

THE  
CONSTITUTION  
*of the*  
UNITED STATES  
OF AMERICA



AMERICAN CIVIL LIBERTIES UNION FOUNDATION

THE CONSTITUTION *of the*  
UNITED STATES OF AMERICA

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Printed in the United States of America

**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, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

[2] 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.] *(Note: changed by section 2 of the Fourteenth Amendment.)* 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.

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

**Section 3.** [1] The Senate of the United States shall be composed of two Senators from each State, [chosen by the Legislature thereof,] *(Note: changed by the Seventeenth Amendment)* for six Years; and each Senator shall have one Vote.

[2] 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.] *(Note: changed by the Seventeenth Amendment)*

[3] 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.

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

[5] 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.

[6] 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.

[7] 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.** [1] 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.

[2] The Congress shall assemble at least once in every Year, and such Meeting shall be [on the first Monday in December,] *(Note: changed by section 2 of the Twentieth Amendment)* unless they shall by Law appoint a different Day.

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

Each House may determine the Rules of its Proceedings, punish its Members for disorderly

Behavior, and, with the Concurrence of two-thirds, expel a Member.

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

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

**Section 6.** (The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States.) *(The preceding words in parentheses were modified by the Twenty-seventh Amendment.)* 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 re-passed 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 a 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 Offences 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.)  
*(Section in parentheses clarified by the Sixteenth Amendment.)*

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, 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.) (This clause in parentheses was superseded by Amendment 12.)*

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.) (This clause in parentheses has been modified by Amendments 20 and 25.)*

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.

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

**Section 2.** *(The judicial Power shall extend to all Cases, in Law and Equity, 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.) (This section in parentheses is modified by Amendment 11.)*

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.

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 there-in, 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.) (This clause in parentheses is superseded by Amendment 13.)*

**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.

**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* — President and  
deputy from Virginia

Delaware — *Geo. Read, Gunning Bedford jun,*  
*John Dickinson, Richard Bassett, Jaco. Broom*

Maryland — *James McHenry,*  
*Dan of St Tho 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*

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*

Pensylvania — *B Franklin, Thomas Mifflin,*  
*Robt Morris, Geo. Clymer, Thos FitzSimons,*  
*Jared Ingersoll, James Wilson, Gouv Morris*

Attest:  
*William Jackson,* Secretary

## AMENDMENTS

### TO THE CONSTITUTION

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### THE BILL OF RIGHTS

(the first 10 amendments)

was ratified December 15, 1791

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#### AMENDMENT 1.

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 2.

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

#### AMENDMENT 3.

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

#### AMENDMENT 4.

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 5.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense 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 6.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by



law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

#### **AMENDMENT 7.**

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.

#### **AMENDMENT 8.**

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

#### **AMENDMENT 9.**

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

#### **AMENDMENT 10.**

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.

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#### **AMENDMENT 11.**

*Ratified 2/7/1795*

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 12.**

*Ratified 6/15/1804*

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 the 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.

### **AMENDMENT 13.**

*Ratified 12/6/1865*

[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.

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

### **AMENDMENT 14.**

*Ratified 7/9/1868*

[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.

[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.

[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.

[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.

[5.] The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

### **AMENDMENT 15.**

*Ratified 2/3/1870*

[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.

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

### **AMENDMENT 16.**

*Ratified 2/3/1913.*

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 17.***Ratified 4/8/1913*

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 18.***Ratified 1/16/1919**Repealed by Amendment 21, 12/5/1933*

[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.

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

[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 19.***Ratified 8/18/1920*

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 20.***Ratified 1/23/1933*

[1.] The terms of the President and 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.

[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.

[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 elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

[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.

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

[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.

### **AMENDMENT 21.**

*Ratified 12/5/1933*

[1.] The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

[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.

[3.] The 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 22.**

*Ratified 2/27/1951*

[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 the President more than once. But this Article shall not apply to any person holding the office of President, when this Article was proposed by the 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.

[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 23.**

*Ratified 3/29/1961*

[1.] The District constituting the seat of Government of the United States shall appoint in such manner as the 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.

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

### **AMENDMENT 24.**

*Ratified 1/23/1964*

[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 any poll tax or other tax.

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

### **AMENDMENT 25.**

*Ratified 2/10/1967*

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

[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.

