; and the Twenty-fifth Amendment for dealing with presidential incapacity.

## SECTION 2

We insert a few technical tweaks here, cleaning up the lines of separation of powers: (1) We give the president the explicit power to exit treaties; (2) we clean up the appointment power; (3) we state that no treaty or international agreement can expand congressional power or be domestically enforceable without enabling legislation; and (4) for purpose of recess appointments, the Senate alone determines when it’s in recess. Most of these, again, only make explicit what is already the law.



## SECTION 3

We eliminate the grotesque spectacle of the annual State of the Union address by requiring this information to be transmitted in written form. Congress may still, of course, invite the president to give an address at any time, but let's be clear that it's not a constitutional requirement.

## SECTION 4

We think impeachment is under-used. Congress should impeach far more officials than it does. What's more, some have denied that officials can be impeached for dangerous incompetence or gross negligence—so we've again clarified something that is already law by saying explicitly that they can be impeached for "behavior that renders them unfit for office." Since it takes two thirds of the Senate to convict and remove, we think it unlikely that this will render the President "subordinate" to Congress—and in any event, in an age of "imperial" presidents, stronger checks are probably warranted.

# ARTICLE III: JUDICIAL BRANCH

## SECTION 1

No changes.

## SECTION 2

We allow taxpayer standing to challenge allegedly unconstitutional uses of funds, overruling existing legal precedent that wrongly holds to the contrary. We also overrule existing precedent that wrongly interprets the Eleventh Amendment to bar lawsuits against states, but restrict *and mandate* the Supreme Court's original jurisdiction to cases with states on opposite sides. Most importantly, we add an "open courts" clause—again borrowed from a state constitution, this time Oregon's—that forbids secret courts and also overrules legal precedent that wrongly hampers the checks-and-balances system by preventing courts from considering certain kinds of lawsuits against the government.

## SECTION 3

No changes.

# ARTICLE IV: INTERSTATE RELATIONS

## SECTION 1

No changes.

## SECTION 2

We clarified that the Privileges *and* Immunities Clause gives all citizens the same federal rights in all states. We also removed the Fugitive Slave Clause and other provisions obviated by the Thirteenth Amendment.



## SECTION 3

We allow Congress to form a new state from within the territory of an existing state, by recognizing petitions from citizens of that new would-be state, under a process to be determined by Congress. Many states today are simply too big to allow for a healthy political situation—for example, California, where a single state senator represents almost one million people. Subdividing states would render state and federal governments both more effective and more protective of individual rights and liberties.

## SECTION 4

We put teeth into the Republican Form of Government (or Guarantee) Clause, overruling erroneous legal precedent that today makes it largely unenforceable by courts.

## SECTION 5

This new section, based on work by Randy Barnett, allows states to rescind federal statutes or regulations, by a two-thirds vote of state legislatures—thereby providing a stronger check against federal growth while still respecting federal supremacy.

# ARTICLE V: AMENDMENT PROCESS

No changes. We thought about making amendments easier, given how many wrongful legal precedents today act as implicit amendments—but then realized that we really like our new Constitution and want to make it hard to change! But seriously, any constitution should be difficult to amend, to prevent it from, in John Marshall's words, "partaking of the prolixity of a legal code." Constitutions set the boundaries for the political process, and overloading them with picayune detail, or allowing the boundaries to be changed too easily, ruins their ability to provide a stable framework for day-to-day government.

# ARTICLE VI: CONSTITUTIONAL SUPREMACY

No changes, ensuring the continuity of government from the previous Constitution to this one.

# ARTICLE VII: BILL OF RIGHTS

Although we incorporated many of the existing amendments into the text of our constitution above, we thought it best to retain a separate section for a bill of rights—while applying these rights to federal, state, and tribal governments. The first eight sections incorporate the first eight amendments. Then it gets fun

## SECTION 1

This is the First Amendment, except:

- (1) the Establishment Clause has already been moved up to Article I;



- (2) we add the freedom of conscience to the Free Speech Clause, and combine both with the Free Press Clause;
- (3) we expand the Freedom of Assembly Clause to cover the freedom of association and non-association (again making explicit what is already existing law);
- (4) we add a protection for a person's right to the "fruits of one's labors," borrowed from the Missouri Constitution, and add a catch-all "right to live a peaceful life of one's choosing" — essentially the crucial libertarian value; and
- (5) we add the explicit right to make political contributions, which is part of today's First Amendment but is under concentrated attack by political activists today.

