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ASPEN CASEBOOK SERIES

# CONSTITUTIONAL LAW

Cases in Context

*Third Edition*

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*To those whose vision of the Constitution is not  
limited to that of the Supreme Court*

*To my wife, Beth — Randy Barnett  
To Militza — Josh Blackman*





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# Preface

Welcome to the Third Edition of *Constitutional Law: Cases in Context*. We recognize that choosing a casebook is one of the most important decisions law professors make. For students, this selection is beyond their control, but often makes or breaks the foundation of their legal education.

In a crowded marketplace, our reinvigorated text stands out for professors and students alike because of its clarity, context, consideration, and the canon.

## *Clarity*

In preparing the Third Edition, every page was reviewed and re-edited with a primary focus: clarity. Placing ourselves back in the shoes of a 1L who has never before studied this material, we rethought from the ground up what works, and what does not work. Specifically, we sought to provide students with a more accessible and engaging way to learn constitutional law than is now available in existing casebooks.

First, after extensive market research, we concluded that most textbooks — especially those that have evolved through many editions over a long period of time — are simply unrealistic about what students can actually learn in a three or four-credit course. Most books drown students with tedious notes, commentary, and “squibs” *after* the cases, which professors dread to prepare to field questions about, even as most students skip them. We chose a different path. *Before* each decision we include a clear, easy-to-understand study guide that consists of a series of precise questions. These learning objectives pinpoint what students should take away from the reading — we do not hide the ball.

Second, rather than assuming that students will grasp complicated postures, we provide them with the background information necessary to dive right into the cases. For example, if a decision involves a complicated regulatory scheme, or considers an obscure historical event, the study guide will offer a brief synopsis of extraneous facts so students can instead focus on the important analysis. Further, our casebook includes dozens of photographs of the people and places behind the cases. These additional pictures and tidbits of information will make the study of constitutional law come alive just a little more, and differentiates our text from all the others.

Third, we divided each chapter into a series of *Assignments*, which average thirty-pages in length. The readings are long enough to help students understand the arguments, but edited where necessary to prevent overwhelming them. Where feasible within each doctrinal category, the canonical cases are presented chronologically as they were decided. Learning how a line of cases developed conveys the story of constitutional law that every literate lawyer *ought* to know.

With our ready-made syllabi, professors can rearrange the materials to fit into three, four, and six-credit courses.

Finally, the Third Edition will allow professors to *flip* the classroom. Students will be able to access an online catalogue of short, focused, three-minute videos about each case in the book. The videos will discuss the facts, posture, analysis, and holding of the cases, centered around the study guide questions in the book. Building on modern learning techniques, students can better prepare themselves online *before* class. Professors will be empowered to spend more class time diving deeper into analysis and reasoning of the content, rather than consuming precious class time bringing every student up to speed on the facts.

### **Context**

The theme of the book is reflected in its title: *Cases in Context*. Constitutional law has not developed in a vacuum. Rather, over the course of two centuries, all three branches of our government have interpreted the Constitution's seven articles and twenty-seven amendments in the context of complicated, real-world events. Professors take our knowledge of this story for granted, having picked it up along the way. But for most students it is entirely new and more than a little strange. This story is almost impossible to grasp when confronting disparate cases completely divorced from the context in which they were decided.

As with previous editions, the Third Edition aims to place each of these developments, throughout the history of our republic, in the proper context. All students—even those unfamiliar with American history—will learn the essential background information to grasp how this body of law has come to be what it is today. To do that, we hew to discussions of first principles and method, rather than doctrinal details.

### **Consideration**

By providing both cases and context, our book aims to nonjudgmentally convey the competing narratives that all lawyers ought to know. But it also provides consideration of different perspectives. We strive to always present competing points of view. Consideration of all sides of all issues will enrich the pedagogical experience, and more importantly, will better equip future attorneys with different modalities of argumentation. Regardless of how professors may view these issues, *Cases in Context* will provide students with a balanced perspective. With less opinionated supplementation by the casebook authors, each professor can put his or her own stamp on the story as it unfolds.

Before proceeding further, let us put our cards on the table. Though ascendant in recent years—“We are all originalists,” Justice Kagan observed during her confirmation hearings—we concede that our views on originalism are not in the majority in faculty lounges across the country, or on the courts. But this is *not* an originalist casebook. Neither is it technically doctrinal. Rather, it is a book about the “canon” and the “anti-canon” that comprises constitutional law.