[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.

[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.

### **AMENDMENT 26.**

*Ratified 7/1/1971*

[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.

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

### **AMENDMENT 27.**

*Ratified 5/7/1992*

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

## THE ACLU'S ONGOING LEGACY

Landmark Supreme Court decisions in which the ACLU played a major role, either as direct counsel or as friend-of-the-court.

**1 1925: GITLOW V. NEW YORK.** Gitlow's conviction for distributing a pamphlet calling for the overthrow of the government was upheld. But the ACLU's first Supreme Court landmark established that the 14th Amendment "incorporates" the First Amendment's free speech clause and therefore applies to the states.

**2 1927: WHITNEY V. CALIFORNIA.** Whitney's conviction for membership in a group advocating the overthrow of the state was upheld. But Justice Brandeis laid the groundwork for modern First Amendment law in a separate opinion, in which he argued that under a "clear and present danger" test, the strong presumption should be in favor of "more speech, not enforced silence."

**3 1931: STROMBURG V. CALIFORNIA.** A California law leading to the conviction of a communist who displayed a red flag was overturned on the grounds that the law was vague, in violation of the First Amendment.

**4 1932: POWELL V. ALABAMA.** This appeal by the "Scottsboro Boys" — eight African Americans wrongfully accused of raping two white women — was the first time constitutional standards were applied to state criminal proceedings. The poor performance of their lawyers at the trial deprived them of their 6th Amendment right to effective counsel.

**5 1935: PATTERSON V. ALABAMA.** A second "Scottsboro Boys" decision held that excluding from the jury list denied the defendant a fair trial.

**6 1937: DEJONGE V. OREGON.** A conviction under a state criminal syndicalism statute for merely attending a peaceful Communist Party rally was deemed a violation of free speech rights.

**7 1938: LOVELL V. GRIFFIN.** In this case on behalf of Jehovah's Witnesses, a Georgia ordinance prohibiting the distribution of "literature of any kind" without a city manager's permit, was deemed a violation of religious liberty.

**8 1941: HAGUE V. CIO.** Invalidating the repressive actions of Jersey City's anti-union Mayor, "Boss" Hague, the Supreme Court ruled that freedom of assembly applies to public forums, such as "streets and parks."

**9 1941: EDWARDS V. CALIFORNIA.** An "anti-Okie" law that made it a crime to transport



poor people into California was struck down as a violation of the right to interstate travel.

**10 1944: SMITH V. ALLWRIGHT.** This early civil rights victory invalidated Texas' "white primary" as a violation of the right to vote under the 15th Amendment.

**11 1946: HANNEGAN V. ESQUIRE.** In a blow against censorship, this decision limited the postmaster general's power to withhold mailing privileges for magazines containing "offensive" material.

**12 1947: EVERSON V. BOARD OF EDUCATION.** Justice Black's pronouncement that, "In the words of Jefferson, the Clause... was intended to erect a 'wall of separation' between church and State..." was the Court's first major utterance on the meaning of the Establishment Clause.

**13 1948: SHELLEY V. KRAEMER.** This major civil rights victory invalidated restrictive covenants, or contractual agreements among white homeowners not to sell their houses to people of color.

**14 1949: TERMINIELLO V. CHICAGO.** In this exoneration of a priest convicted of disorderly conduct for giving a racist, anti-semitic speech, Justice William O. Douglas stated, "the function of free speech under our system of government is to invite dispute."

**15 1951: KUNZ V. NEW YORK.** The Supreme Court ruled that a permit to speak in a public forum could not be denied because a person's speech had, on a former occasion, resulted in civil disorder.

**16 1952: ROCHIN V. CALIFORNIA.** Reversing the conviction of a man whose stomach had been forcibly pumped for drugs by police, the Court ruled that the 14th Amendment's Due Process Clause outlaws "conduct that shocks the conscience."

**17 1954: BROWN V. BOARD OF EDUCATION.** One of the century's most significant Court decisions declared racially segregated schools unconstitutional, wiping out the "separate but equal" doctrine announced in the infamous 1896 Plessy v. Ferguson decision.

**18 1957: WATKINS V. UNITED STATES.** The investigative powers of the House Un-American Activities Committee were curbed on First Amendment grounds when the Court reversed a labor leader's conviction for refusing to answer questions about membership in the Communist Party.

