

Seminar Syllabus

Introduction to the Law of the United States

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**University of Lisbon
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September 13th – 17th, 2021
11 a.m. – 1 p.m.

SYLLABUS

Seminar Objectives: This seminar will introduce students to the basic structure and primary distinguishing features of the law and legal system of the United States of America. As the **Seminar Schedule** below illustrates, the seminar will explore the many non-European aspects of U.S. law and especially the common law tradition and the federal nature of governance between the central government in Washington D.C. and the fifty U.S. States. Students will examine the controversial differences in the common law and civil law traditions, as each system attempts to impose order and promote prosperity in its jurisdiction. In particular, students of this seminar will enjoy learning about and discussing the different U.S. methods for finding justice through adversarial trial processes in powerful courts, judicial law-making, the U.S. approach to protecting fundamental rights, and other current topics.

Because the U.S. legal system is often dramatically different from most European legal systems, the seminar will be presented in the lecture–discussion format, in hopes of promoting a lively interchange regarding the rationality and functionalism of the varying institutions, mechanisms, and rules of law. Some aspects of the U.S. legal system make little sense except in the context of their historical development. Some parts of the U.S. legal system work poorly; others work well. To offer the students a thoughtful and provocative learning experience, these very different and very non-European aspects of U.S. law will be explored.

Expected Student Learning Outcomes: First and foremost, students completing this seminar can expect to understand the unique nature of this polity called the United States. This is significant because the U.S. system is complex and in many ways different from the governments in continental Europe. Its organization and institutions do not compare well with counterparts in Europe. Second, students can expect to become familiar with the political and governmental functioning of the U.S., its processes, and vernacular. Finally, students can expect to gain an understanding of the revolutionary development of the U.S. as a significant evolution of legal systems and legal science in the late 18th century, and how that has succeeded, or not, to the present day.

Text and Other Resources: Selected seminar readings have been prepared and will be distributed prior to and during the course. For example, considerable text accompanies this Syllabus, including descriptions of the forms of modern democratic governance, and excerpts from the U.S. Constitution. Also electronically posted for student use is a Library of landmark U.S. Supreme Court and other judicial decisions (edited to make them shorter and easier to understand – students are not expected to read all of these decisions; they are made available in the interest of providing the seminar participants full measure of resources with which to understand U.S. law, as well as a resource for future research if interested.) Further, we will resort to other available electronic resources for current news illustrating U.S. law.

Seminar Schedule: The seminar will meet for five sessions, starting Monday, May 17 through Friday, May 21, 2021, in two hour seminar meetings from 4 p.m.-6 p.m., Lisbon time.

Daily Topical Schedule:

Monday, September 13 th	Historical Development of U.S. Law – the different national experience: Rugged Individualism; Legal Sources, Common Law, Presidential Democracy; Constitutional Law: Separation of Powers, Judicial Review, Fundamental Rights (esp. radical free speech, the death penalty, and gun rights),
Tuesday, September 14 th	The U.S. Judicial System – State and Federal Courts, the evolving US Supreme Court, Civil and Criminal Procedure, Trial Process, Plea Bargaining, the Jury
Wednesday, September 15 th	Private Law – Torts, Forms of Liability and Damages, Punitive Damages, Class Actions, Contingency Fees/Payment of Expenses
Thursday, September 16 th	Private Law, cont'd: Contracts, Offer & Acceptance, Consideration, the UCC; Property Law, Employment Law
Friday, September 17 th	The U.S. Law School Experience, Legal Professions: Professors, Lawyers and Judges; Public Service Lawyers

Class Attendance: Students are expected to attend all five of the seminar sessions. One absence may be excused by the Erasmus administration based on valid reason.

Course Format, Expectations, and Student Assessment: As noted above, the class will be presented in the lecture-discussion format, including the traditional Socratic and case methods. Our discussions will take us beyond the relevant descriptive information about U.S. law. Particular emphasis will be placed on inquiry into the coherence and philosophical underpinnings of the governmental and legal institutions, processes, and values advanced by the U.S. system. Students are encouraged to prepare for class by reading a few assigned materials prior to each class. Also, students will be asked to “team up” with a partner or two and prepare and “brief” one U.S. Supreme Court case for the class. (often students will prepare a brief PowerPoint presentation for this purpose). And generally in class, students are encouraged to participate in the class

discussions with informed questions and comments. Because class participation is valued as a teaching tool, it will be included in the final grades (see **Course Grading** below).