### **The Canon**

The “canon” are the cases accepted by the vast majority of judge, lawyers, law professors as landmark cases to be followed and emulated. The “anti-canon” are the cases most everyone believes to have been wrongly decided in so egregious a manner as to be object lessons in how *not*

to do constitutional law. Taken together, these decisions provide the basic vocabulary of constitutional law that every lawyer who practices constitutional law must somehow internalize.

It is not enough for students to memorize the good cases and the bad ones. To appreciate *why* some cases have become canonical and others have become reviled requires them to understand the *narrative* of constitutional law as it has developed since the Founding. No casebook presents the narrative of constitutional law as effectively or engagingly as this one.

The Third Edition includes all of the classic cases in the “canon,” as well as those in “anti-canon” and the connective tissue that explains how and why they came to be thought of in this way. At its heart, this is a story that dates back to the Founding. Our goal was to allow this story to emerge from the materials themselves rather than from us.

\* \* \*

To the professors who have chosen to adopt this book, we thank you. To the students reading this preface before starting their course on constitutional law, brace yourselves: it’s a wild ride.

*Randy Barnett*  
Washington, D.C.  
*Josh Blackman*  
Houston, Texas

November 2017





# Acknowledgments

The person most responsible for this book is Carol McGeehan who for many years persistently urged me to write it. No author could possibly ask for a more engaged, understanding, and constructive editor. Her faith in a junior contracts professor to write a solo-authored casebook led to *Contracts: Cases and Doctrine* (now in its fifth edition) and *Perspectives on Contracts* (now in its fourth). Her confidence that I could “double major” in writing a constitutional law casebook even before I had ever taught the course was truly inspirational.

For the Third Edition, I am delighted to welcome Josh Blackman to the casebook as my coauthor. Josh’s teaching experience and enthusiasm has brought a new perspective on these materials. He has systematically edited the text for increased clarity and accessibility. And he is as committed as I am to illuminating the cases with photographs and other relevant graphics that help make the subjects come alive to professors and students alike.

At Wolters Kluwer, we are very grateful to grateful to John Devins, Maureen Kenealy, Joe Terry, and everyone else at Wolters Kluwer. At The Froebe Group, we are indebted to Darren Kelly, who allowed us to turn this edition out in less than six months, from start to finish.

As always, I am especially appreciative of the help and support I received from my dear friend and Georgetown colleague Larry Solum. Larry even taught from a tentative version of the casebook long before it was completed, and his suggestions for its improvement were invariably correct, as they always are. And it was Larry who first urged me years ago to pay close attention to *Chisholm v. Georgia*, a recommendation I failed to heed until I began writing the casebook and realized the enormous significance of this, the first great constitutional case.

I am grateful to my students in my Con Law I and II courses at the Georgetown Law Center for engaging with these materials so seriously over the years, and to my dean, William Treanor, for the research support that made writing this book possible.

Finally, I thank my wife, Beth, for her unfailing patience and support as I bury myself in all too many writing projects.

R.B.

In 2009, I invited Randy Barnett to speak at the George Mason University School of Law, where I was an inquisitive 3L. If you had told me that only seven years later, he would invite me to edit his constitutional law casebook, I would have never believed it. How it happened, only fate knows, but since then, Randy has served as a mentor, a co-author, and a friend. Collaborating with him on this casebook has been the highlight of my young career. I will forever be grateful for this amazing opportunity.

Every semester, I tell my students at the South Texas College of Law Houston that I learn more from them than they learn from me. Though they never believe me, my contributions to this book are proof. Thank you all for teaching me so much about teaching. Whatever insights I bring to this endeavor, I owe to my students. I am also in debt to my colleagues on the STCLH faculty. You have guided me throughout my career to become the best professor I can be; I promise, I am still not quite there yet.

I am very grateful to the followers of JoshBlackman.com and @JoshMBlackman. When I launched my blog and twitter account in September 2009, I had no idea what I was doing. Eight years, ten thousand blog posts, and forty thousand tweets later, these forums have allowed me to exchange ideas, develop thoughts, and hone my writing. Without these online channels, I doubt I would have ever been invited to join this exciting casebook.

Finally, and most importantly, I owe a debt that I can never repay to my amazing family, Mom, Dad, and Alix, I am only where I am today because of what you have done for me. To Militza, thank you so much for your support, patience, and insights throughout this entire process. I love you all.

J.B.

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# The Constitution of the United States

## Preamble

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 to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

## Article I

**Section 1.** All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

**Section 2.** The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

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

[Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.]\* The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

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

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\* Changed by Section 2 of the Fourteenth Amendment.