**19 1958: KENT V. DULLES.** The State Department overstepped its authority in denying a passport to artist Rockwell Kent, who refused to sign a "noncommunist affidavit," since the right

to travel is protected by the Fifth Amendment's Due Process Clause.

**20 1958: SPEISER V. RANDALL.** ACLU lawyer Lawrence Speiser successfully argued his challenge to a California law requiring that veterans sign a loyalty oath to qualify for a property tax exemption.

**21 1958: TROP V. DULLES.** Stripping an American of his citizenship for being a deserter in World War II was deemed cruel and unusual punishment, in violation of the Eighth Amendment.

**22 1959: SMITH V. CALIFORNIA.** A bookseller could not be found guilty of selling obscene material unless it was proven that he or she was familiar with the contents of the book.

**23 1961: POE V. ULLMAN.** This unsuccessful challenge to Connecticut's ban on the sale of trial contraceptives set the stage for the 1965 Griswold decision. Justice John Harlan argues in dissent that the law was "an intolerable invasion of privacy in the conduct of one of the most intimate concerns of an individual's private life."

**24 1962: ENGEL V. VITALE.** In striking down the New York State Regent's "nondenominational" school prayer, the Court declared "it is no part of the business of government to compose official prayers."

**25 1963: GIDEON V. WAINWRIGHT.** An indigent drifter from Florida made history when, in a handwritten petition, he persuaded the Court that poor people charged with a felony had the right to a state-appointed lawyer.

**26 1961: MAPP V. OHIO.** The Fourth Amendment's Exclusionary Rule — barring the introduction of illegally seized evidence in a criminal trial — first applied to federal law enforcement officers in 1914, applied to state and local police as well.

**27 1963: ABINGDON SCHOOL DISTRICT V. SCHEMPP.** Building on Engel, the Court struck Pennsylvania's in-school Bible reading law as a violation of the First Amendment.

**28 1964: ESCOBEDO V. ILLINOIS.** Invoking the Sixth Amendment right to counsel, the Court threw out the confession of a man whose repeated requests to see his lawyer, throughout many hours of police interrogation, were ignored.

**29 1964: NEW YORK TIMES V. SULLIVAN.** Public officials cannot recover damages for defamation unless they prove a newspaper impugned them with "actual malice." A city commissioner in Montgomery, Alabama, sued over publication of a full-page ad paid for by civil rights activists.

**30 1964: JACOBELLIS V. OHIO.** The Court overturned a theater owner's conviction for showing the film *The Lovers*, by Louis Malle, and Justice Potter Stewart admitted that although he could not define "obscenity," he knew it when he saw it.

**31 1964: REYNOLDS V. SIMS.** This historic civil rights decision, which applied the "one person, one vote" rule to state legislative districts, was regarded by Chief Justice Earl Warren as the most important decision of his tenure.

**32 1964: CARROLL V. PRINCESS ANNE COUNTY.** A county's decision to ban a rally without notifying the rally organizers of the injunction proceeding was invalidated on free speech grounds.

**33 1965: U.S. V. SEEGER.** One of the first anti-Vietnam War decisions extended conscientious objector status to those who do not believe in a supreme being, but who oppose war based on sincere beliefs that are equivalent to religious objections.

**34 1965: LAMONT V. POSTMASTER GENERAL.** Struck down a Cold War-era law that required the postmaster general to detain and destroy all unsealed mail from abroad deemed to be "communist political propaganda"— unless the addressee requested delivery in writing.

**35 1965: GRISWOLD V. CONNECTICUT.** Invalidated a Connecticut law forbidding the use of contraceptives on the grounds that a right of "marital privacy," though not specifically guaranteed in the Bill of Rights, is protected by "several fundamental constitutional guarantees."

**36 1966: MIRANDA V. ARIZONA.** The Court held that a suspect in police custody has a Sixth Amendment right to counsel and a Fifth Amendment right against self-incrimination, and established the "Miranda warnings" requirement that police inform suspects of their rights before interrogating them.

**37 1966: BOND V. FLOYD.** The Georgia state legislature was ordered to seat State Senator-Elect Julian Bond who had been denied his seat for publicly supporting Vietnam War draft resisters. Criticizing U.S. foreign policy, said the Court, does not violate a legislator's oath to uphold the Constitution.