## SECTION 2

We take out the prefatory "militia" part of the Second Amendment to eliminate any confusion about the fact that every individual has a natural right to keep and bear arms for self-defense.

## SECTION 3

No changes.

## SECTION 4

We tweak the Fourth Amendment to clarify the warrant requirement for searches and seizures, giving greater protection to "private affairs" and against home invasions. This provision is taken from Washington's state constitution — where it has been interpreted to provide some of the strongest protections against warrantless searches in the country.

## SECTION 5

We make a number of important changes to the Fifth Amendment:

- (1) we clarify that the Double Jeopardy Clause applies to dual sovereigns, reversing existing precedent that wrongly says that successive state and federal prosecutions are constitutional;
- (2) we eliminate the possibility of using eminent domain for private use, as the U.S. Supreme Court has wrongly allowed. We borrowed this language from the constitutions of several states, including Washington and Arizona, which explicitly prohibit such condemnations;
- (3) we require just compensation for regulatory takings, using language borrowed from Arizona law;
- (4) we only allow the exercise of eminent domain after the government has paid or secured just compensation;
- (5) we direct courts to review whether takings really are for public uses — another change required to overcome bad precedent now on the books.



## SECTION 6

We prevent coercive plea-bargaining by requiring the government to show that the waiver of any trial (and other critical) rights was “knowing, intelligent, and voluntary.”

## SECTION 7

We update the civil-jury right to cases implicating \$1,000 (a little more than what \$20 in 1791 is worth now) and indexing that sum to inflation.

## SECTION 8

No changes.

## SECTION 9

Here we incorporate the Thirteenth Amendment, but also prohibit the draft, thereby overruling existing precedent that wrongly allows “involuntary servitude” to the government.

## SECTION 10

This is the Fourteenth Amendment, except we replace “privileges or immunities” with “natural or civil rights” to translate the 19th-century speak—even though the meaning is really the same. Simply put, the Privileges or Immunities Clause protects substantive rights; the Due Process of Law Clause prohibits the government from arbitrarily depriving people of their lives, liberty, or property; and the Equal Protection Clause ensures that the government has good reason for treating some differently from others (including reasons for making a distinction between citizens and non-citizen “persons”). We’ve also clarified that the masculine gender pronouns throughout the Constitution include all people.

## SECTION 11

This new section explicates the Due Process Clause, requiring any government to show a “genuine” reason for restricting or regulating any individual liberty. In effect, this section eliminates the theory of “rational basis” review—a doctrine invented by courts in 1934, which allows the government to do virtually anything it wants to with respect to rights that judges consider “not fundamental.”

## SECTION 12

This incorporates the Twenty-sixth Amendment, as well as clarifying that those voters temporarily residing in the new District of Columbia will be considered, for voting purposes, citizens of the State whence they came.

## SECTION 13

This protection for the freedom of contract—again borrowed from Milton Friedman—makes clear what should not be left to inference: people have the right to engage in trade. While it allows the government to determine what objects of trade are and aren’t “legitimate,” that’s the kind of debate that should be held in Congress, rather than in regulatory agencies. In any event, this right should be the rule, and any limitations on it, the exception.



## SECTION 14

This section essentially authorizes what we now know as 18 U.S.C. § 1983 claims for violations of civil rights.

## SECTION 15

This is an updating of the current Ninth Amendment, which copies from the Virginia Bill of Rights—but also reinforces our libertarian commitments. Simply put, unenumerated rights are just as important as those we list.

## SECTION 16

This is the current Tenth Amendment—and we allow ourselves just this one “and we mean it.”

# ARTICLE VIII: RATIFICATION AND INTERPRETATION

The Ratification Clause needs updating, so we figured 35 of 50 states was about the same ratio as the original. We also make clear that everyone should interpret this new Constitution according to its public meaning at the time of enactment, unless amended through the Article V process.