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

**Section 3.** The Senate of the United States shall be composed of two Senators from each State, [chosen by the Legislature thereof,]\* 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 thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

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

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

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

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

**Section 4.** The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

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

**Section 5.** Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

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

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

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\* Changed by the Seventeenth Amendment.

\*\* Changed by Section 2 of the Twentieth Amendment.

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

**Section 6.** The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

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

**Section 7.** All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

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

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

**Section 8.** The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

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

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

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

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

To establish Post Offices and post Roads;

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

To constitute Tribunals inferior to the supreme Court;

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

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

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

To provide and maintain a Navy;

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

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

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

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards and other needful Buildings; — And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

**Section 9.** The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

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

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

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

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.

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\* See Sixth Amendment.

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

**Section 10.** No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing 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 Controul of the Congress.

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

## Article II

**Section 1.** The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

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

[The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.]\*

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\* Changed by the Twelfth Amendment.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

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

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

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

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

**Section 2.** The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

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

**Section 3.** He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

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\* Changed by the Twenty-Fifth Amendment.

**Section 4.** The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

### Article III

**Section 1.** The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

**Section 2.** The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; — to all Cases affecting Ambassadors, other public Ministers and Consuls; — to all Cases of admiralty and maritime Jurisdiction; — to Controversies to which the United States shall be a Party; — to Controversies between two or more States; — [between a State and Citizens of another State; — ]\* 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 shall be entitled to all Privileges and Immunities of Citizens in the several States.

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\* Changed by the Eleventh Amendment.

\*\* Changed by the Eleventh Amendment.

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.

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

**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.

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, 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.

## Article V

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

## Article VI

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

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

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

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\* Changed by the Thirteenth Amendment.

## Article VII

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

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth.

In Witness whereof We have hereunto subscribed our Names,

Go. Washington — Presidt. and deputy from Virginia  
 New Hampshire: John Langdon, Nicholas Gilman  
 Massachusetts: Nathaniel Gorham, Rufus King  
 Connecticut: Wm. Saml. Johnson, Roger Sherman  
 New York: Alexander Hamilton  
 New Jersey: Wil. Livingston, David Brearley, Wm. Paterson, Jona: Dayton  
 Pennsylvania: B Franklin, Thomas Mifflin, Robt Morris, Geo. Clymer, Thos. FitzSimons,  
 Jared Ingersoll, James Wilson, Gouv Morris  
 Delaware: Geo. Read, Gunning Bedford jun, John Dickinson, Richard Bassett, Jaco. Broom  
 Maryland: James McHenry, Dan of St. Thos. Jenifer, Danl. Carroll  
 Virginia: John Blair, James Madison Jr.  
 North Carolina: Wm. Blount, Richd. Dobbs Spaight, Hu Williamson  
 South Carolina: J. Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler  
 Georgia: William Few, Abr Baldwin  
 Attest William Jackson Secretary

In Convention Monday September 17th, 1787. Present The States of New Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

Resolved,

That the preceeding Constitution be laid before the United States in Congress assembled, and that it is the Opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates, chosen in each State by the People thereof, under the Recommendation of its Legislature, for their Assent and Ratification; and that each Convention assenting to, and ratifying the Same, should give Notice thereof to the United States in Congress assembled. Resolved, That it is the Opinion of this Convention, that as soon as the Conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a Day on which Electors should be appointed by the States which shall have ratified the same, and a Day on which the Electors should assemble to vote for the President, and the Time and Place for commencing Proceedings under this Constitution.

That after such Publication the Electors should be appointed, and the Senators and Representatives elected: That the Electors should meet on the Day fixed for the Election of the President, and should transmit their Votes certified, signed, sealed and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled, that the Senators and Representatives should convene at the Time and Place assigned; that the Senators should appoint a President of the Senate, for the sole Purpose of receiving, opening and counting

the Votes for President; and, that after he shall be chosen, the Congress, together with the President, should, without Delay, proceed to execute this Constitution.

By the unanimous Order of the Convention  
Go. Washington — Presidt.

W. JACKSON Secretary.

## **AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES**

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### **The Preamble to The Bill of Rights**

Congress of the United States begun and held at the City of New-York, on Wednesday the fourth of March, one thousand seven hundred and eighty nine.

THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution.

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.\*

### **Amendment I**

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

### **Amendment II**

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

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\* The first ten amendments were ratified December 15, 1791, and form what is known as the “Bill of Rights.”

### **Amendment III**

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.