**38 1967: KEYISHIAN V. BOARD OF REGENTS.** Struck down a Cold War-era law that required public school teachers to sign a loyalty oath. Public employment is not a "privilege" to which government can attach whatever conditions it pleases.

**39 1967: IN RE GAULT.** Established specific due process requirements for state delinquency

proceedings and stated, for the first time, the broad principle that young persons have constitutional rights.

**40 1967: LOVING V. VIRGINIA.** Invalidated the anti-miscegenation laws of Virginia and 15 southern states. Criminal bans on interracial marriage violate the 14th Amendment's Equal Protection Clause and "the freedom to marry," which the Court called "one of the basic civil rights of man" (sic).

**41 1968: EPPERSON V. ARKANSAS.** Arkansas' ban on teaching "that mankind ascended or descended from a lower order of animals" was a violation of the First Amendment, which forbids official religion.

**42 1968: LEVY V. LOUISIANA.** Invalidated a state law that denied an illegitimate child the right to recover damages for a parent's death. The ruling established the principle that the accidental circumstance of a child's birth does not justify discrimination.

**43 1968: KING V. SMITH.** Invalidated the "man in the house" rule that denied welfare to children whose unmarried mothers lived with men. The decision benefited an estimated 500,000 poor children who had previously been excluded from aid.

**44 1968: WASHINGTON V. LEE.** Alabama statutes requiring racial segregation in the state's prisons and jails were declared unconstitutional under the Fourteenth Amendment.

**45 1969: BRANDENBURG V. OHIO.** The ACLU achieved victory in its 50-year struggle against laws punishing political advocacy. The Court agreed that the government could only penalize direct incitement to imminent lawless action, thus invalidating the Smith Act and all state sedition laws.

**46 1969: TINKER V. DES MOINES.** Suspending public school students for wearing black armbands to protest the Vietnam War was unconstitutional since students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

**47 1969: GREGORY V. CHICAGO.** The Court unanimously overturned a conviction of disorderly conduct against Dick Gregory and others who picketed Chicago's Mayor Daley. When disorder is created by a hostile audience, peaceful demonstrators cannot be arrested because of a "heckler's veto."

**48 1969: STREET V. NEW YORK.** A state law under which a man was convicted for burning the American flag to protest the

assassination of civil rights leader Medgar Evers was unconstitutional.

**49 1969: WATTS V. U.S.** Threats against the life of the President of the U.S., if they were no more than “political hyperbole,” are protected by the First Amendment.

**50 1970: GOLDBERG V. KELLY.** Setting in motion what has been called the “procedural due process revolution,” the Court ruled that welfare recipients were entitled to notice and a hearing before the state could terminate their benefits.

**51 1971: COHEN V. CALIFORNIA.** Convicting an anti-war protester of disturbing the peace for wearing a jacket that bore the words, “Fuck the draft,” was unconstitutional. The government cannot prohibit speech just because it is “offensive.”

**52 1971: U.S. V. NEW YORK TIMES.** Enjoining the press from publishing the Pentagon Papers, leaked by a former Defense Department official, was an unconstitutional prior restraint which was not justified by national security interests.

**53 1971: REED V. REED.** Struck down a state law that gave automatic preference to men over women as administrators of decedents’ estates. This was the Court’s first ruling that sex-based classifications violated the Equal Protection Clause of the 14th Amendment.

**54 1971: U.S. V. VUITCH.** Although the Court upheld a statute used to convict a doctor who had performed an illegal abortion, it expanded the “life and health of the woman” concept to include “psychological well-being,” thereby allowing more women to obtain legal “therapeutic” abortions.

**55 1972: EISENSTADT V. BAIRD.** In an extension of the Court’s evolving privacy doctrine, the conviction of a reproductive rights activist who had given an unmarried Massachusetts woman a contraceptive device was reversed.

**56 1972: FURMAN V. GEORGIA.** This decision led to a four-year halt to executions nationwide when the Court ruled that existing state death penalty statutes were “arbitrary and capricious” in violation of the Eighth Amendment.