The course will conclude with the students writing a brief paper on a topic of their choice, in agreement with the Professor, relating to the seminar instruction and discussions. The paper will be evaluated for its analytical merit and substantive content, not its length. We are all too busy for that. The paper may not exceed five typewritten pages (font size 12).

Course Grading: Students' grades will be administered according to the traditional numerical system in place at the University of Lisbon Law Faculty. Final grades in the course will be computed on the following basis: class participation 10%, final paper 90%.

Office Hours: Because of the Covid prohibition for personal meetings, Prof. Hugg will be available for private conversations with students via ZOOM by appointment. Prof. Hugg may be contacted most easily via e-mail at hugg@loyno.edu. Students are encouraged to e-mail at any time to discuss the course, the paper, and any related topics of interest.

United States Early History Timeline

<i>1430</i>	<i>Portuguese start voyages down the west coast of Africa</i>
1492	Columbus arrives in Western Hemisphere
1607	First English settlement founded at Jamestown, Virginia
1619	First group of black slaves brought to Virginia First legislative assembly meets in Virginia
1620	Pilgrims establish second English colony in Plymouth, Massachusetts
1622	Indian attacks in Virginia
1629	Great Puritan migration to Massachusetts Bay
1636	Harvard College founded
1700	250,000 settlers in English colonies
1720s	Colonial economic life quickens
1756-1763	French and Indian War (France v. England in America)
1764-1765	Sugar Act and Stamp Act controversies
1770	Boston Massacre
1773	Boston Tea Party
1774	Coercive Acts, First Constitutional Congress convenes
1775	America Revolution begins with fighting at Lexington and Concord, Massachusetts
1776	Declaration Of Independence New (weak) federal government created based on the flawed Articles of Confederation (1st US attempt at a constitution)
1778	French join the U.S. war of independence against the English
1781	Battle of Yorktown, Virginia (last land battle - defeat of English)

1783	Peace Treaty signed in Paris, France
1784-1787	Northwest Ordinance
1787	Constitutional Convention convened to draft a new constitution to create a stronger, more effective federal government
1788	The U.S. Constitution ratified
1789	George Washington inaugurated as first President of the United States French Revolution begins
1790	U. S. Capitol placed on the Potomac River
1798	Kentucky and Virginia resolutions
1800	Thomas Jefferson elected 2nd President of the United States
1803	Louisiana Purchase
1812	War of 1812 with England
1820	Missouri Compromise
1823	Monroe Doctrine
1828	Andrew Jackson elected 7th President of the United States (beginning of radical "Jacksonian Democracy")
1830s	Railroad era begins
1835	Texas Revolution, Republic of Texas established
1840s	Manifest Destiny Telegraph and railroads create a communications revolution
1846	Mexican War begins
1848	U.S. wins and acquires California and territory of present-day Nevada, Utah, Arizona, New Mexico, and part of Colorado
1849	Gold discovered in California
1850	California admitted to union
1853	Gadsden Purchase
1860	Abraham Lincoln elected 16th President of the United States
1861	Confederate States of America formed Civil War begins at Fort Sumter , at Charleston, S. Carolina. South secedes from the U.S.
1862	Battle of Antietam Emancipation Proclamation issued (effective January 1, 1863)
1864	Sherman takes Atlanta (Sherman's "March to the Sea")
1865	Robert E. Lee surrenders at Appomattox Courthouse in Virginia Thirteenth Amendment to the Constitution abolishes slavery Lincoln assassinated Ku Klux Klan formed
1867	First Reconstruction Act launches radical reconstruction Alaska purchased
1868	Fourteenth Amendment guarantees Civil Rights
1870	Fifteenth Amendment forbids denial of vote on racial grounds
1870s	Terrorism against black people in the South
1876	End of Reconstruction
1879	Standard Oil Trust formed
1880s	Big Business emerges