# THE LIBERTARIAN 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 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. These ends shall be secured by the powers of this new government, which shall be divided into three branches, and no branch shall exercise the authority of any other branch.

## ARTICLE I: LEGISLATIVE BRANCH

### SECTION 1

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. Powers not herein granted shall not be exercised.

### SECTION 2

The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives 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 in 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.

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.



The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative, and until such enumeration shall be made, the states shall retain their current representation.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

### SECTION 3

The Senate of the United States shall be composed of two senators from each state, to be chosen however the legislature of that state wishes, 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 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.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The vice president of the United States shall be president of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose 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, according to rules it shall establish. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside: And no person shall be convicted without the concurrence of two thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.



## SECTION 4

The times, places and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

The terms of senators and representatives shall begin at noon on the third day of January; and the terms of their successors shall then begin. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the third day of January, unless they shall by law appoint a different day.

## SECTION 5

Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

## SECTION 6

The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

## SECTION 7

All bills for raising revenue, by tax or other means, shall originate in the House of Representatives; but the Senate may propose or concur with incidental amendments as on other bills. This rule shall apply regardless of whether such revenue is proposed to be placed in any sequestered fund; nor may the Senate originate a bill for raising revenue by means of any amendment to a bill initiated by the House.



Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the president of the United States. If he approve he shall sign it, but if not he shall return it, with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

The president may disapprove any appropriation or item in any bill that he has otherwise signed. In such case he shall, in signing the bill, designate the appropriations or items disapproved; and shall return a copy of such appropriations, with his objections, to the house in which the bill originated; and the same proceedings shall then be had as in case of entire bills disapproved by the president.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

## SECTION 8

The Congress shall have power to lay and collect taxes, duties, imposts, and excises; the purpose of such measures is limited to paying the debts and providing for the common defense and general welfare of the United States; but the general welfare shall not be construed to refer to the specific welfare of any particular group or individual, and all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes, provided that this provision shall not authorize regulation or prohibition of any non-commercial activity, or of any commercial activity that is confined within a single state regardless of its effects outside the state; but Congress shall have power to regulate harmful emissions between one state and another, regardless of its source;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States, provided that this shall not be construed to authorize legislation prohibiting the entry into the United States of any person entering for peaceful, non-criminal reasons, and who is not suffering a contagious disease;



To coin money and other currency, regulate the value thereof, and of foreign coin, provided that this shall not be construed to permit the making of any currency a legal tender; 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, provided that this shall not be construed to permit the establishment of any postal monopoly;

To promote the progress of science and useful arts, by securing for no more than 28 years, 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 offences against the law of nations;

To declare war, or authorize military action in the absence of an invasion of the United States or its territorial possessions, or an attack upon its citizens residing therein; grant letters of marque and reprisal, and make rules concerning captures on land and water;

To provide, raise, maintain and support armed forces for the national defense;

To make rules for the government and regulation of the armed forces;

To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such nonresident 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—the parts of the existing District of Columbia that do not house the federal government or other federal lands shall revert to Maryland—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 incidental laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof;

Congress shall not impose upon a state, or political subdivision thereof, any obligation or duty to make expenditures unless such expenditures shall be fully reimbursed by the United States; nor shall Congress place any condition on the expenditure or receipt of appropriated funds requiring a state, or political subdivision thereof, to enact a law or regulation restricting the liberties of its citizens or otherwise effecting any power not within the authority of authority of Congress. Should a state decline appropriated funds with conditions on its expenditure, an amount of the appropriation prorated by the population of that state shall be paid to the state as a block grant to be expended for the general purpose of the appropriation.

## SECTION 9

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto law, whether civil or criminal, shall be passed.

Congress shall make no law laying or collecting taxes upon incomes, gifts, or estates, or direct or capitation tax, or tax upon aggregate consumption or expenditures; but Congress shall have power to levy a uniform tax on the sale of goods or services. Any imposition of or increase in a tax, duty, impost or excise shall require the approval of three fifths of the House of Representatives and three fifths of the Senate, and shall separately be presented to the president of the United States.