**57 1973: FRONTIERO V. RICHARDSON.** Struck down a federal law that allowed a woman in the armed forces to claim her husband as a “dependent” only if he depended on her for more than half of his support, while a serviceman could claim “dependent” status for his wife regardless of actual dependency.

**58 1973: HOLTZMAN V. SCHLESINGER.** The ACLU took on Rep. Elizabeth Holtzman’s lawsuit to halt the bombing of Cambodia as an

unconstitutional Presidential usurpation of Congress' authority to declare war. Although a federal order to stop the bombing was eventually overturned, the bombing was halted for a few hours.

**59 1973: ROE V. WADE/DOE V. BOLTON.**

Recognizing a woman's constitutional right to terminate a pregnancy, Roe erased all existing criminal abortion laws. Its companion case, Doe, established that it is attending physician who determines, in light of all factors relevant to a woman's well-being, whether an abortion is "necessary."

**60 1974: SMITH V. GOGUEN.** A Massachusetts state law that made it a crime to treat the American flag "contemptuously" was found by the Court to be void for vagueness.

**61 1974: U.S. V. NIXON.** In the only amicus brief filed in this critical case, the ACLU argued: "There is no proposition more dangerous to the health of a constitutional democracy than the notion that an elected head of state is above the law and beyond the reach of judicial review." The Court agreed, and ordered Nixon to hand over crucial Watergate tapes to the Special Prosecutor.

**62 1975: GOSS V. LOPEZ.** Invalidated a state law authorizing a public school principal to

suspend a student for up to ten days without a hearing. Students are entitled to notice and a hearing before a significant disciplinary action can be taken against them.

**63 1975: O'CONNOR V. DONALDSON.** In its first "right to treatment" decision, the Court ruled that mental illness alone did not justify "simple custodial confinement" on an indefinite basis in the case of a non-violent patient who had been involuntarily held in a mental institution for 15 years.

**64 1976: BUCKLEY V. VALEO.** This challenge to the limits on campaign spending imposed by amendments to the Federal Elections Campaign Act represented a partial victory for free speech, as the Court struck down the Act's restrictions on spending "relative to a candidate."

**65 1977: WOOLEY V. MAYNARD.** New Hampshire law that prohibited a Jehovah's Witness from covering up the license plate slogan "Live Free or Die" was invalidated by the Court as a denial of the "right not to speak."

**66 1978: SMITH V. COLLIN.** A Nazi group wanted to march through a Chicago suburb, Skokie, where many Holocaust survivors lived. The ACLU's controversial challenge to the village's ban on the march was ultimately successful.

**67 1978: IN RE PRIMUS.** An ACLU cooperating attorney had been reprimanded for “improper solicitation” by the state supreme court for encouraging poor women to challenge the state’s sterilization of welfare recipients. The Court distinguished between lawyers who solicit “for pecuniary gain” and those who do so to “further political and ideological goals through associational activity.”

**68 1980: PRUNE YARD SHOPPING CENTER V. ROBINS.** Shopping mall owners appealed a California state court ruling that a shopping center allow distribution of political pamphlets on its premises. The Court rejected the owners’ property rights claim, and ruled that a mall was comparable to streets and sidewalks.

**69 1982: BOARD OF EDUCATION, ISLAND TREES SCHOOL DISTRICT V. PICO.** Students successfully sued their school board on First Amendment grounds for removing certain “objectionable books” from the school library. While acknowledging a school’s right to remove material that was “pervasively vulgar” or “educationally unsuitable,” the Court held that in this case, the students’ First Amendment “right to know” had been violated.

**70 1983: BOB JONES UNIVERSITY V. UNITED STATES.** Two fundamentalist Christian colleges that practiced racial discrimination lost their tax exempt status. The IRS can set rules enforcing a “settled public policy” against racial discrimination in education.

**71 1985: WALLACE V. JAFFREE.** Alabama’s “moment of silence” law, which required public school children to take a moment “for meditation or voluntary prayer,” violated the First Amendment’s Establishment Clause.

**72 1986: EDWARD V. AGUILLARD.** In a case reminiscent of the 1925 Scopes “monkey” trial, the Court struck down a Louisiana law that required public school science teachers to give “equal time” to so-called creation science if they taught students about the theory of evolution.