1890	Sherman Anti-Trust Act
1890-1920	Fifteen million "new" immigrants arrive
1898	War with Spain Hawaii annexed
1899	Peace with Spain U.S. receives Philippines, Samoa, Guam, and Puerto Rico
1901	Theodore Roosevelt elected 26th President of the United States
1903	Wright Brothers first flight
1904-1914	Panama Canal built
1912	Woodrow Wilson elected 28th President of the United States
1914	World War I marks the rise of the U.S. as a global power
1929	Stock market crash precipitates the Great Depression (Oct. 29)
1932	Franklin Roosevelt is inaugurated as the 32nd president. New Deal recovery measures are enacted by Congress.
1941	Japan attacks Pearl Harbor; U.S. enters World War II.
1945	Roosevelt dies and is succeeded by his vice president, Harry Truman. Germany surrenders unconditionally (May 7). U.S. drops nuclear bombs on Hiroshima and Nagasaki, Japan (Aug.6 and 9). Japan agrees to unconditional surrender (Aug. 14).
1950-53	Korean War
1959	Alaska and Hawaii become 49th and 50th U.S. States
1960	Lunch counter sit-ins begin the U.S. Civil Rights Movement
1961	Cold War heats up with construction of the Berlin Wall; U.S. increases involvement in Vietnam; U.S. breaks diplomatic relations with Cuba.
1963	JFK assassinated
1965	Vietnam War escalates; anti-war protests enlarge
1968	MLK assassinated, RFK assassinated, Nixon becomes President
1973	U.S. pulls out of Vietnam (defeated) and Watergate causes Nixon to resign
1981	Reagan becomes President, begins detente with USSR
1989	Berlin Wall opened
1991	Persian Gulf War: U.S. leads international coalition in military operation to drive Iraqis out of Kuwait (Jan. 16–Feb. 28); U.S. and Soviet Union sign START I treaty, agreeing to further reduce strategic nuclear arms.
1992	Following the breakup of the Soviet Union in Dec. 1991, President Bush and Russian president Boris Yeltsin formally declare end to the cold war
1998	House of Representatives votes to impeach President Clinton on charges of perjury and obstruction of justice (Dec. 19).
1999	Senate acquits Clinton of impeachment charges (Feb. 12). NATO wages air campaign against Yugoslavia over killing and deportation of ethnic Albanians in Kosovo (March–June).
2000	More than a month after the presidential election, the U.S. Supreme Court rules against a manual recount of ballots in certain Florida counties, which it contends would violate the Constitution's equal protection and due process guarantees. The decision provokes enormous controversy, with critics maintaining that the court has in effect determined the outcome of

	the election. Bush formally accepts the presidency, having won a slim majority in the electoral college but not a majority of the popular vote.
2001	9/11 attacks kill 3000 people; “war on terror” begins.
2005	Hurricane Katrina wreaks catastrophic damage on Mississippi and Louisiana; 80% of New Orleans is flooded (Aug. 29–30).
2008	U.S. (and global) economy collapses, with Lehman Brothers filing for bankruptcy, and mortgage giants Fannie Mae and Freddie Mac placed under government conservatorship. Barack Obama becomes the first African-American to be elected President.
2010	Congress passes and Pres. Obama signs Health Care Reform Act
	Deepwater Horizon Explosion in the Gulf of Mexico
2011	US Navy SEALs take down Osama Bin Laden
2012	Barack Obama re-elected US President
2015	Over 2/3 of people in developed world use smart phones
2016	"Disrupters" Amazon, Uber, Wikipedia, etc. revolutionize markets
	Donald Trump elected US President
2017	Trump Era Begins - US “Culture Wars” ensue
2019	Trump impeached – not convicted by Senate
2020	March, Covid pandemic shuts down US and most of world
	May 20, George Floyd killed by Minneapolis policeman
	Black Lives Matter protests erupt across US
	Nov. 3, Joseph Biden elected US President – Trump claims fraud
	Trump starts campaign to deny Biden election certification
2021	Jan. 6, Protesters storm US Capitol
	Jan. 13, Trump impeached 2d time – not convicted by Senate
	Jan. 20, Biden sworn in as US President
	April 20, jury finds police officer Chauvin guilty of 2d degree murder