No tax or duty shall be laid on articles exported from any state or tribal lands to any other state or foreign country.

No preference shall be given by any regulation of commerce or revenue to the ports of one state or tribal lands over those of another: nor shall vessels or other modes of transportation bound to, or from, one state or tribal lands, 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, all such appropriations to expire after two years; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of Representatives shall have intervened. Nor shall Congress make any law that does not apply to itself or its own members.



## SECTION 10

No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money or issue currency; emit bills of credit; make any thing but gold and silver coin, or coin or currency of the United States, a tender in payment of debts; pass any bill of attainder, ex post facto law, whether criminal or civil, or any law impairing the obligation of contracts, or grant any title of nobility.

Neither Congress nor any state or tribal government may lay any imposts or duties on imports or exports, to or from another state or foreign nation, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships or other military equipment in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Neither the federal government nor any state or tribal government shall ever give or loan its credit in the aid of, or make any donation or grant, by subsidy or otherwise, to any individual, association, or corporation, or become a subscriber to, or a shareholder in, any company or corporation, or become a joint owner with any person, company, or corporation, except as to such ownerships as may accrue to the state, tribal, or federal government by operation or provision of law or as authorized by law solely for investment of the monies in the various funds of the state, tribal, or federal government.

Neither Congress nor any state shall enact any local or special laws when a general law can be made applicable.

Neither the federal government nor any state shall make any law establishing religion.

All contracts between the government of the United States and other parties stated in dollars, and all dollar sums contained in federal laws, shall be adjusted annually to allow for the change in the general level of prices during the prior year.

## SECTION 11

To protect the people against excessive governmental burdens and to promote sound fiscal and monetary policies, total outlays of the government of the United States shall be limited. Total outlays in any fiscal year shall not increase by a percentage greater than the percentage increase in nominal gross national product in the last calendar year ending prior to the beginning of said fiscal year. Total outlays shall include budget and off-budget outlays, and exclude redemptions of the public debt and emergency outlays. If inflation for the last calendar year ending prior to the beginning of any fiscal year is more than three per cent, the permissible percentage increase in total outlays for that fiscal year shall be reduced by one-fourth of the excess of inflation over three per cent. Inflation shall be measured by the difference between the percentage increase in nominal gross national product and the percentage increase in real



gross national product. When, for any fiscal year, total revenues received by the government of the United States exceed total outlays, the surplus shall be used to reduce the public debt of the United States until such debt is eliminated. Following declaration of an emergency by the president, Congress may authorize, by a two-thirds vote of both houses, a specified amount of emergency outlays in excess of the limit for the current fiscal year. The limit on total outlays may be changed by a specified amount by a three-fourths vote of both houses of Congress when approved by the Legislatures of a majority of the several states. The change shall become effective for the fiscal year following approval. For each of the first six fiscal years after ratification of this article, total grants to states and local governments shall not be a smaller fraction of total outlays than in the three fiscal years prior to the ratification of this article. Thereafter, if grants are less than that fraction of total outlays, the limit on total outlays shall be decreased by an equivalent amount. The government of the United States shall not require, directly or indirectly, that states or local governments engage in additional or expanded activities without compensation equal to the necessary additional costs. This section may be enforced by one or more members of the Congress in an original action brought in the Supreme Court, and by no other persons. The action shall name as defendant the treasurer of the United States, who shall have authority over outlays by any unit or agency of the government of the United States when required by a court order enforcing the provisions of this article. The order of the court shall not specify the particular outlays to be made or reduced. Changes in outlays necessary to comply with the order of the court shall be made no later than the end of the third full fiscal year following the court order.

Congress shall have the power to adopt implementing legislation, including the adoption of accounting standards which may include the treatment of capital expenditures, accrual of long-term obligations, the retirement of debts, and the creation of a specialized federal court to deal with this provision and any implementing legislation.