**73 1989: TEXAS V. JOHNSON.** In invalidating the Texas flag desecration statute, the Court provoked President Bush to propose a federal ban on flag burning or mutilation. Congress swiftly obliged, but the Court struck down that law a year later in *United States v. Eichman* — in which the ACLU also filed a brief.

**74 1990: CRUZAN V. DIRECTOR OF THE MISSOURI DEPARTMENT OF HEALTH.** In the Court’s first right-to-die case, the ACLU

represented the family of a woman who had been in a persistent vegetative state for more than seven years. Although the Court did not go as far as the ACLU urged, it did recognize living wills as clear and convincing evidence of a patient's wishes.

**75 1992: R.A.V. V. WISCONSIN.** A unanimous Court struck down as overly broad a local law banning the display, on public or private property, of any symbol “that arouses anger, alarm or resentment in others on the basis of race, color, creed, religion or gender.”

**76 1992: PLANNED PARENTHOOD V. CASEY.** Although the Court upheld parts of Pennsylvania's restrictive abortion law, it also reaffirmed the “central holding” of *Roe v. Wade* that abortions performed prior to viability cannot be prohibited by the state.

**77 1992: LEE V. WEISMAN.** The inclusion of a prayer at the beginning of a public high school graduation ceremony violated the Establishment Clause.

**78 1993: J.E.B. V. T.B.** A prosecutor could not use peremptory challenges to disqualify potential jurors based solely on their gender.

**79 1993: CHURCH OF THE LUKUMI BABLU AYE V. HIALEAH.** A city's ban on the ritual slaughter of animals as practiced by the Santeria

religion was overturned as a violation of religious liberty since the city did permit such secular activities as hunting and fishing.

**80 1993: WISCONSIN V. MITCHELL.** Wisconsin's “hate crime” statute, providing for additional criminal penalties if a jury found that a defendant “intentionally selected” a victim based on “race, religion, color, disability, sexual orientation, national origin or ancestry,” did not violate the First Amendment because the statute punished acts, not thoughts or speech.

**81 1994: LADUE V. GILLOE.** A Missouri town's ordinance that barred a homeowner from posting a sign in her bedroom window that said, “Say No to War in the Gulf — Call Congress Now!” was deemed to violate the First Amendment.

**82 1995: MCINTYRE V. OHIO ELECTIONS COMMISSION.** A state prohibition against the anonymous distribution of political campaign literature violated the right to anonymous free speech.

**83 1995: CAPITOL SQUARE REVIEW BOARD V. PINETTE.** Upheld the right of the KKK to put up a cross in an area in front of the Ohio State Capitol building that was a traditional public forum used by many other groups, rejecting Ohio's argument that allowing the display violated the separation of church and state.



**84 1995: HURLEY V. IRISH AMERICAN GAY, LESBIAN AND BISEXUAL GROUP OF BOSTON.**

Upheld the right of private groups to exclude participants from their parades who do not share the values and message the parade sponsors wish to communicate.

**85 1996: ROMER V. EVANS.** In this first gay rights victory, the Court invalidated a state constitutional amendment, passed by public referendum in Colorado, that prohibited the state and its municipalities from enacting gay rights laws.

**86 1997: RENO V. ACLU.** The Court struck down Congress' Communications Decency Act, which was an attempt to censor the Internet by banning "indecent" speech, ruling that "the interest in encouraging freedom of expression in a democratic society outweighs any theoretical but unproven benefit of censorship."

**87 1997: CHANDLER V. MILLER.** Struck down a Georgia law requiring candidates for political office to take a urine drug test on the grounds that it violated the candidates' Fourth Amendment right to privacy.

**88 1998: BRAGDON V. ABBOTT.** The anti-discrimination provisions of the Americans with Disabilities Act were interpreted to apply to

persons in the early stages of HIV infection, even if they did not have any overt symptoms of AIDS.

**89 1998: ONCALE V. SUNDOWNER OFFSHORE SERVICES.** Title VII of the Civil Rights Act, which prohibits sexual discrimination and harassment in the workplace, applies to same-sex as well as opposite sex harassment.

**90 1999: CHICAGO V. MORALES.** Struck down Chicago's anti-gang loitering law which disproportionately targeted African American and Latino youth who were not engaged in criminal activity, and resulted in the arrest of 45,000 innocent people.