Three Basic Types of Democracy

Any form of *democracy* tries in its own way to ascertain the *will of the people* and to bring public affairs into line with it. Theoretically this can be achieved by *direct* participation of all citizens (*Direct Democracy*) or by a body of elected representatives (*Representative Democracy*). Within the group of *Representative Democracies* the focus may be on a strong president (*Presidential Democracy*) as in the United States, or on a strong parliament (*Parliamentary Democracy*), as in Germany, Spain, and the U.K. Some countries have established a hybrid in which some authentic power is given to an elected President, while a Prime Minister accountable to the legislature administers the general operation of the government (*Semi-Presidential Democracy*), as in Portugal and France. Many variations operate today all over the world.

Direct Democracy	Presidential Democracy	Parliamentary Democracy
Example: Switzerland	Examples: USA	Examples: UK, Germany, Spain, Italy
Head of State Any member of government in turn (for one year), no practical importance	The President is head of state <i>and</i> leader of the government	Head of State is a different function than prime minister, it may be a monarch (queen/king) or an elected person
Government: members with equal rights, elected by the parliament, representing all major parties (not really unanimous, but extremely stable)	President elected by the people nominates the ministers [members of government]	Government elected by the parliament based on a majority, may be dismissed by the parliament (especially when based on a coalition of several parties)
Parliament elected for a fixed legislative period, no dissolution; changing coalitions, sometimes even extreme right and extreme left together against the center (though for different reasons)	Parliament elected for a fixed legislative period clear <i>institutional</i> separation of parliament and government (but the officials may cooperate as closely as in the other systems, if they like to do so)	Parliament elected for a legislative period, dissolution and early new elections possible if a clear majority cannot be established
Government members <i>need not be</i> members of parliament	Government members <i>need not be</i> members of parliament	Government members <i>must be</i> elected members of parliament
Strong position of the people (frequent referendums on single laws)	Strong position of the president (veto)	Strong position of the political parties
Laws are created in four steps: 1. Draft by the administration 2. Consultation of federal states, political parties, entrepreneurs, unions and other interested groups 3. Parliamentary debate and final version passed 4. Possibility of a referendum If a strong party or lobby threatens to call for a referendum, the parliament might be inclined to a compromise, the formal consultation process gives the public a clear view of the critical aspects and the pros and cons already at an early stage	Laws are debated and passed by the parliament; lobbyists do not have a formal right to be heard, but do exercise some influence on members of parliament in reality; the president may block a law by veto; as the president is elected as a personality (not only as a party leader) by the people (not by the parliament), he may or may not rely on a majority of the parliament (in practice there have been some periods with a president forced to cooperate with a majority of oppositional members of parliament)	Laws are proposed by the government (being the leaders of the coalition of parties) laws are debated and passed by parliament; lobbyists do not have a formal right to be heard, but do exercise some influence on members of parliament in reality; if there is a solid majority, compromises are sought within the coalition (and may sometimes represent tactics rather than conviction), the opposition may be ignored until the next elections but then laws may be revoked or changed by a new majority
The process of making laws is	A strong president may act immediately -	If there are many small

<p>rather slow, which may be a handicap with more technically oriented laws (regulating questions of broad public interest but addressing a small number of professionals). Laws concerning everybody's everyday's actions, however, may get more attention and acceptance by the public and therefore be more effective due to the intense public debate.</p>	<p>but there is a certain risk that he rushes to conclusions he may hardly be willing to withdraw from even if they prove to be unwise from a later point of view.</p>	<p>parties in a country, the close dependence of the government on a parliamentary majority may undermine the stability of the government.</p>
<p>History shows that from time to time the Swiss people does correct decisions of parliament and government that give in too much to lobby pressure, so <i>Direct Democracy</i> seems to offer effective <i>checks and balances</i>. But sometimes it just takes a long time (decades, not years) until a new idea is finally broadly accepted.</p>	<p>The separation of powers - though it might seem very clear in theory - does not automatically provide more effective <i>checks and balances</i> between parliament and government than in a <i>Parliamentary Democracy</i>.</p>	<p>If there are only two relevant parties and one has a comfortable majority, the parliamentary system offers few effective <i>checks and balances</i>.</p>