### **Amendment IV**

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

### **Amendment V**

No person shall be held to answer for a capital, or otherwise infamous 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; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

### **Amendment VI**

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

### **Amendment VII**

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

### **Amendment VIII**

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

### **Amendment IX**

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

### Amendment X

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

### Amendment XI\*

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

### Amendment XII\*\*

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. [And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the 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.

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\* Passed by Congress March 4, 1794. Ratified February 7, 1795. Article III, section 2, of the Constitution was modified by the Eleventh Amendment.

\*\* Passed by Congress December 9, 1803. Ratified June 15, 1804. A portion of Article II, section 1 of the Constitution was superseded by the Twelfth Amendment.

\*\*\* Superseded by section 3 of the Twentieth Amendment.

### Amendment XIII\*

**Section 1.** Neither slavery nor involuntary servitude, 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 2.** Congress shall have power to enforce this article by appropriate legislation.

### Amendment XIV\*\*

**Section 1.** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, 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; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**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 male inhabitants of such State, being twenty-one years of age,\*\*\* and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one 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.

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\* Passed by Congress January 31, 1865. Ratified December 6, 1865. A portion of Article IV, section 2, of the Constitution was superseded by the Thirteenth Amendment.

\*\* Passed by Congress June 13, 1866. Ratified July 9, 1868. Article I, section 2, of the Constitution was modified by section 2 of the Fourteenth Amendment.

\*\*\* Changed by section 1 of the Twenty-Sixth Amendment.

### Amendment XV\*

**Section 1.** The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

**Section 2.** The Congress shall have the power to enforce this article by appropriate legislation.

### Amendment XVI\*\*

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

### Amendment XVII\*\*\*

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

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.

### Amendment XVIII\*\*\*\*

**Section 1.** After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

**Section 2.** The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

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\* Passed by Congress February 26, 1869. Ratified February 3, 1870.

\*\* Passed by Congress July 2, 1909. Ratified February 3, 1913. Article I, section 9, of the Constitution was modified by the Sixteenth Amendment.

\*\*\* Passed by Congress May 13, 1912. Ratified April 8, 1913. Article I, section 3, of the Constitution was modified by the Seventeenth Amendment.

\*\*\*\* Passed by Congress December 18, 1917. Ratified January 16, 1919. Repealed by the Twenty-First Amendment, December 5, 1933.

**Section 3.** This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

### **Amendment XIX\***

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

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

### **Amendment XX\*\***

**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.

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\* Passed by Congress June 4, 1919. Ratified August 18, 1920.

\*\* Passed by Congress March 2, 1932. Ratified January 23, 1933. Article I, section 4, of the Constitution was modified by section 2 of this amendment. In addition, a portion of the Twelfth Amendment was superseded by section 3.

### Amendment XXI\*

**Section 1.** The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

**Section 2.** The transportation or importation into any State, Territory, or Possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

**Section 3.** This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

### Amendment XXII\*\*

**Section 1.** 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 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.

### Amendment XXIII\*\*\*

**Section 1.** The District constituting the seat of Government of the United States shall appoint in such manner as Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

**Section 2.** The Congress shall have power to enforce this article by appropriate legislation.

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\* Passed by Congress February 20, 1933. Ratified December 5, 1933.

\*\* Passed by Congress March 21, 1947. Ratified February 27, 1951.

\*\*\* Passed by Congress June 16, 1960. Ratified March 29, 1961.

### Amendment XXIV\*

**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 any State by reason of failure to pay poll tax or other tax.

**Section 2.** The Congress shall have power to enforce this article by appropriate legislation.

### Amendment XXV\*\*

**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.

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\* Passed by Congress August 27, 1962. Ratified January 23, 1964.

\*\* Passed by Congress July 6, 1965. Ratified February 10, 1967. Article II, section 1, of the Constitution was affected by the Twenty-Fifth Amendment.

**Amendment XXVI\***

**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 on account of age.

**Section 2.** The Congress shall have power to enforce this article by appropriate legislation.

**Amendment XXVII\*\***

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

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\* Passed by Congress March 23, 1971. Ratified July 1, 1971. The Fourteenth Amendment, section 2, of the Constitution was modified by section 1 of the Twenty-Sixth Amendment.

\*\* Originally proposed Sept. 25, 1789. Ratified May 7, 1992.



# Articles of Confederation\*

To all to whom these Presents shall come, we the undersigned Delegates of the States affixed to our Names send greeting.

Articles of Confederation and perpetual Union between the states of New Hampshire, Massachusetts-bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

## I.

The Stile of this Confederacy shall be “The United States of America.”

## II.

Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled.