## **ARTICLE II: EXECUTIVE BRANCH**

### **SECTION 1**

The power to execute the laws shall be vested in a president of the United States of America, who shall hold this office during the term of four years, and, together with the vice president, chosen for the same term, be elected, as follows:

Each state shall appoint a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress; such electors to be chosen by the people of each state in such manner as the legislature thereof may direct.

No senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.



The electors shall meet in their respective states and vote by ballot for president and vice president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice president, and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate; the president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted. The person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as president, the House of Representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. 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.

The person having the greatest number of votes as vice president, shall be the vice president, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the vice president; a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of president shall be eligible to that of vice president of the United States. 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-elect 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.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States. 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.

No person except those who have been citizens of the United States for fifteen years prior to the start of their term shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fifteen years a resident within the United States. No person shall be elected to the office of the president more than twice, 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 the president more than once.



In case of the removal of the president from office or of his death or resignation, the vice president shall become president. 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.

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.

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.

The president shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

The terms of the president and the vice president shall end at noon on the twentieth day of January; the terms of their successors shall then begin.

Before he enter on the execution of his office, he shall take the following oath or affirmation:  
"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."



## SECTION 2

The president shall be commander in chief of the armed forces of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur; and to enter treaties; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers in the executive branch in the president alone or in the heads of departments, as they think proper; and may vest the appointment of such inferior officers in the judicial branch in the courts of law, as they think proper.

No treaty or other international agreement may enlarge the legislative power of Congress granted by this Constitution, or be enforced within the United States without enabling legislation.

The president shall have power to fill up all vacancies that may happen during the recess of the Senate, as the Senate itself shall determine pursuant to its rules of proceeding, by granting commissions which shall expire at the end of their next session.

## SECTION 3

He shall from time to time give to the Congress written information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

## SECTION 4

The president, vice president and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, other high crimes and misdemeanors, or other behavior that renders them unfit for office.

# ARTICLE III: JUDICIAL BRANCH

## SECTION 1

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.



## SECTION 2

The judicial power shall extend to all cases, in law and equity, including those brought by taxpayers to challenge the unlawful expenditure of funds, 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 persons; between a tribal government and citizens of that tribe; 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 controversies affecting two or more states, the Supreme Court shall take 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.

No court shall be secret, but justice shall be administered, openly and without purchase, completely and without delay, and every person shall have remedy by due process of law for injury done to life, liberty, or property.

## 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: INTERSTATE RELATIONS

## 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 shall be entitled to all privileges and immunities of a citizen of the United States.



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.

### 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, without the consent of the legislatures of the states concerned as well as of the Congress; but Congress may, by law, form a new state from the territory of an existing state upon petition from citizens of that state, the recognition of such petitions to be regulated by Congress.

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

The United States shall guarantee to every state in this union a republican form of government, with appropriate checks and balances, and separation of powers, 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. The federal courts shall have jurisdiction to decide whether a state has denied its people a republican form of government.

### SECTION 5

Upon the identically-worded resolutions of the legislatures of two-thirds of the states, any law or regulation of the United States, identified with specificity, is thereby rescinded; once rescinded, such a law may be reenacted according to the procedures specified in Article I.

## ARTICLE V: AMENDMENT PROCESS

Whenever two thirds of both Houses of Congress, or one half of the legislatures of the several states, shall deem it necessary, they may propose amendments to this Constitution, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when certified by the chief justice of the United States to have been 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, or by the legislatures of the several states; provided that no state, without its consent, shall be deprived of its equal suffrage in the Senate. While an amendment, having been proposed, is pending ratification in the states, a state may revoke its previous ratification at any time before the requisite three fourths of state legislatures have been certified as having ratified the amendment.



## ARTICLE VI: CONSTITUTIONAL SUPREMACY

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 previously.

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.

## ARTICLE VII: BILL OF RIGHTS

### SECTION 1

No government body or actor shall prohibit the free exercise of any religion; or abridge the freedom of speech, of conscience, or of the press; or the right of the people peaceably to assemble or associate with each other, or not to associate with each other, and to petition the government for a redress of grievances; or infringe the right to the fruits of one's labors, or the right to live a peaceful life of one's choosing. The freedoms of speech and conscience include the freedom to make contributions to political campaigns or candidates for public office, and shall be construed to extend equally to any medium of communication.