Conclusion

Though there are remarkable formal and institutional differences between the systems of *Direct*, *Presidential*, *Semi-Presidential*, and *Parliamentary Democracy*, there are more or less successful examples for any of these systems. Therefore the practical results - measurable by different factors such as national wealth (both mean income and distribution of wealth), accessibility and standards of education, life expectancy, infant mortality, corruption and so on - tend to depend less on the choice of one system or another but rather on what might be called an "established culture of democracy", consisting of both *know-how* (experience how the system once chosen works in practice) and *trust* that it works and it pays - for the society as a whole as well as for the individuals.

What is a Presidential Democracy?

A presidential democracy is a system of government in which the executive branch is **separate from** the legislature.

A **presidential system**, also called a **congressional system**, is a system of government where an executive branch exists and *presides* (hence the term) **separately from** the legislature, to which it is not accountable and which cannot in normal circumstances dismiss it.

It owes its origins to the medieval monarchies of France, England and Scotland in which executive authority was vested in the Crown, not in meetings of the estates of the realm (i.e. parliament): the Estates-General of France, the Parliament of England or the Estates of Scotland. **The concept of separate spheres of influence of the executive and legislature was copied in the Constitution of the United States, with the creation of the office of President of the United States.** Perhaps ironically, in England and Scotland (since 1707 as the Kingdom of Great Britain, and since 1801 as the United Kingdom) the power of a separate executive waned to a ceremonial role and a new executive, answerable to parliament, evolved while the power of the USA's separated executive increased. This has given rise to criticism of the United States presidency as an "**imperial presidency**" though some analysts dispute the existence of an absolute separation, referring to the concept of "separate institutions sharing power". Although not exclusive to republics, and applied in the case of absolute monarchies, the term is often associated with republican systems in the Americas.

The defining characteristic of a presidential government is how the executive is elected, but nearly all presidential systems share the following features:

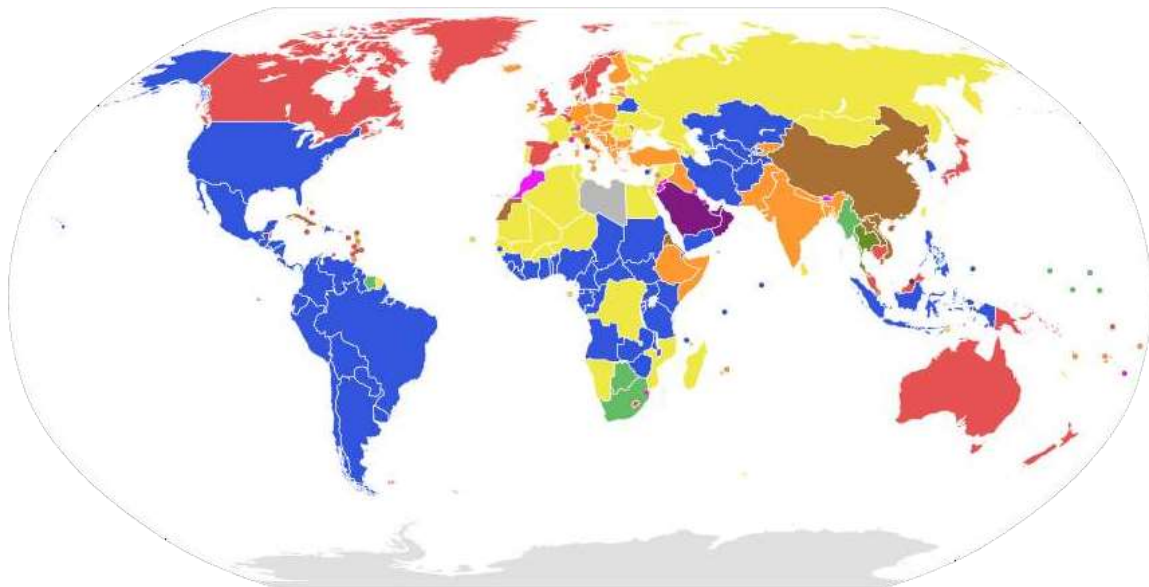
- The president is both head of state and head of government.
- The president may not have the ability to legislate directly. He is not a voting member, and may not be allowed to introduce bills. However, in systems such as that of the United States, the president has the power to veto acts of the legislature and, in turn, a supermajority of legislators may act to override the veto.