## III.

The said States hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

## IV.

The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into

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\* Agreed to by Congress November 15, 1777. In force after ratification by Maryland, March 1, 1781.

any State, to any other State, of which the owner is an inhabitant; provided also that no imposition, duties or restriction shall be laid by any State, on the property of the United States, or either of them.

If any person guilty of, or charged with, treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall, upon demand of the Governor or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offense.

Full faith and credit shall be given in each of these States to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

## V.

For the most convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislatures of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No State shall be represented in Congress by less than two, nor more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees or emolument of any kind.

Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of the States.

In determining questions in the United States in Congress assembled, each State shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress, and the members of Congress shall be protected in their persons from arrests or imprisonments, during the time of their going to and from, and attendance on Congress, except for treason, felony, or breach of the peace.

## VI.

No State, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any King, Prince or State; nor shall any person holding any office of profit or trust under the United States, or any of them, accept any present, emolument, office or title of any kind whatever from any King, Prince or foreign State; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the United States in Congress assembled, with any King, Prince or State, in pursuance of any treaties already proposed by Congress, to the courts of France and Spain.

No vessel of war shall be kept up in time of peace by any State, except such number only, as shall be deemed necessary by the United States in Congress assembled, for the defense of such

State, or its trade; nor shall any body of forces be kept up by any State in time of peace, except such number only, as in the judgement of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such State; but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutered, and shall provide and constantly have ready for use, in public stores, a due number of filed pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States in Congress assembled can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the Kingdom or State and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

## VII.

When land forces are raised by any State for the common defense, all officers of or under the rank of colonel, shall be appointed by the legislature of each State respectively, by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

## VIII.

All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all land within each State, granted or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled, shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States within the time agreed upon by the United States in Congress assembled.

## IX.

The United States in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article — of sending and receiving ambassadors — entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever — of establishing rules for deciding in all cases, what captures on land or water shall

be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated — of granting letters of marque and reprisal in times of peace — appointing courts for the trial of piracies and felonies committed on the high seas and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more States concerning boundary, jurisdiction or any other causes whatever; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority or lawful agent of any State in controversy with another shall present a petition to Congress stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as Congress shall direct, shall in the presence of Congress be drawn out by lot, and the persons whose names shall be so drawn or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons, which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgement and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgement, which shall in like manner be final and decisive, the judgement or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned: provided that every commissioner, before he sits in judgement, shall take an oath to be administered by one of the judges of the supreme or superior court of the State, where the cause shall be tried, 'well and truly to hear and determine the matter in question, according to the best of his judgement, without favor, affection or hope of reward': provided also, that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdictions as they may respect such lands, and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the Congress of the United States, be finally determined as near as may be in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States — fixing the standards of weights and measures throughout the United States — regulating the trade and managing all affairs with the Indians, not members of any of the States,

provided that the legislative right of any State within its own limits be not infringed or violated — establishing or regulating post offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office — appointing all officers of the land forces, in the service of the United States, excepting regimental officers — appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States — making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States in Congress assembled shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated “A Committee of the States,” and to consist of one delegate from each State; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction — to appoint one of their members to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses — to borrow money, or emit bills on the credit of the United States, transmitting every half-year to the respective States an account of the sums of money so borrowed or emitted — to build and equip a navy — to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State; which requisition shall be binding, and thereupon the legislature of each State shall appoint the regimental officers, raise the men and cloath, arm and equip them in a solid-like manner, at the expense of the United States; and the officers and men so cloathed, armed and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled. But if the United States in Congress assembled shall, on consideration of circumstances judge proper that any State should not raise men, or should raise a smaller number of men than the quota thereof, such extra number shall be raised, officered, cloathed, armed and equipped in the same manner as the quota of each State, unless the legislature of such State shall judge that such extra number cannot be safely spread out in the same, in which case they shall raise, officer, cloath, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so cloathed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States in Congress assembled shall never engage in a war, nor grant letters of marque or reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine States assent to the same: nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of the majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgement require secrecy; and the yeas and nays of the delegates of each State on any question shall be entered on the journal, when it is desired by any delegates of a State, or any of them, at

his or their request shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several States.

### X.

The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of the nine States, shall from time to time think expedient to vest them with; provided that no power be delegated to the said Committee, for the exercise of which, by the Articles of Confederation, the voice of nine States in the Congress of the United States assembled be requisite.

### XI.

Canada acceding to this confederation, and adjoining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

### XII.

All bills of credit emitted, monies borrowed, and debts contracted by, or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States, and the public faith are hereby solemnly pledged.