### SECTION 2

The right of the people to keep and bear arms shall not be infringed.

### SECTION 3

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.

### SECTION 4

No person shall be disturbed in his private affairs, or his home invaded, without a warrant, except where circumstances will not admit of delay, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.



## SECTION 5

No person shall be held to answer for a capital, or otherwise infamous crime, 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, regardless of which government does so; nor shall private property or any person's personal services be taken for private use regardless of purpose, or taken for public use without just compensation. If the existing rights to use, divide, sell or possess private real property are reduced by the enactment or application of any law enacted after the date the property is transferred to the owner and such action reduces the fair market value of the property the owner is entitled to just compensation. No private property shall be taken or damaged without just compensation having first been made, paid into court for the owner, secured by bond as may be fixed by a court, or paid into the treasury for the owner on such terms and conditions as Congress may provide. Whenever an attempt is made to take private property for a use alleged to be public, the question whether such use be really public shall be a judicial one, to be determined independent of any legislative assertion that the use is public.

## SECTION 6

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 defense. The government shall bear the burden of demonstrating, by clear and convincing evidence, that any waiver of such rights shall be knowing, intelligent, and voluntary.

## SECTION 7

In suits at common law, where the value in controversy shall exceed one thousand dollars, as adjusted for inflation every ten years after ratification, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

## SECTION 8

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

## SECTION 9

Neither slavery, nor military conscription, nor involuntary servitude—including compulsory labor for any government—except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

## SECTION 10

All persons born or naturalized in the United States, and owing allegiance thereto, are citizens of the United States and of the state wherein they reside. Neither the government of the United States, nor



any state or tribal government, shall make or enforce any law which shall abridge the natural or civil rights of citizens of the United States; or deprive any person of life, liberty, or property, without due process of law; or deny to any person within their jurisdictions the equal protection of the laws. The use of “he” and “his” in this Constitution shall include all persons.

## SECTION 11

The due process of law shall be construed to provide the opportunity to introduce evidence or otherwise show that a law, regulation or order is an infringement of such rights of any citizen or legal resident of the United States, and the party defending the challenged law, regulation, or order shall have the burden of establishing its basis in law and conformity with this Constitution. No person shall be criminally punished without a judicial process to ascertain whether that person was guilty of violating a validly enacted statute that is within the proper power of Congress or a state legislature to enact. All persons are presumptively at liberty to enjoy and use their life, liberty, or property in their best judgment, and whenever a federal, state, or tribal government shall infringe upon this right, and any person petition for redress, courts shall determine whether that government has constitutional authority for its action and a genuine justification for its restriction or regulation.

## SECTION 12

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 or tribal government, except as condition of punishment for a crime whereof the party shall have been duly convicted. Nor shall 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, be denied or abridged by the United States or any state or tribal government by reason of failure to pay any poll tax. Any citizen temporarily residing in the non-residential district constituting the seat of government of the United States shall be considered a citizen of the state whence he came. Congress shall have power to enforce this provision by appropriate legislation.

## SECTION 13

The right of the people to buy and sell lawful goods and services at mutually acceptable terms shall not be infringed by Congress or any state or tribal government.

## SECTION 14

Congress shall have power to establish legal causes of action for violations of this Article.

## SECTION 15

All persons are equally free and independent, and have certain natural, inherent and unalienable rights which they retain when forming any government, amongst which are the enjoying, defending and preserving of their life and liberty, acquiring, possessing, and protecting real and personal property, making binding contracts of their choosing, and pursuing their happiness and safety. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people, or make those enumerated rights superior to or more enforceable than unenumerated rights.



## SECTION 16

The powers not expressly 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. And we mean it.

## ARTICLE VIII: RATIFICATION AND INTERPRETATION

The ratification of the conventions of thirty-five states, shall be sufficient for the establishment of this Constitution between the states so ratifying the same. The words and phrases of this Constitution shall be interpreted according to their public meaning at the time of their enactment, which meaning shall remain the same until changed pursuant to Article V.