The president has a fixed term of office. Elections are held at scheduled times, and cannot be triggered by a vote of confidence or other such parliamentary procedures. However, many presidential systems incorporate provisions for the president's trial and subsequent removal from office by the legislature if he or she is found to have committed a crime.

- The executive branch is unipersonal. Members of the cabinet serve at the pleasure of the president and must carry out the policies of the executive and legislative branches. However, presidential systems frequently require legislative approval of presidential nominations to the cabinet as well as various governmental posts such as judges. A president generally has power to direct members of the cabinet, military or any officer or employee of the executive branch, but generally has no power to dismiss or give orders to judges.
- A power to pardon or commute sentences of convicted criminals is often exercised by heads of states in governments with a separation of power between legislative and executive branches of government.
- The term *presidential system* is often used in contrast to cabinet government which is usually a feature of parliamentarism.

A Semi-Presidential System is a system of government in which a president exists along with a prime minister and a cabinet, with the latter two being responsible to the legislature of a state. It differs from a parliamentary republic in that it has a popularly elected head of state, who is more than a purely ceremonial figurehead, and from the presidential system in that the cabinet, although named by the president, is responsible to the legislature, which may force the cabinet to resign through a motion of no confidence.

The global map below shows various systems of governance in operation today. Blue = presidential, yellow = semi-presidential, green = parliamentary system with an executive president chosen by the legislature, orange = parliamentary system with a ceremonial, non-executive president, where a separate head of government leads the executive.



The US system also features Montesquieu’s separation of powers and “checks and balances.”

The drafters of the U.S. Constitution, the so-called “Founding Fathers,” and most especially James Madison, drew upon French philosopher Montesquieu’s theory of the separation of powers when drafting the Constitution. Montesquieu argued that the best way to secure liberty and prevent a government from becoming corrupted was to divide the powers of government among different actors who would check each other.

For example, Montesquieu warned that “Were the executive power not to have a right of restraining the encroachments of the legislative body, the latter would become despotic; for as it might arrogate to itself what authority it pleased, it would soon destroy all the other powers.”

Madison and the Founding Fathers took heed of Montesquieu's warning by establishing an independent executive (the President), legislative (the Congress), and judiciary (the Supreme Court) in the federal Constitution. Madison masterfully protected the separation of powers by establishing a thorough system of checks and balances as well.

Separation of Powers - As stated previously, the US Government is divided into three branches so that no one branch has all the power. Each branch has its own purpose: to make the laws, execute the laws, and interpret the laws.

Checks and Balances - In order to further protect the citizens, the constitution set up a system of checks and balances. Basically, each branch of government has a certain number of checks it can use to ensure the other branches do not become too powerful. For example, the president can veto legislation, the Supreme Court can declare acts of Congress unconstitutional, and the Senate must approve treaties and presidential appointments.