### XIII.

Every State shall abide by the determination of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State.

And Whereas it hath pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said Articles of Confederation and perpetual Union. Know Ye that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual Union, and all and singular the matters and things therein contained: And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions, which by the said Confederation are submitted to them. And that the Articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.

In Witness whereof we have hereunto set our hands in Congress. Done at Philadelphia in the State of Pennsylvania the ninth day of July in the Year of our Lord One Thousand Seven Hundred and Seventy-Eight, and in the Third Year of the independence of America.

## Members of the Supreme Court of the United States

Name	State App't From	Appointed by President	Judicial Oath Taken	Date Service Terminated
<u>Chief Justices</u>				
Jay, John	New York	Washington	(a) October 19, 1789	June 29, 1795
Rutledge, John	South Carolina	Washington	August 12, 1795	December 15, 1795
Ellsworth, Oliver	Connecticut	Washington	March 8, 1796	December 15, 1800
Marshall, John	Virginia	Adams, John	February 4, 1801	July 6, 1835
Taney, Roger Brooke	Maryland	Jackson	March 28, 1836	October 12, 1864
Chase, Salmon Portland	Ohio	Lincoln	December 15, 1864	May 7, 1873
Waite, Morrison Remick	Ohio	Grant	March 4, 1874	March 23, 1888
Fuller, Melville Weston	Illinois	Cleveland	October 8, 1888	July 4, 1910
White, Edward Douglass	Louisiana	Taft	December 19, 1910	May 19, 1921
Taft, William Howard	Connecticut	Harding	July 11, 1921	February 3, 1930
Hughes, Charles Evans	New York	Hoover	February 24, 1930	June 30, 1941
Stone, Harlan Fiske	New York	Roosevelt, F.	July 3, 1941	April 22, 1946
Vinson, Fred Moore	Kentucky	Truman	June 24, 1946	September 8, 1953
Warren, Earl	California	Eisenhower	October 5, 1953	June 23, 1969
Burger, Warren Earl	Virginia	Nixon	June 23, 1969	September 26, 1986
Rehnquist, William H.	Virginia	Reagan	September 26, 1986	September 3, 2005
Roberts, John G., Jr.	Maryland	Bush, G. W.	September 29, 2005	
<u>Associate Justices</u>				
Rutledge, John	South Carolina	Washington	(a) February 15, 1790	March 5, 1791
Cushing, William	Massachusetts	Washington	(c) February 2, 1790	September 13, 1810
Wilson, James	Pennsylvania	Washington	(b) October 5, 1789	August 21, 1798
Blair, John	Virginia	Washington	(c) February 2, 1790	October 25, 1795
Iredell, James	North Carolina	Washington	(b) May 12, 1790	October 20, 1799
Johnson, Thomas	Maryland	Washington	(a) August 6, 1792	January 16, 1793
Paterson, William	New Jersey	Washington	(a) March 11, 1793	September 9, 1806
Chase, Samuel	Maryland	Washington	February 4, 1796	June 19, 1811
Washington, Bushrod	Virginia	Adams, John	(c) February 4, 1799	November 26, 1829