**91 1999: SAENZ V. ROE.** Invalidated California's 12-month residency requirement for welfare applicants new to the state as a violation of the constitutional right to travel, and reaffirmed the principal that citizens select states; states do not select citizens.

**92 2000: STENBERG V. CARHART.** A ban on so-called "partial-birth" abortions was struck down as unconstitutional because it did not adequately protect women's health and because its broad wording threatened to outlaw many common methods of abortion.

**93 2001: ATKINS V. VIRGINIA.** Reversing its 1999 decision, the Court ruled that execution of the mentally retarded is unconstitutional under the Eighth Amendment.

**94 2000: SANTA FE INDEPENDENT SCHOOL DISTRICT V. DOE.** The Court ruled that a school district policy permitting its student body to vote at the beginning of each school year whether to have prayers before football games violated the Establishment Clause.

**95 2001: INS V. ST. CYR.** The Court ruled that immigrants are entitled to challenge their deportation orders through habeas corpus proceedings, rejecting the Attorney General's claim that Congress had stripped the courts of jurisdiction and reversing retroactive application of the deportation statute.

**96 2002: GRUTTER V. BOLLINGER/GRATZ V. BOLLINGER.** Providing a strong endorsement of affirmative action in higher education, the Court held that public universities have a compelling interest in creating a diverse student body and that race may be treated as a "plus" factor in the admissions process.

**97 2002: LAWRENCE V. TEXAS.** The Court struck down a Texas sodomy statute that criminalized private acts of sexual intimacy

between same-sex couples, expanding the privacy rights of all Americans and promoting the right of lesbians and gay men to equal treatment under the law.

**98 2004: McCREARY COUNTY V. ACLU OF KENTUCKY.** The Court held that the government could not display the Ten Commandments in two county courthouses for the purpose of promoting religion.

**99 2004: ROPER V. SIMMONS.** The juvenile death penalty was finally declared unconstitutional as a form of cruel and unusual punishment.

**100 2006: HAMDAN V. RUMSFELD.** In June 2006, the Supreme Court ruled that the military commissions system established by President Bush to try detainees at Guantánamo Bay is unfair and illegal. The court found the military commission rules do not guarantee independent trial proceedings, do not provide for impartial appellate review and do not prohibit the use of coerced testimony despite extensive evidence that coercive interrogation techniques have been used at Guantánamo Bay and elsewhere. The ACLU filed an amicus brief in that case.

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## KNOW YOUR RIGHTS

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It is said that “Civil Liberties is a product delivered locally.” A prime example is the “What to Do if You Are Stopped by the Police” wallet card, versions of which have been used for decades by the ACLU to raise the “civil rights literacy” of tens of thousands of people in communities across the country. Notably, versions of the cards were produced for people of Arab and South Asian descent following the September 11th attacks. Another version addressed the issue of police harassment encountered by people displaced by Hurricane Katrina. In 2006, after escalating incidents of racial profiling in Jackson, Mississippi, the city’s mayor threatened the ACLU for its announced plans to hold meetings to inform residents of their rights if stopped by the police, saying, “I hope they don’t obstruct justice and give people false information because if they do, then we’ll be focusing on them and we’ll come after them.”

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## WHAT TO DO IF YOU’RE STOPPED BY THE POLICE

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**Think carefully** about your words, movement, body language, and emotions.

Don’t get into an argument with the police.

Remember, **anything you say or do** can be used against you.

**Keep your hands** where the police can see them.

**Don’t run. Don’t touch** any police officer.

**Don’t resist** even if you believe you are innocent.

**Don’t complain** on the scene or tell the police they’re wrong or that you’re going to file a complaint.

**Do not make any statements** regarding the incident. Ask for a lawyer immediately upon your arrest.

Remember **officers’ badge and patrol car** numbers.

**Write down everything** you remember ASAP.

Try to find **witnesses** and their names and phone numbers.

If you are injured, **take photographs of the injuries** as soon as possible, but make sure you **seek medical attention** first.

If you feel your rights have been violated, **file a written complaint** with the police department's internal affairs division or civilian complaint board.