Checks and Balances of the Legislative Branch

The **Legislative Branch** is given the powers to make the laws. It has the following checks over the **Executive Branch**:

- May override presidential vetoes with a two-thirds vote
- Has the power over the purse strings to actually fund any executive actions
- May remove the president through impeachment
- Senate approves treaties
- Senate approves presidential appointments

The **Legislative Branch** has the following checks over the **Judicial Branch**:

- Creates lower courts
- May remove judges through impeachment
- Senate approves appointments of judges

Checks and Balances of the Executive Branch

The **Executive Branch** is given the power to carry out the laws. It has the following checks over the **Legislative Branch**:

- Veto power
- Ability to call special sessions of Congress
- Can recommend legislation
- Can appeal to the people concerning legislation and more

The **Executive Branch** has the following checks over the **Judicial Branch**:

- President appoints Supreme Court and other federal judges

Checks and Balances of the Judicial Branch

The **Judicial Branch** is given the power to interpret the laws. It has the following checks over the **Executive Branch**:

- Judges, once appointed for life, are free from controls from the executive branch
Courts can judge executive actions to be unconstitutional through the power of [judicial review](#).

The **Judicial Branch** has the following checks over the **Legislative Branch**:

- Courts can judge legislative acts to be unconstitutional.

Judicial Review - This is a power that allows the Supreme Court to decide whether acts and laws are unconstitutional. This was established with [Marbury v. Madison](#) in 1803.

Federalism – the dual axis of state and national governments sharing power - One of the most complicated foundations of the US is the principle of federalism. This is the idea that the central government does not control all the power in the nation. States also have powers reserved to them. This division of powers does overlap and **sometimes leads to problems such as what happened with the response to Hurricane Katrina between the state and federal governments.**

Constitution of the United States

The following Introduction is taken from the official U.S. Constitution web site:

The Federal Convention convened in the State House (Independence Hall) in Philadelphia on May 14, 1787, to revise the Articles of Confederation. Because the delegations from only two states were at first present, the members adjourned from day to day until a quorum of seven states was obtained on May 25. Through discussion and debate it became clear by mid-June that, rather than amend the existing Articles, the Convention would draft an entirely new frame of government. All through the summer, in closed sessions, the delegates debated, and redrafted the articles of the new Constitution. Among the chief points at issue were how much power to allow the central government, how many representatives in Congress to allow each state, and how these representatives should be elected--directly by the people or by the state legislators. The work of many minds, the Constitution stands as a model of cooperative statesmanship and the art of compromise.

**The following excerpts from the U.S. Constitution
set forth the more relevant design features
of the system of U.S. governance.**



(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

1: The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, . . .

Section 3

1: The Senate of the United States shall be composed of two Senators from each State, . . . , for six Years; and each Senator shall have one Vote.

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

6: The Senate shall have the sole Power to try all Impeachments.

Section 7

1: All Bills for raising Revenue shall originate in the House of Representatives; . . .

2: 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 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.

Section 8

1: 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;

2: To borrow Money on the credit of the United States;

- 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;
- 4: To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;
- 5: To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;
- 6: To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;
- 7: To establish Post Offices and post Roads;
- 8: 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;
- 9: To constitute Tribunals inferior to the supreme Court;
- 10: To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;
- 11: To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;
- 12: To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;
- 13: To provide and maintain a Navy;
- 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, . . .

Section 9

- 2: 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.
- 3: No Bill of Attainder or ex post facto Law shall be passed.

Section 10

- 1: 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.

2: 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; . . .

Article II

Section 1

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, . . .

Section 2

1: The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, . . . and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

2: 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, . . .

3: 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 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

1: 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 Citizens of different States, . . .

3: 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; . . .

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. . . .

Section 2

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

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; . . .

Article VI

2: 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, . . .

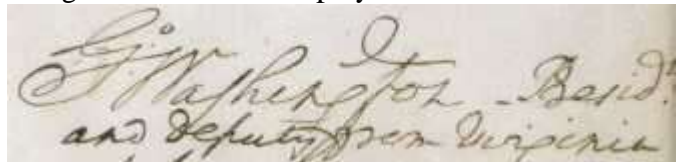
3: The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; . .

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,

Attest William Jackson Secretary

G^o: Washington -Presid'. and deputy from

Virginia



The First Ten Amendments (The Bill of Rights)

Article [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.

Article [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.

Article [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.

Article [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.

Article [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.

Article [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.

Article [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 re-examined in any Court of the United States, than according to the rules of the common law.

Article [VIII]

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

Article [IX]

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

Article [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.