<b>Name</b>	<b>State App't From</b>	<b>Appointed by President</b>	<b>Judicial Oath Taken</b>	<b>Date Service Terminated</b>
Moore, Alfred	North Carolina	Adams, John	(a) April 21, 1800	January 26, 1804
Johnson, William	South Carolina	Jefferson	May 7, 1804	August 4, 1834
Livingston, Henry Brockholst	New York	Jefferson	January 20, 1807	March 18, 1823
Todd, Thomas	Kentucky	Jefferson	(a) May 4, 1807	February 7, 1826
Duval, Gabriel	Maryland	Madison	(a) November 23, 1811	January 14, 1835
Story, Joseph	Massachusetts	Madison	(c) February 3, 1812	September 10, 1845
Thompson, Smith	New York	Monroe	(b) September 1, 1823	December 18, 1843
Trimble, Robert	Kentucky	Adams, J. Q.	(a) June 16, 1826	August 25, 1828
McLean, John	Ohio	Jackson	(c) January 11, 1830	April 4, 1861
Baldwin, Henry	Pennsylvania	Jackson	January 18, 1830	April 21, 1844
Wayne, James Moore	Georgia	Jackson	January 14, 1835	July 5, 1867
Barbour, Philip Pendleton	Virginia	Jackson	May 12, 1836	February 25, 1841
Catron, John	Tennessee	Jackson	May 1, 1837	May 30, 1865
McKinley, John	Alabama	Van Buren	(c) January 9, 1838	July 19, 1852
Daniel, Peter Vivian	Virginia	Van Buren	(c) January 10, 1842	May 31, 1860
Nelson, Samuel	New York	Tyler	February 27, 1845	November 28, 1872
Woodbury, Levi	New Hampshire	Polk	September 23, 1845	September 4, 1851
Grier, Robert Cooper	Pennsylvania	Polk	August 10, 1846	January 31, 1870
Curtis, Benjamin Robbins	Massachusetts	Fillmore	(b) October 10, 1851	September 30, 1857
Campbell, John Archibald	Alabama	Pierce	(c) April 11, 1853	April 30, 1861
Clifford, Nathan	Maine	Buchanan	January 21, 1858	July 25, 1881
Swayne, Noah Haynes	Ohio	Lincoln	January 27, 1862	January 24, 1881
Miller, Samuel Freeman	Iowa	Lincoln	July 21, 1862	October 13, 1890
Davis, David	Illinois	Lincoln	December 10, 1862	March 4, 1877
Field, Stephen Johnson	California	Lincoln	May 20, 1863	December 1, 1897
Strong, William	Pennsylvania	Grant	March 14, 1870	December 14, 1880
Bradley, Joseph P.	New Jersey	Grant	March 23, 1870	January 22, 1892
Hunt, Ward	New York	Grant	January 9, 1873	January 27, 1882
Harlan, John Marshall	Kentucky	Hayes	December 10, 1877	October 14, 1911

Woods, William Burnham	Georgia	Hayes	January 5, 1881	May 14, 1887
Matthews, Stanley	Ohio	Garfield	May 17, 1881	March 22, 1889
Gray, Horace	Massachusetts	Arthur	January 9, 1882	September 15, 1902
Blatchford, Samuel	New York	Arthur	April 3, 1882	July 7, 1893
Lamar, Lucius Quintus C.	Mississippi	Cleveland	January 18, 1888	January 23, 1893
Brewer, David Josiah	Kansas	Harrison	January 6, 1890	March 28, 1910
Brown, Henry Billings	Michigan	Harrison	January 5, 1891	May 28, 1906
Shiras, George, Jr.	Pennsylvania	Harrison	October 10, 1892	February 23, 1903
Jackson, Howell Edmunds	Tennessee	Harrison	March 4, 1893	August 8, 1895
White, Edward Douglass	Louisiana	Cleveland	March 12, 1894	December 18, 1910*
Peckham, Rufus Wheeler	New York	Cleveland	January 6, 1896	October 24, 1909
McKenna, Joseph	California	McKinley	January 26, 1898	January 5, 1925
Holmes, Oliver Wendell	Massachusetts	Roosevelt, T.	December 8, 1902	January 12, 1932
Day, William Rufus	Ohio	Roosevelt, T.	March 2, 1903	November 13, 1922
Moody, William Henry	Massachusetts	Roosevelt, T.	December 17, 1906	November 20, 1910
Lurton, Horace Harmon	Tennessee	Taft	January 3, 1910	July 12, 1914
Hughes, Charles Evans	New York	Taft	October 10, 1910	June 10, 1916
Van Devanter, Willis	Wyoming	Taft	January 3, 1911	June 2, 1937
Lamar, Joseph Rucker	Georgia	Taft	January 3, 1911	January 2, 1916
Pitney, Mahlon	New Jersey	Taft	March 18, 1912	December 31, 1922
McReynolds, James Clark	Tennessee	Wilson	October 12, 1914	January 31, 1941
Brandeis, Louis Dembitz	Massachusetts	Wilson	June 5, 1916	February 13, 1939
Clarke, John Hessin	Ohio	Wilson	October 9, 1916	September 18, 1922
Sutherland, George	Utah	Harding	October 2, 1922	January 17, 1938
Butler, Pierce	Minnesota	Harding	January 2, 1923	November 16, 1939
Sanford, Edward Terry	Tennessee	Harding	February 19, 1923	March 8, 1930
Stone, Harlan Fiske	New York	Coolidge	March 2, 1925	July 2, 1941*
Roberts, Owen Josephus	Pennsylvania	Hoover	June 2, 1930	July 31, 1945
Cardozo, Benjamin Nathan	New York	Hoover	March 14, 1932	July 9, 1938
Black, Hugo Lafayette	Alabama	Roosevelt, F.	August 19, 1937	September 17, 1971