1. What you say to the police is always important. What you say can be used against you, and it can give the police an excuse to arrest you, especially if you bad-mouth a police officer.
2. You must show your driver's license and registration when stopped in a car. Otherwise, you don't have to answer any questions if you are detained or arrested, with one important exception. The police may ask for your name if you have been properly detained, and you can be arrested in some states for refusing to give it. If you reasonably fear that your name is incriminating, you can claim the right to remain silent, which may be a defense in case you are arrested anyway.
3. You don't have to consent to any search of yourself, your car or your house. If you **DO** consent to a search, it can affect your rights later in court. If the police say they have a search warrant, **ASK TO SEE IT**.
4. Do not interfere with, or obstruct the police—you can be arrested for it.

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## IF YOU ARE STOPPED FOR QUESTIONING

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1. It's not a crime to refuse to answer questions, but refusing to answer can make the police suspicious about you. If you are asked to identify yourself, see paragraph **2** on page 64.
2. Police may "pat-down" your clothing if they suspect a concealed weapon. Don't physically resist, but make it clear that you don't consent to any further search.
3. Ask if you are under arrest. If you are, you have a right to know why.
4. Don't bad-mouth the police officer or run away, even if you believe what is happening is unreasonable. That could lead to your arrest.

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## IF YOU'RE STOPPED IN YOUR CAR

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1. Upon request, show them your driver's license, registration, and proof of insurance. In certain cases, your car can be searched without a warrant as long as the police have probable cause. To protect yourself later, you should make it clear that you do not consent to a search. It is not lawful for police to arrest you simply for refusing to consent to a search.

2. If you're given a ticket, you should sign it; otherwise you can be arrested. You can always fight the case in court later.
3. If you're suspected of drunk driving (DWI) and refuse to take a blood, urine or breath test, your driver's license may be suspended.

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### IF YOU'RE ARRESTED OR TAKEN TO A POLICE STATION

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1. You have the right to remain silent and to talk to a lawyer before you talk to the police. Tell the police nothing except your name and address. Don't give any explanations, excuses or stories. You can make your defense later, in court, based on what you and your lawyer decide is best.
2. Ask to see a lawyer immediately. If you can't pay for a lawyer, you have a right to a free one, and should ask the police how the lawyer can be contacted. Don't say anything without a lawyer.
3. Within a reasonable time after your arrest, or booking, you have the right to make a local phone call: to a lawyer, bail bondsman, a relative or any other person. The police may not listen to the call to the lawyer.
4. Sometimes you can be released without bail, or have bail lowered. Have your lawyer ask the judge about this possibility. You must be taken before the judge on the next court day after arrest.

5. Do not make any decisions in your case until you have talked with a lawyer.

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### IN YOUR HOME

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1. If the police knock and ask to enter your home, you don't have to admit them unless they have a warrant signed by a judge.
2. However, in some emergency situations (like when a person is screaming for help inside, or when the police are chasing someone) officers are allowed to enter and search your home without a warrant.
3. If you are arrested, the police can search you and the area close by. If you are in a building, "close by" usually means just the room you are in.

We all recognize the need for effective law enforcement, but we should also understand our own rights and responsibilities—especially in our relationships with the police. Everyone, including minors, has the right to courteous and respectful police treatment.

If your rights are violated, don't try to deal with the situation at the scene. You can discuss the matter with an attorney afterwards, or file a complaint with the Internal Affairs or Civilian Complaint Board.

**ACLU AFFILIATES**  
As of September 15, 2006

In his early years of civil rights organizing, the ACLU's founder, Roger Baldwin, traveled the country, helping to establish local ACLU organizations from coast to coast. He knew that this was the only way to ensure that, one day, the rights and protections of the Constitution would be made real for everyone.

In the years since, the ACLU has grown from an initial handful of activists to more than 500,000 members and supporters. Affiliates operate in every state, the District of Columbia, and Puerto Rico. Our traditional reliance on a corps of "cooperating attorneys" continues to serve the ACLU well. These courageous and dedicated volunteers, along with staff, handle nearly 6,000 court cases annually. Recently, we reached a milestone when we ensured that each affiliate has a full-time attorney on staff, which has greatly extended our capacity and reach.

Affiliates handle requests for legal assistance, lobby the state legislatures, and host public forums throughout the year. Functioning hand-in-hand with the national office, they form a "central nervous system" capable of engaging in the most important civil rights issues and legal cases in our nation today.

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