<b>Name</b>	<b>State App't From</b>	<b>Appointed by President</b>	<b>Judicial Oath Taken</b>	<b>Date Service Terminated</b>
Reed, Stanley Forman	Kentucky	Roosevelt, F.	January 31, 1938	February 25, 1957
Frankfurter, Felix	Massachusetts	Roosevelt, F.	January 30, 1939	August 28, 1962
Douglas, William Orville	Connecticut	Roosevelt, F.	April 17, 1939	November 12, 1975
Murphy, Frank	Michigan	Roosevelt, F.	February 5, 1940	July 19, 1949
Byrnes, James Francis	South Carolina	Roosevelt, F.	July 8, 1941	October 3, 1942
Jackson, Robert Houghwout	New York	Roosevelt, F.	July 11, 1941	October 9, 1954
Rutledge, Wiley Blount	Iowa	Roosevelt, F.	February 15, 1943	September 10, 1949
Burton, Harold Hitz	Ohio	Truman	October 1, 1945	October 13, 1958
Clark, Tom Campbell	Texas	Truman	August 24, 1949	June 12, 1967
Minton, Sherman	Indiana	Truman	October 12, 1949	October 15, 1956
Harlan, John Marshall	New York	Eisenhower	March 28, 1955	September 23, 1971
Brennan, William J., Jr.	New Jersey	Eisenhower	October 16, 1956	July 20, 1990
Whittaker, Charles Evans	Missouri	Eisenhower	March 25, 1957	March 31, 1962
Stewart, Potter	Ohio	Eisenhower	October 14, 1958	July 3, 1981
White, Byron Raymond	Colorado	Kennedy	April 16, 1962	June 28, 1993
Goldberg, Arthur Joseph	Illinois	Kennedy	October 1, 1962	July 25, 1965
Fortas, Abe	Tennessee	Johnson, L.	October 4, 1965	May 14, 1969
Marshall, Thurgood	New York	Johnson, L.	October 2, 1967	October 1, 1991
Blackmun, Harry A.	Minnesota	Nixon	June 9, 1970	August 3, 1994
Powell, Lewis F., Jr.	Virginia	Nixon	January 7, 1972	June 26, 1987
Rehnquist, William H.	Arizona	Nixon	January 7, 1972	September 26, 1986*
Stevens, John Paul	Illinois	Ford	December 19, 1975	June 29, 2010
O'Connor, Sandra Day	Arizona	Reagan	September 25, 1981	January 31, 2006
Scalia, Antonin	Virginia	Reagan	September 26, 1986	February 13, 2016
Kennedy, Anthony M.	California	Reagan	February 18, 1988	
Souter, David H.	New Hampshire	Bush, G. H. W.	October 9, 1990	June 29, 2009
Thomas, Clarence	Georgia	Bush, G. H. W.	October 23, 1991	
Ginsburg, Ruth Bader	New York	Clinton	August 10, 1993	
Breyer, Stephen G.	Massachusetts	Clinton	August 3, 1994	

Alito, Samuel A., Jr.	New Jersey	Bush, G. W.	January 31, 2006
Sotomayor, Sonia	New York	Obama	August 8, 2009
Kagan, Elena	Massachusetts	Obama	August 7, 2010
Neil M. Gorsuch	Colorado	Trump	April 9, 2017

**Notes:** The acceptance of the appointment and commission by the appointee, as evidenced by the taking of the prescribed oaths, is here implied; otherwise the individual is not carried on this list of the Members of the Court. Examples: Robert Hanson Harrison is not carried, as a letter from President Washington of February 9, 1790 states Harrison declined to serve. Neither is Edwin M. Stanton who died before he could take the necessary steps toward becoming a Member of the Court. Chief Justice Rutledge is included because he took his oaths, presided over the August Term of 1795, and his name appears on two opinions of the Court for that Term.

The date a Member of the Court took his/her judicial oath (the Judiciary Act provided “That the Justices of the Supreme Court, and the district judges, before they proceed to execute the duties of their respective offices, shall take the following oath . . .”) is here used as the date of the beginning of his/her service, for until that oath is taken he/she is not vested with the prerogatives of the office. The dates given in this column are for the oaths taken following the receipt of the commissions. Dates without small-letter references are taken from the Minutes of the Court or from the original oath which are in the Curator’s collection. The small letter (a) denotes the date is from the Minutes of some other court; (b) from some other unquestionable authority; (c) from authority that is questionable, and better authority would be appreciated.

[The foregoing was taken from a booklet prepared by the Supreme Court of the United States, and published with funding from the Supreme Court Historical Society.]

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\* Elevated.



# CONSTITUTIONAL LAW

